

# CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, August 14, 2019; 5:30 PM

City Hall, 226 W 4th Street, Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting Minutes for July 24, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on the Committee of the Whole for August 7, 2019

VIII. Appointments, Proclamations, Etc.

A. Proclamations

1. American Wind Week, August 11 - 17, 2019

2. Water and Wastewater Workers of Iowa Week, August 18 - 24, 2019

IX. Presentations

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

1. First Consideration: Ordinance for case ORD19-02 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning. [All Wards]

XII. Approval of All Items on the Consent Agenda

**\*\*NOTE:** These are routine items and will be enacted at the City Council Meeting by one roll call vote without separate discussion unless an item is requested to be removed and considered separately.

1. Second Consideration: Ordinance for Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District (Fairmount

Cemetery and Crematory Association, Petitioner). [Ward 1]

2. Second Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding 12th Street in front of the residence at 2215 E 12th St. [Ward 5]
3. First Consideration: Ordinance vacating the excess right-of-way formerly part of Forest Grove Ct. [Ward 6]
4. First Consideration: Ordinance for Case REZ19-09 being the request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]
5. Resolution establishing the dates and times for the Halloween Parade and Trick-or-Treating as Saturday, October 26, 2019 2:00 p.m. and Thursday, October 31, 2019 5:30 p.m. to 7:30 p.m., respectively. [All Wards]
6. Resolution closing various streets, lanes, or public grounds on the listed dates to hold outdoor events.  
Anissa Quinn; Neighborhood block party; 1831 Grand Ave; Saturday, August 17, 2019 12:00 p.m. - 6:00 p.m.; **Closure:** Grand Ave from E Locust St to Kirkwood Blvd. [Ward 5]  
Jimmie O's Saloon; Jimmie O's Streetfest; 2735 Telegraph Rd; Saturday, August 17, 2019 3:00 p.m. - midnight; **Closure:** S Rolff St from Telegraph Rd south to the alley. [Ward 1]  
  
John De Taeye; AugustFest Neighborhood Block Party; 1000 block of Ash St; Thursday, August 22, 2019 3:00 p.m. - 8:00 p.m.; **Closure:** Ash St from W 6th St northwest to the alley. [Ward 3]  
  
Bobby Stansberry; Mary's On 2nd 19th Anniversary Party; 832 W 2nd St; Saturday, August 31, 2019 7:00 a.m. - 12:00 a.m.; **Closure:** 2nd St from Warren St to Brown St, Warren St from the alley south of 2nd St to the alley south of 3rd St. [Ward 3]
7. Resolution approving the contract for the FY20 Threshold Street Resurfacing project to Hawkeye Paving Company of Davenport, IA in the amount of \$746,731, CIP #35037. [All Wards]
8. Resolution authorizing the Mayor to execute the necessary documents to grant an overhead electric easement to MidAmerican Energy. [Ward 8]
9. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Kimberly Road Patching Project, CIP #35042. [Ward 6]
10. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the FY20 Root Control Program. [All Wards]
11. Resolution approving the contract for the Main St and 16th St Streetscaping project to Emery Construction Group Inc of Moline, IL in the amount of \$319,399.10, BG250. [Ward 5]

12. Resolution awarding the Eastern Avenue Reconstruction project to Langman Construction, Inc of Rock Island, IL in the amount of \$466,421.65, CIP #35035. [Wards 6 & 7]
13. Resolution directing the Parks and Recreation Department to proceed with a State of Iowa REAP (Resource Enhancement and Protection) grant application in the amount of \$300,000 for Veterans Memorial Park. [Ward 3]
14. Resolution approving and ratifying payment for flood cleanup at Union Station to Perfection Property Restoration Inc of East Dundee, IL in the amount of \$225,000. [Ward 3]
15. Resolution approving a contract for the purchase of one 100 ft. aerial ladder truck from Sutphen Corp of Amlin, OH in the amount of approximately \$1,225,000, CIP #63006. [All Wards]
16. Motion approving noise variance request(s) for various events on the listed dates and times.

Anissa Quinn; Neighborhood block party; 1831 Grand Ave; Saturday, August 17, 2019 12:00 p.m. - 6:00 p.m.; Outdoor music, over 50 dBa. [Ward 5]

Amie Berumen; Birthday party; 411 W 8th St; Saturday, August 17, 2019 4:00 p.m. - 11:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

Jimmie O's Saloon; Jimmie O's Streetfest; 2735 Telegraph Rd; Saturday, August 17, 2019 3:00 p.m. - 9:00 p.m.; Outdoor music/band, over 50 dBa. [Ward 1]

John De Taeye; AugustFest Neighborhood Block Party; 1000 block of Ash St; Thursday, August 22, 2019 4:00 p.m. - 7:00 p.m.; Outdoor performances, over 50 dBa. [Ward 3]

Bobby Stansberry; Mary's On 2nd 19th Anniversary Party; 832 W 2nd St; Saturday, August 31, 2019 4:00 p.m. - 12:00 a.m.; Outdoor music/performance, over 50 dBa. [Ward 3]

17. Motion approving beer and liquor license applications.

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

#### **Ward 1**

Jimmie O's Saloon (Oldham Enterprises LLC) - 2735 Telegraph Rd - Extended Outdoor Area August 17, 2019 "Jimmie O's Streetfest" - License Type: C Liquor

#### **Ward 3**

Mary's on 2nd (Birdland, Inc) - 832 W 2nd St from Brown St to Warren St - Outdoor Area August 31 - September 1, 2019 "19th Anniversary Party" -

License Type: C Liquor

Moti's Food (QC Diner LLC) - 1717 W 3rd St - New License - License Type: E Liquor / B Wine / C Beer \*200' notification letters mailed 7/31/19

### **Ward 6**

Flavors of India (Kita LLC) - 2660 E 53rd St, Suite 8 - New License - License Type: Beer / Wine

B. Annual license renewals (with outdoor area renewals as noted):

### **Ward 2**

Casey's General Store #2092 (Casey's Marketing Company) - 6278 North Pine St - License Type: C Beer

### **Ward 4**

Hy-Vee Gas (Hy-Vee, Inc) - 2353 W Locust St - License Type: C Beer

Hy-Vee #5 (Hy-Vee, Inc) - 2351 W Locust St - License Type: E Liquor / C Beer / B Wine

18. Motion of acceptance for the construction of brick street repair in various locations, CIP #35027. These repairs were completed by Centennial Contractors of the Quad Cities. [Wards 3, 5, & 7]
19. Motion approving a 10-year land lease agreement renewal with Civil Air Patrol for FY20 - FY29 at the Davenport Municipal Airport. [Ward 8]
20. Motion to approve change order #1 to Terracon Consultants, Inc in the amount of \$18,896.59 for the Davenport Municipal Airport Runway 15/33 Reconstruction Project, CIP #20010. [Ward 8]
21. Motion approving construction for Sterilite drainage improvements to be performed by Legacy Corporation of IL of East Moline, IL in the amount of \$55,580, CIP #33043. [Ward 8]
22. Motion approving the payment to Insight Public Sector of Tempe, AZ for Pure Storage support and service in the amount of \$95,820. [All Wards]
23. Motion approving a professional services contract for federal grant consultant work with Keller Partners and Company of Washington, DC in the amount of \$78,000, CIP #60015. [All Wards]

### **XIII. Other Ordinances, Resolutions and Motions**

### **XIV. Public with Business**

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the

Council can not take action on any complaint or suggestions tonight, and can not respond to any allegations at this time.

Please state your Name and Ward for the record. There is a five (5) minute time limit. Please end your comments promptly.

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

Agenda Group:  
Department: City Clerk  
Contact Info: Brian Krup 563-326-6163  
Wards:

**Action / Date**  
**8/14/2019**

Subject:  
Approval of the City Council Meeting Minutes for July 24, 2019

ATTACHMENTS:

| Type         | Description   |
|--------------|---------------|
| ▣ Cover Memo | CC MIN 072419 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 8/8/2019 - 10:18 AM |

**City of Davenport, Iowa**  
**City Council Meeting Minutes**  
**Wednesday, July 24, 2019**

The City Council of Davenport, Iowa met in regular session on Wednesday, July 24, 2019 at 5:30 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 except Ald. Matson.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

**APPROVED**

Approval of the City Council Meeting Minutes for July 10, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

**APPROVED**

Approval of the Report on the Committee of the Whole for July 17, 2019

*COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, July 17, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all aldermen present. The following Public Hearings were held: Community Development: on the proposed conveyance of the vacated public right-of-way known as the east-west portion of Crestline Drive located west of the north-south alley lying west of Marlo Avenue (2950 Crestline, LLC, Petitioner); on the proposed conveyance of the vacated public right-of-way known as a portion of Forest Grove Ct (multiple abutting property owners, petitioners); for Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District (Fairmount Cemetery and Crematory Association, Petitioner). Public Works: on the plans, specifications, forms of contract, and estimated cost for the FY20 Threshold Street Resurfacing Program, CIP #35037. Finance: authorizing the City to sell City-owned parcels E0014-12 & E0014-13, both along the 1400 Block of Christie Street (Willis and Renee Simmons, Petitioners).*

*Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Dickmann all items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Tompkins all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson item #6 (Resolution approving the use of condemnation to acquire the property at 1020 Warren Street) moved to the Discussion Agenda and all other items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Clewell, second by Ald. Rawson all items moved to the Consent Agenda.*

*Council adjourned at 6:26 p.m.*

VIII. Appointments, Proclamations, Etc.

A. Appointments

**APPROVED 2019-287**

1. Housing Commission

- Matt Wissing (Re-Appointment)
- Mario Ruiz (Re-Appointment)
- Yolanda Roberts (Re-Appointment)

2. Zoning Board of Adjustment

- Tom Quinn (New Appointment)

B. Proclamations

**ISSUED 2019-288**

1. German American Day - August 4, 2019

IX. Presentations

**HELD**

A. Local Business "The Foundation of Our Community": Hayman's Westside Ace Hardware

X. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

1. Resolution approving the use of condemnation to acquire the property at 1020 Warren Street. [Ward 4]

**APPROVED 2019-289**

XII. Approval of All Items on the Consent Agenda

*On motion by Ald. Gripp, second by Ald. Dickmann, item #18 was amended to add Wednesday, August 7, 2019 5:30 p.m. – 8:30 p.m. to the Palmer College noise variance request (all aldermen present voting aye).*

1. First Consideration: Ordinance for Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District (Fairmount Cemetery and Crematory Association, Petitioner). [Ward 1]

**MOVED TO SECOND CONSIDERATION**

2. First Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding 12th Street in front of the residence at 2215 E 12th St. [Ward 5]

**MOVED TO SECOND CONSIDERATION**

3. Resolution authorizing the conveyance of the vacated public right-of-way known as the east-west portion of Crestline Drive located west of the north-south alley lying west of Marlo Avenue (2950 Crestline LLC, Petitioner). [Ward 6] **ADOPTED 2019-290**

4. Resolution authorizing the conveyance of the vacated public right-of-way known as a portion of Forest Grove Ct (multiple abutting property owners, Petitioners). [Ward 6] **ADOPTED 2019-291**

5. Resolution authorizing the Mayor to sign the Certified Local Government National Register Nomination Evaluation Report Form for the Downtown Rock Island Historic District (Centennial Bridge only). [Ward 3] **ADOPTED 2019-292**

6. Resolution updating the City of Davenport hazard mitigation actions listed as part of the Scott County Multi-Jurisdictional Hazard Mitigation Plan (Case No. CP17-01, 11/15/2017) to include items the City of Davenport would like to have documented in consideration of grant applications related to flood mitigation. [All Wards] **ADOPTED 2019-293**

7. Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events. **ADOPTED 2019-294**

The Office; Bix VII Party; 116 W 3rd St; Saturday, July 27, 2019 10:00 a.m. – 2:00 a.m.; **Closure:** northernmost parking lane and two north travel lanes on W 3rd St between N Main St and Brady St. [Ward 3]

Lexie Reiling; Bix Porch Party; 321 N Main St; Thursday, August 1, 2019 11:00 a.m. - 1:00 p.m.; **Closure:** Main St from W 4th St south to the alley in the middle of the block. [Ward 3]

Third Missionary Baptist Church; Gospel Explosion Weekend; 222 W 14th St; Friday, August 9, 2019 8:00 a.m. - 9:00 p.m. and Saturday, August 10, 2019 7:00 a.m. - 7:00 p.m.; **Closure:** W 14th St between Harrison St and Main St. [Ward 3]

Frank Berner; 7th Annual Gene Price Memorial Car Show; 406 W 2nd St; Saturday, August 10, 2019 6:00 a.m. - 3:00 p.m.; **Closure:** W 2nd St between Ripley St and Scott St. [Ward 3]

Palmer College; Homecoming events; 6:00 a.m. Saturday, August 10, 2019 through 10:00 a.m. Sunday, August 11, 2019; **Closure:** two easternmost lanes of Brady St from 8th St to Palmer Dr; Palmer Dr from Brady St to Perry St. [Ward 3] *\*\*Pending IDOT approval for Brady St closure\*\**

Village of East Davenport; Wine Walk Fundraiser for Gilda's Club Quad Cities; Saturday, August 17, 2019 1:00 p.m. - 8:00 p.m.; **Closure:** E 11th St from

Mound St to Jersey Ridge Rd; Jersey Ridge Rd from E 11th St to E 12th St; Christie St from 11th St north to the alley. [Wards 5 & 6]

Village of East Davenport; Farm Days in the Village; Saturday, August 24, 2019 5:00 a.m. through Sunday, August 26, 2019 6:00 p.m.; **Closure:** E 11<sup>th</sup> St from Mound St to Jersey Ridge Rd; Christie St from E 11th St north to the alley. [Ward 5 & 6]

8. Resolution approving on the plans, specifications, forms of contract, and estimated cost for the FY20 Threshold Street Resurfacing Program, CIP #35037. [Wards 3, 4, & 5]

**ADOPTED 2019-295**

9. Resolution accepting work completed under the FY18 Resurfacing Program, CIP #35026. The total contract with Hawkeye Paving Corp was \$1,759,992.21. [Wards 1, 4, & 7]

**ADOPTED 2019-296**

10. Resolution accepting work completed under the FY18 Johnson Ave Resurfacing Project, CIP #35037. The total contract with Tricity Blacktop, Inc was \$106,209.18. [Ward 1]

**ADOPTED 2019-297**

11. Resolution awarding the contract for the Green Alley project to Hawkeye Paving Corporation of Bettendorf, IA in the amount of \$150,862, CIP #33031. [Ward 4]

**ADOPTED 2019-298**

12. Resolution approving the contract for the W High Street Flood Mitigation project to Langman Construction, Inc of Rock Island, IL in the amount of \$174,545.75, CIP #33020. [Ward 4]

**ADOPTED 2019-299**

13. Resolution authorizing the Mayor to execute the necessary documents to convey City-owned parcels E0014-12 & E0014-13 (Willis and Renee Simmons, Petitioners). [Ward 5]

**ADOPTED 2019-300**

14. Resolution setting a Public Hearing to grant an overhead electric easement to MidAmerican Energy. [Ward 8]

**ADOPTED 2019-301**

15. Resolution awarding a contract for the rehabilitation of 1619 W Pleasant St to River Valley Homes of Bettendorf, IA in the amount of \$222,621, CIP #HM200. [Ward 4]

**ADOPTED 2019-302**

16. Resolution awarding a contract for the rehabilitation of 1412 West 14th Street to Reed Construction Co LLC of DeWitt, IA in the amount not-to-exceed \$211,339, CIP #HM200. [Ward 4]

**ADOPTED 2019-303**

17. Resolution approving a contract with the Humane Society of Scott County for animal control services and directing the City Administrator to amend the FY20 Budget by \$128,004 to include the additional contract amount. [All Wards]

**ADOPTED 2019-304**

18. Motion approving noise variance request(s) for various events on the listed dates and times.

**PASSED 2019-305**

The Office; Bix VII Party; 116 W 3rd St; Saturday, July 27, 2019 10:00 a.m. - 12:00 a.m.; Outdoor music, over 50 dBa. [Ward 3]

Lexie Reiling; Bix Porch Party; 321 N Main St; Thursday, August 1, 2019 11:00 a.m. - 1:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

Palmer College; Homecoming events; 1000 Brady St; Thursday, August 8, 2019 through Saturday, August 10, 2019 10:00 a.m. - 11:00 p.m. each night; Outdoor music/band, over 50 dBa. [Ward 3]

Third Missionary Baptist Church; Gospel Explosion; 222 W 14th St; Friday, August 9, 2019 6:00 p.m. - 9:00 p.m.; Saturday, August 10, 2019 10:00 a.m. - 7:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

Frank Berner; 7th Annual Gene Price Memorial Car Show; 406 W 2nd St; Saturday, August 10, 2019 10:00 a.m. - 2:00 p.m.; Outdoor music/classic cars, over 50 dBa. [Ward 3]

Village of East Davenport; Wine Walk Fundraiser for Gilda's Club Quad Cities; Saturday, August 17, 2019 3:00 p.m. - 6:00 p.m.; Outdoor music, over 50 dBa. [Wards 5 & 6]

Village of East Davenport; Farm Days in the Village; Saturday, August 24, 2019 10:00 a.m. - 5:00 p.m. and Sunday, August 25, 2019 10:00 a.m. - 4:00 p.m.; Outdoor music/entertainment, over 50 dBa. [Wards 5 & 6]

19. Motion approving beer and liquor license applications.

**PASSED 2019-306**

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

**Ward 3**

Front Street Brewery (Front Street Brewery, Inc) - 208 E River Dr – Temporary Outdoor Area Only - July 26 - 27, 2019 "Bix" - License Type: C Liquor

Front Street Brewery (Front Street Brewery, Inc) - 208 E River Dr – Temporary Outdoor Area Only - August 23 - 24, 2019 "Alternating Currents" - License Type: C Liquor

B. Annual license renewals (with outdoor area as noted):

**Ward 1**

Express Lane Gas & Food Mart, Inc. (Expresslane, Inc) - 4425 W Locust St -  
License Type: Class C Beer - Carry Out /B Native Winer

### **Ward 6**

Applebee's Neighborhood Grill & Bar (Apple Corps LP) - 3838 Elmore Ave -  
License Type: Class C Liquor - On Premise

Holiday Inn & Suites / J-Bar (HOA Hotels LLC) - 4215 Elmore Ave - Outdoor Area  
- License Type: Class B Liquor - On Premise/B Wine

### **Ward 7**

The Liquor Stop LLC (The Liquor Stop LLC) - 211 W 53rd St – License Type:  
Class E Liquor - Carry Out /C Beer/B Wine

Phil & Larry's Saloon (P & L, Inc) - 4811 N. Brady St, Ste 2 - Outdoor Area -  
License Type: Class C Liquor - On Premise

Tobacco Outlet Plus Grocery #562 (Kwik Trip, Inc) - 4619 N Brady St - License  
Type: Class C Beer - Carry Out/C Beer/B Wine

20. Motion awarding the contract for the 2019 Alley Resurfacing project to Tri-City  
Blacktop Inc of Bettendorf, IA in the amount of \$94,530, CIP #35038. [Wards 3, 4, & 5]  
**PASSED 2019-307**

21. Motion approving a 3-year interdepartmental land lease agreement renewal with  
Community Planning & Economic Development for FY20 - FY22 at the Davenport  
Municipal Airport. [Ward 8] **PASSED 2019-308**

22. Motion approving a 3-year interdepartmental land lease agreement renewal with  
Davenport Parks & Recreation for FY20 - FY22 at the Davenport Municipal Airport.  
[Ward 8] **PASSED 2019-309**

23. Motion awarding the contract for the Division Street Soccer Complex Parking Lot  
Resurfacing to Tri City Blacktop Inc of Bettendorf, IA in the amount of \$94,653.20, CIP  
#64062. [Ward 8] **PASSED 2019-310**

24. Motion approving change order #1 in the amount of \$66,628 for the Skybridge  
Window Repair project to Precision Builders, Inc of Bettendorf, IA, CIP #23023. [Ward  
3] **PASSED 2019-311**

XIII. Other Ordinances, Resolutions and Motions

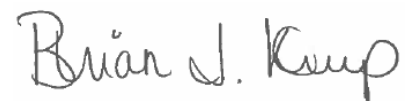
XIV. Public with Business

XV. Reports of City Officials

1. Revenue received for the month of June 2019

|                          |           |
|--------------------------|-----------|
| Property taxes           | 1,474,084 |
| Other City taxes         | 2,333,591 |
| Special assessments      | -         |
| Licenses & permits       | 101,577   |
| Intergovernmental        | 1,827,092 |
| Charges for services     | 3,872,005 |
| Use of monies & property | 71,536    |
| Fines & forfeits         | 147,203   |
| Bonds/Loan Proceeds      | -         |
| Miscellaneous            | -         |

XVI. Adjourn **5:54 p.m.**

A handwritten signature in dark ink, reading "Brian J. Krup". The signature is written in a cursive, flowing style.

Brian Krup  
Deputy City Clerk

City of Davenport

Agenda Group:  
Department: City Clerk  
Contact Info: Brian Krup 563-326-6163  
Wards:

**Action / Date**  
**8/14/2019**

Subject:  
Approval of the Report on the Committee of the Whole for August 7, 2019

ATTACHMENTS:

| Type         | Description       |
|--------------|-------------------|
| ▣ Cover Memo | COW Report 080719 |

REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 8/8/2019 - 10:10 AM |

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, August 7, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 p.m. with Mayor Klipsch presiding and all aldermen present. The following Public Hearings were held: Community Development: for the Ordinance for case ORD19-02 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning; for the Ordinance for case REZ19-09 being the request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. Public Works: to grant an overhead electric easement to MidAmerican Energy; on the plans, specifications, forms of contract, and estimate of cost for the Kimberly Road Patching Project, CIP #35042; on the plans, specifications, forms of contract, and estimate of cost for the FY20 Root Control Program.

The following proclamation was issued: Davenport Farmers Market Week, August 4 – 10, 2019, **2019-312.**

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Ambrose, second by Ald. Dickmann item #3 (First Consideration: Ordinance for case ORD19-02 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning) moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Rawson all items moved to the Consent Agenda except the two items to be voted on later on the agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Clewell, second by Ald. Rawson all items moved to the Consent Agenda. Other Ordinances, Resolutions, and Motions: On motion by Ald. Ambrose, second by Ald. Rawson the rules were suspended (Ald. Matson voting nay) to vote on the following two items: a motion approving the following noise variance request for the listed dates and times: Delta Sigma Chi; Palmer Fraternity Homecoming Events; 1208 N Main St; 8:00 p.m. - 12:00 a.m. Thursday, August 8, 2019 through Saturday, August 10, 2019; Outdoor music/band, over 50 dBa, **2019-313**; a motion approving the following temporary outdoor area liquor license: Sippi's Restaurant (Sippis Inc) - 406 W 2nd St - Extended Outdoor Area August 10, 2019 "Gene Price Car Show" - License Type: C Liquor, **2019-314.**

Council adjourned at 6:30 p.m.

City of Davenport

Agenda Group:

Department: City Clerk

Contact Info: Samantha Torres 563-326-7701

Wards:

**Action / Date**

**8/14/2019**

Subject:

American Wind Week, August 11 - 17, 2019

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Admin, Default

Approved

8/7/2019 - 1:14 PM

City of Davenport

Agenda Group:

Department: City Clerk

Contact Info: Samantha Torres 563-326-7701

Wards:

**Action / Date**

**8/14/2019**

Subject:

Water and Wastewater Workers of Iowa Week, August 18 - 24, 2019

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Admin, Default

Approved

8/7/2019 - 1:10 PM

City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Ryan Rusnak 563-888-2022  
Wards:

**Action / Date**  
**7/12/2019**

Subject:  
First Consideration: Ordinance for case ORD19-02 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning. [All Wards]

Recommendation:  
Adopt the Ordinance.

Background:  
Staff has been applying the Zoning Ordinance over the past six months. The proposed Zoning Ordinance amendment would correct scrivener's errors and content inconsistencies, clarify certain regulations and amend certain overly restrictive regulations.

The proposed Ordinance is attached. Also attached is a strikethrough and underline version with changes highlighted in yellow. Text with strike through would be deleted and text with an underline would be added.

**Plan and Zoning Commission Recommendation:**

Finding:

1. The proposed Zoning Ordinance amendment would correct scrivener's errors and content inconsistencies, clarify certain regulations and amend certain overly restrictive regulations.

Plan and Zoning Commission accepted the listed finding and forwards Case ORD19-02 to the City Council with a recommendation for approval.

**ATTACHMENTS:**

| Type              | Description                                                   |
|-------------------|---------------------------------------------------------------|
| ▣ Ordinance       | Proposed Ordinance                                            |
| ▣ Ordinance       | Proposed Ordinance - Strikethrough and Underline Version      |
| ▣ Backup Material | Plan and Zoning Commission Letter to City Council - 7-17-2019 |

**REVIEWERS:**

| Department                                | Reviewer       | Action   | Date                |
|-------------------------------------------|----------------|----------|---------------------|
| Community Planning & Economic Development | Berger, Bruce  | Approved | 8/1/2019 - 10:24 AM |
| Community Development Committee           | Berger, Bruce  | Approved | 8/1/2019 - 10:24 AM |
| City Clerk                                | Admin, Default | Approved | 8/1/2019 - 10:41 AM |

## ORDINANCE NO. 2019 -

Case ORD19-02: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code (hereto referred to as DMC), entitled "Zoning", by amending Section 17.02.010 of the DMC, entitled "Rules of Interpretation" by adding and defining the term "should" and by reordering the subsequent rules, by amending Section 17.02.030 of the DMC, entitled "Definition of General Terms" by adding and defining the terms "Adjacent" and "Façade" to the existing list of Definition and General Terms and by revising the definitions of the terms "Sign, Freestanding" by correcting a term inconsistency, "Stoop" by adding a maximum dimension and "Substantial Repair/Rehabilitation" by revising unclear language, by amending Section 17.04.010 of the DMC, entitled "Purpose Statements" by modifying Section 17.04.010.G by replacing single-family dwellings with semi-detached dwellings in the purpose statement, by amending Section 17.04.030 of the DMC, entitled "Dimensional Standards" by modifying Table 17.04-1 by deleting "SF" and related standards and adding a five foot interior side setback for "2F" and "SF-SD" within the "R-MF" District, by amending Section 17.04.050 of the DMC, entitled "R-3C and R-4C District Design Standards" by deleting language and a diagram related to garages, carports and alley access, by amending Section 17.05.010 of the DMC, entitled "Purpose Statement" by revising the locational intent, by amending Section 17.05.040 of the DMC entitled "Design Standards" by modifying Table 17.05-2 by replacing the term "abut" with "face" and the term "abutting" with "facing", by clarifying unclear language, by deleting overly restrictive transparency requirements for outlot buildings and by revising reduced setback language for commercial centers so that it is permissive and not mandatory (the diagram for Multi-Tenant Commercial Center Site Design Standards is also modified), by amending Section 17.05.050 of the DMC, entitled "C-D District Standards" by modifying Section 17.05.050.C by correcting a scrivener's error, by amending Section 17.05.060 of the DMC, entitled "C-V District Standards" by modifying Section 17.05.060.C by correcting a scrivener's error, by amending Section 17.05.070 of the DMC, entitled "C-E District Standards" by modifying Section 17.05.070.C by correcting a scrivener's error, by amending Section 17.06.030 of the DMC, entitled "Dimensional Standards" by modifying Table 17.06-1 by reducing the minimum interior side setback from five feet to none in certain circumstances, by amending Section 17.07.020 of the DMC, entitled "S-OS Open Space District" by modifying Section 17.07.020.A by adding additional uses to the purpose statement, by amending Section 17.08.020 of the DMC, entitled "Use Matrix" by modifying Table 17.08.020 by adding "Amusement Facility – Indoor", "Animal Care Facility – Small Animal" and "Parking Lot (Principal Use)" to the list of permitted uses in the I-1 District, by adding "Dwelling – Multi-Family" and "Dwelling – Townhouse" to the list of permitted uses in the I-MU District, by adding "Government Office/Facility", "Public Safety Facility" and "Restaurant" to the list of permitted uses in the S-OS District, by adding the use "Equine, Keeping of/Equestrian Facility" to the list of

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permitted uses in the R-1 and S-AG Districts, by revising the "Use Standard" section for "Dwelling – Townhouse" and by reordering the "Use Standard" subsections subsequent to Section 17.08.030.P, by amending Section 17.080.030 of the DMC, entitled "Principal Use Standards" by modifying Section 17.080.030.D, entitled "Billboard" by deleting reference to the same side of the street, by modifying Section 17.08.030.N, entitled "Dwelling – Multi-Family or Townhouse" by deleting reference and standards related to a townhouse and by deleting "Aluminum, steel or other metal siding" and "Vinyl" from the listed of prohibited building materials, by modifying Section 17.080.O, entitled "Dwelling - Single-Family, Single-Family Semi-Detached, and Two-Family" by adding reference to and standards related to a townhouse, by creating a point system for front façade design, by revising certain language and a diagram to support this point system, by deleting the "Transition Rule for Section 17.080.030.O.3" provision, by adding Section 17.08.030.P, entitled "Equine, Keeping of/Equestrian Facility" and related principal use standards, by reordering subsections subsequent to Section 17.08.030.P and by deleting language in Section 17.08.030.DD (being revised to Section 17.08.030.EE) regarding distributed antenna systems in the right-of-way, by amending Section 17.08.050 of the DMC, entitled "Use Definitions" by revising the definition of the uses "Lodge/Meeting Hall" and "Place of Worship" by including language regarding the service and/or sale of food and drinks as an ancillary use, by revising the definition of the use "Public Safety Facility" by deleting reference to canine and equine units and by revising the definition of the use "Restaurant" to include language regarding alcoholic beverages, by amending Section 17.090.030 of the DMC, entitled "Accessory Structures and Uses" by modifying Section 17.090.030.A, entitled "General Regulations for Accessory Structures" by adding a material standard and a prohibition on the use of shipping containers, by modifying Section 17.090.030.H.1, entitled "General Requirements for All Fences" by deleting reference to walls and by revising and deleting certain language regarding the finished side of all fences, by modifying Section 17.09.030.K, entitled "Garage, Detached and Carports", by adding language and a diagram requiring access from the alley or rear service drive, by creating design standards for detached garages, by deleting the "Sunset for Section 17.09.030.K.4.d" provision, by deleting language regarding temporary tent structures, by modifying Section 17.09.030.L, entitled "Home Occupation" by adding language to prohibit any business that provides physical good, products, or merchandise directly to the consumer, by deleting Section 17.09.030.M, entitled "Keeping of Equines", by reordering subsections subsequent to Section 17.09.030.M and by modifying Table 17.09-1 by deleting the phrase "Prohibited in the front yard" from the encroachment term "Deck", by amending Section 17.10.030 of the DMC, entitled "Off-Street Parking Design Standards" by revising certain off-street parking space minimum dimensions and aisle width in Figure 17.10-1, by amending Section 17.10.040 of the DMC, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces" by modifying Section 17.10.040.C by correcting a term inconsistency and Section 17.10.040.E by deleting a definition contained elsewhere in Title 17, by amending Section 17.10.070 of the DMC, entitled "Required Off-Street Loading Spaces" by modifying Section 17.10.070.B by correcting a term inconsistency, by amending Section 17.11.050 of the DMC, entitled "Parking Lot Perimeter Landscape Yard" by requiring a perimeter landscape yard when a parking lot is adjacent to streets, alleys and public spaces and by revising the width of

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the perimeter parking lot landscape area in certain circumstances, by amending Section 17.11.070 of the DMC, entitled "Site Landscape" by replacing the term "abuts" with the phrase "is adjacent to", by amending Section 17.11.080 of the DMC, entitled "Buffer Yards" by modifying Section 17.11.080.C.6 by including vinyl as a permitted fence material, by amending Section 17.14.020 of the DMC, entitled "Notice" by deleting "required" in certain subsections and by revising certain mandatory language to permissive language in certain subsections, by amending Section 17.14.040 of the DMC, entitled "Zoning Text and Map Amendment" by modifying Section 17.14.040.D by revising mandatory language to permissive language, by amending Section 17.14.090 of the DMC, entitled "Site Plan Review" by adding Section 17.14.090.F, entitled "Minor Adjustments to Certain Design Standards" and subsection standards, by reordering subsections subsequent to Section 17.14.090.F and by correcting a scrivener's error in Section 17.14.090.G (revised to Section 17.14.090.H) and by amending Section 17.14.100, entitled "Design Review" by modifying Section 17.14.100.D.2 by adding "and/or National Register of Historic Places". [Ward All]

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

Section 1. Section 17.02.010 of the Davenport Municipal Code, entitled "Rules of Interpretation" is hereby amended to read as follows:

#### **Section 17.02.010 Rules of Interpretation**

The terms in the text of this Ordinance are interpreted in accordance with the following rules of construction:

- A.** The singular number includes the plural, and the plural the singular.
  - B.** The present tense includes the past and future tenses, and the future tense includes the present.
  - C.** The terms "must," "shall," and "will" are mandatory.
  - D.** The term "should" is mandatory unless extenuating circumstances warrant administrative flexibility.
  - E.** The term "may" is permissive.
  - F.** The terms "must not," "will not," and "shall not" are prohibiting.
  - G.** Any gender includes all genders.
  - H.** Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.
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Section 2. Section 17.02.030 of the Davenport Municipal Code, entitled "Definition of General Terms" is hereby amended by adding and defining the terms "Adjacent" and "Façade" to the existing list of Definition and General Terms and by revising the definitions of the terms "Sign, Freestanding", "Stoop" and "Substantial Repair/Rehabilitation" to read as follows:

#### Section 17.02.030 Definition of General Terms

**Adjacent.** Close to or near something.

**Façade.** The vertical face of a building, including any insets and protrusions, which contribute the aesthetic and/or structure design of the building.

**Sign, Freestanding.** A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. There are three types of freestanding signs regulated by this Ordinance:

1. **Freestanding Sign – Standard.** A freestanding sign that identifies an establishment that is not specifically categorized as a residential subdivision freestanding sign or a multi-tenant commercial center freestanding sign.
2. **Freestanding Sign – Residential Subdivision.** A freestanding sign used to identify a residential subdivision.
3. **Freestanding Sign – Multi-Tenant Commercial Center.** A freestanding sign used to identify a commercial development with two or more tenants.

#### FREESTANDING SIGN



#### FREESTANDING SIGN



**Stoop.** An exterior floor having a maximum dimension of five feet wide by five feet long, typically constructed of wood, stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

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**Substantial Repair/Rehabilitation.** Substantial repair/rehabilitation 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.

**Section 3.** Section 17.04.010 of the Davenport Municipal Code, entitled "Purpose Statements (Section 17.04.010.G only)" is hereby amended to read as follows:

**G. R-MF Multi-Family Residential Zoning District**

The R-MF Multi-Family Residential Zoning District is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

**Section 4.** Section 17.04.030 of the Davenport Municipal Code, entitled "Dimensional Standards (Table 17.04-1 only)" is hereby amended to read as follows:

| Table 17.04-1: Residential Districts Dimensional Standards<br>SF = Single-Family // SF-SD = Single-Family Semi-Detached // 2F = Two-Family // TH = Townhouse // MF = Multi-Family |                                                                              |                                                                                                         |                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                   | R-4                                                                          | R-4C                                                                                                    | R-MF                                                                                                                                                            |
| <b>Bulk</b>                                                                                                                                                                       |                                                                              |                                                                                                         |                                                                                                                                                                 |
| <b>Minimum Lot Area</b>                                                                                                                                                           | SF: 6,000sf<br>SF-SD: 3,500sf/du<br>2F: 7,000sf<br>Non-Residential: 10,000sf | SF: 4,000sf<br>SF-SD: 2,500/du<br>2F: 5,500sf<br>Non-Residential: 10,000sf                              | 2F: 6,000sf<br>SF-SD: 2,500/du<br>TH, MF: 1,500sf/du<br>Non-Residential: 10,000sf                                                                               |
| <b>Minimum Lot Width</b>                                                                                                                                                          | SF & 2F: 50'<br>SF-SD: 25'/du<br>Non-Residential: 75'                        | SF & 2F: 40'<br>SF-SD: 25'/du<br>Non-Residential: 75'                                                   | 2F: 50'<br>SF-SD: 25'/du<br>TH: 20'/du<br>MF: 80'<br>Non-Residential: 75'                                                                                       |
| <b>Maximum Building Height</b>                                                                                                                                                    | 35'                                                                          | 35'                                                                                                     | 2F, TH: 35'<br>MF: 70'                                                                                                                                          |
| <b>Maximum Building Coverage</b>                                                                                                                                                  | 35%                                                                          | 40%<br>Non-Residential: 35%                                                                             | SF-SD & 2F: 50%<br>TH, MF: 65%                                                                                                                                  |
| <b>Maximum Impervious Surface</b>                                                                                                                                                 | 60%<br>Non-Residential: 70%                                                  | 60%<br>Non-Residential: 70%                                                                             | SF-SD & 2F: 70%<br>TH, MF: 75%<br>Non-Residential: 75%                                                                                                          |
| <b>Setbacks</b>                                                                                                                                                                   |                                                                              |                                                                                                         |                                                                                                                                                                 |
| <b>Minimum Front Setback</b>                                                                                                                                                      | 20' or average of front setbacks, whichever is less                          | 15' or average of front setbacks, whichever is less                                                     | 25'                                                                                                                                                             |
| <b>Minimum Interior Side Setback</b>                                                                                                                                              | 5'                                                                           | 10% of lot width, or 5', whichever is less<br>In no case shall an interior side setback be less than 4' | 2F, SF-SD: 5'<br>TH, MF: 10' - When abutting a residential district, structures over 45' in height require 1' additional setback for each 3' in height over 45' |
| <b>Minimum Corner Side Setback</b>                                                                                                                                                | 15'                                                                          | 10'                                                                                                     | 20'                                                                                                                                                             |
| <b>Minimum Reverse Corner Side Setback</b>                                                                                                                                        | 20'                                                                          | 15'                                                                                                     | 25'                                                                                                                                                             |
| <b>Minimum Rear Setback</b>                                                                                                                                                       | 20' or 20% of lot depth, whichever is less                                   | 15' or 20% of lot depth, whichever is less                                                              | 25' or 20% of site depth, whichever is less                                                                                                                     |

**Section 5.** Section 17.04.050 of the Davenport Municipal Code, entitled "R-3C and R-4C District Design Standards" is hereby amended to read as follows:

In addition to the use standards for dwelling types located in Chapter 17.08, the following design standards apply to the R-3C and R-4C Districts. The standards below are applicable to construction of a new dwelling, and/or an addition to an existing dwelling that exceeds 25% of the building footprint of the structure as it was on the effective date of this Ordinance.

**A. Building Massing and Orientation**

1. The scale of new construction must maintain compatibility with adjacent homes and the overall character of the surrounding area.
2. Architectural elements within the design must be in proportion to the overall structure.
3. The scale of additions to existing homes must maintain compatibility with the size of the existing structure and its architectural elements, as well as with the size of adjacent homes and the overall character of the surrounding area.
4. Foundation height must maintain compatibility with adjacent homes, provided adequate drainage can be achieved.
5. Dwellings must be oriented toward the residential street, and must connect to the sidewalk via walkways perpendicular to the street.

**B. Façade Design**

1. All façades that face a street must have articulation in the form of windows, doors, or other significant architectural features that are projected or recessed to create shadow and visual interest.
2. The number and size of façade articulations must be scaled to the size of the façade to balance a home's compatibility within the neighborhood with its own unique character.
3. Additions to existing homes must continue the architectural vocabulary established by the original home, and must be informed by the overall character of the surrounding area.
4. Front porches are encouraged, to add interest and scale to the front of a home. Where provided, porches must maintain compatibility with adjacent homes.
5. The front entry to a home must be a prominent feature, and must be located on the front façade.

**C. Fenestration**

1. The design of a home's fenestration must reflect a consistent rhythm, repeating elements or groups of elements in a consistent manner across a home's story and between stories. Individual elements may vary in size, but must relate to each other proportionally.
2. Elements of fenestration must relate to each other visually by sharing design features such as vertical or horizontal alignment, depth, or ornamentation such as muntins, mullions, sills, trim, lintels, etc.
3. Façades facing onto immediately adjacent properties must design their fenestration to respect the privacy of neighbors. This may be addressed through the height, size, or proportion of windows, the exclusion of balconies, and the use of opaque or translucent materials.

**D. Roof Form**

1. Roof forms must be varied through a combination of structural articulations such as gables, hips, valleys, ridges, and saddles that complement the roof form of adjacent homes.
  2. Roof pitch should be consistent for all sloped roof faces, and should maintain compatibility with adjacent homes and the overall character of the surrounding area.
-

3. Definition is encouraged, through integration of architectural features such as dormers, eyebrows, chimneys, and deep eaves, which create shadows across the façade of a structure and create visual interest.

## **E. Building Materials**

Building materials for new homes, or additions to existing homes must maintain compatibility with adjacent homes and the overall character of the surrounding area.

### **1. Primary Building Materials**

Primary building materials are the dominant component of a home's exterior walls, composing 75 to 90 percent of each building face.

- a. No more than two primary building materials are permitted for new homes, not including foundation.
- b. For additions to existing homes, no more than two primary building materials are permitted, provided that the total number of primary building materials for the overall structure, including addition, is not more than two.
- c. Color, texture, or finish changes within any category of materials count as separate primary building materials.
- d. Permitted primary building materials include:
  - i. Brick and stone
  - ii. Wood or simulated wood
  - iii. Vinyl siding
  - iv. Aluminum Siding
  - v. Stucco
- e. Building materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

### **2. Accent Materials**

Accent materials are secondary components of a home's exterior walls, typically used to provide architectural detail or visual interest to a façade. Accent materials may not compose more than 25% of each building face.

- a. For new construction and additions to existing homes, if one primary building material is used (not including a foundation), a minimum of two but no more than three accent materials are permitted for the overall structure, including any addition.
  - b. For new construction and additions to existing homes, if two primary building materials are used (not including a foundation), a minimum of one but no more than two accent materials are permitted for the overall structure, including any addition.
  - c. Color, texture, or finish changes within any category of materials count as separate accent materials.
  - d. Permitted accent materials include:
    - i. Brick and stone
    - ii. Wood or simulated wood
    - iii. Architectural metal cladding
    - iv. Concrete masonry units
    - v. Stucco
-

e. Accent materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

### **3. Roofing Materials**

a. Roofing materials should complement the architectural style of a home.

b. A consistent application of one roofing material is required for all roof areas visible from the right of way or any neighboring property.

c. Color, texture, or finish changes within any category of materials listed below count as separate roofing materials.

d. Permitted roofing materials include the following:

i. Dimensional asphalt shingles

ii. Wood shingles and shakes

iii. Slate

iv. Terra Cotta

v. Ceramic tile

vi. Metal tiles or standing seam

e. Roofing materials not listed above will be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

### **4. Application of Building Materials**

a. Building materials should be consistently applied on all exterior faces of new homes. Elevations of different materials or colors are not permitted, such as brick or stone front facades, with vinyl siding on side and rear elevations.

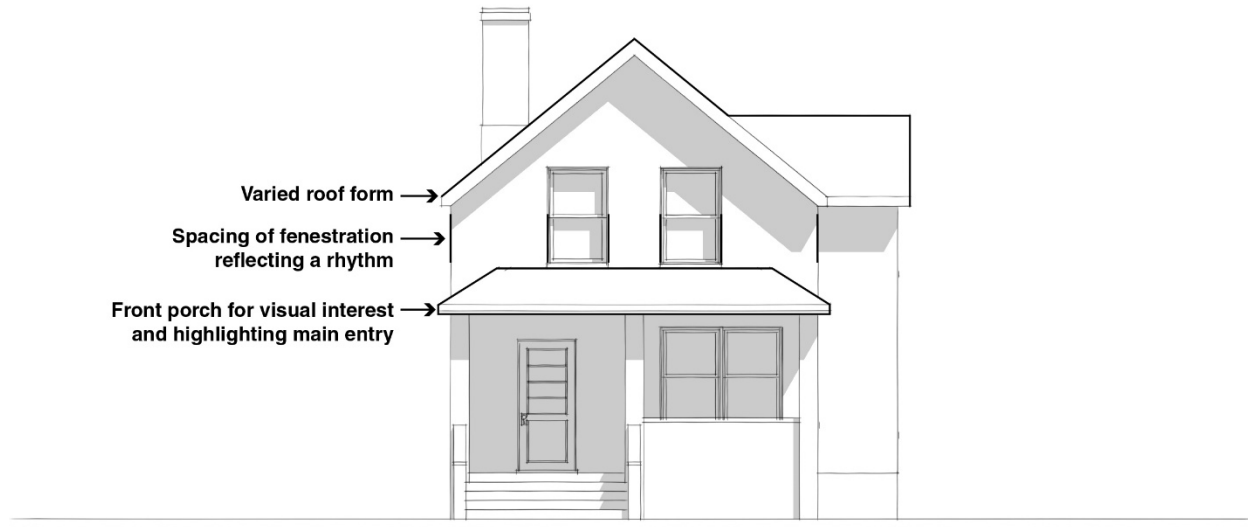
b. Visual balance should be maintained on each face of a structure. For both new construction and additions to existing homes, if multiple primary building materials are used on the overall structure, those that appear heavier, or that carry more visual weight should be placed toward the bottom of a structure, with materials that appear lighter placed above.

c. Frequent or irrational changes in building materials should be avoided. Change of materials should occur with prominent architectural features or changes in wall plane.

d. Where materials change with a change in wall plane, the material change should occur on the inside corner, not the outside edge.

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## R-3C AND R-4C DISTRICT DESIGN STANDARDS



**Section 6.** Section 17.05.010 of the Davenport Municipal Code, entitled “Purpose Statement” is hereby amended to read as follows:

### C. C-2 Corridor Commercial Zoning District

The C-2 Corridor Commercial Zoning District is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along arterial streets and collector streets adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport’s commercial corridors.

**Section 7.** Section 17.05.040 of the Davenport Municipal Code, entitled “Design Standards” is hereby amended to read as follows:

The following design standards apply to new construction, substantial repair or rehabilitation of the exterior façade of an existing structure meant to remedy damage or deterioration, and additions to an existing structure in the commercial districts, with the exception of the C-D, C-V, and C-E Districts. Design standards for development in the C-D, C-V, and C-E Districts are found in Sections 17.05.050, 17.05.060, and 17.05.070 respectively, below. Only those standards that relate to the specific repair, rehabilitation action, or addition apply. These standards do not apply to interior remodeling.

### A. Commercial Districts Design Standards

Table 17.05-2: Commercial Districts Design Standards establishes the design standards for the commercial districts. In the table, a “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard does not apply to the district.

| Table 17.05-2: Commercial Districts Design Standards                                                                                                                                                                                                                                                                                                                                                                                         |     |     |     |     |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                              | C-T | C-1 | C-2 | C-3 | C-OP |
| <b>Façade Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                         |     |     |     |     |      |
| Building façades that face a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 40 linear feet, measured parallel to the street.                                                                                                                                                                                                                                                                           | •   | •   | •   | •   |      |
| Building façades in excess of 100 linear feet that face a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, building material change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet. | •   | •   | •   | •   |      |
| Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.                                                                                                                                                                                                                                                     |     |     |     |     | •    |

| Table 17.05-2: Commercial Districts Design Standards                                                                                                                                                                                                                         |     |     |     |     |      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|------|
|                                                                                                                                                                                                                                                                              | C-T | C-1 | C-2 | C-3 | C-OP |
| All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade.                                                                                    | •   | •   | •   | •   |      |
| Building materials and visual elements used on the façade of the primary building frontage must continue on all building façades that face a public right-of-way (excluding alleys) and/or the lot line of a residential district.                                           | •   | •   | •   | •   |      |
| Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.                                                                                                                                                                 | •   | •   | •   | •   | •    |
| <b>Fenestration Design</b>                                                                                                                                                                                                                                                   |     |     |     |     |      |
| The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade.                                                                                            |     | •   | •   |     |      |
| The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 35%, measured between two and ten feet in height.                                                                                                       |     |     |     | •   |      |
| Upper floors of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 15% of the wall area of the story.                                                                                                                          | •   | •   | •   |     |      |
| <b>Roof Design</b>                                                                                                                                                                                                                                                           |     |     |     |     |      |
| Rooflines over 100 linear feet in building length must contain variation, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet. | •   | •   | •   | •   |      |
| Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.                                                                                                                                | •   | •   | •   | •   |      |
| Any roof that is visible from a public right-of-way must be shingle or colored standing seam metal roofing.                                                                                                                                                                  | •   | •   | •   | •   |      |
| Green roof, blue roof, and white roof designs are encouraged.                                                                                                                                                                                                                | •   | •   | •   | •   | •    |
| Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.                                                                      | •   | •   | •   | •   | •    |
| <b>Entrance Design</b>                                                                                                                                                                                                                                                       |     |     |     |     |      |
| Public entrances and primary building elevations must be oriented toward a public street. Main entrances to the buildings must be well defined.                                                                                                                              |     |     |     |     | •    |
| Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.                                                                                                                     |     |     |     |     | •    |
| <b>Multi-Tenant Commercial Center and Office Park Site Design</b>                                                                                                                                                                                                            |     |     |     |     |      |
| Sites must be designed to ensure safe pedestrian access to the commercial center from the public right-of-way, and safe pedestrian circulation within the development.                                                                                                       |     | •   | •   | •   |      |
| A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.                                                                                      |     | •   | •   | •   |      |
| Commercial centers may provide definition along the street frontage by locating part of the center or outlot buildings within 0' to 25' of the front lot line. The center or any outlot buildings may be placed within a required setback to comply with this standard.      |     |     |     | •   |      |
| In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project.                                |     |     |     |     | •    |
| Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.                                                                                                    |     |     |     |     | •    |

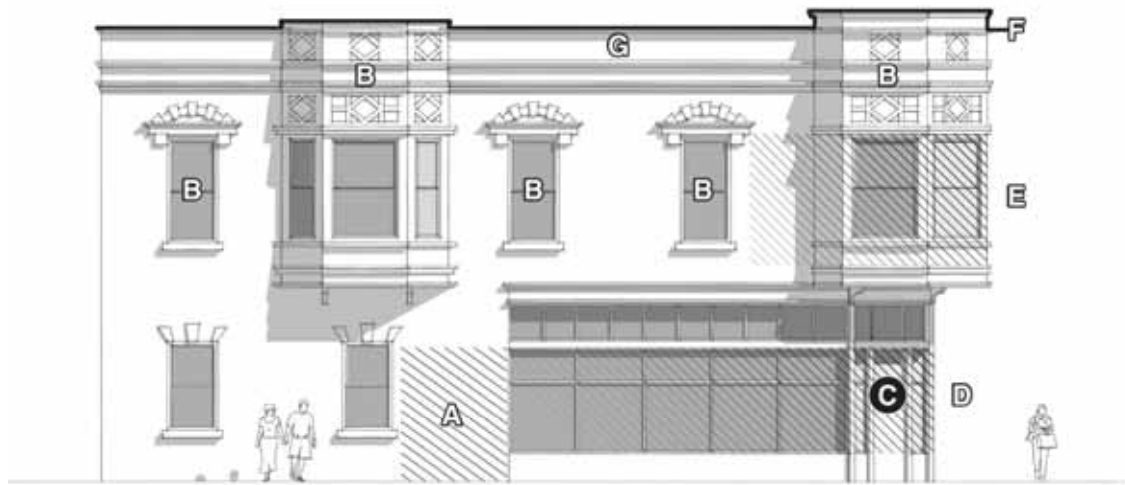
## B. Building Material Restrictions

In commercial districts (excluding the C-D, C-V, and C-E Districts), the following building materials are prohibited on any façade facing a public right-of-way (excluding alleys) or any façade that abuts the lot line of a residential district. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings (does not apply to C-1 and C-2 Districts)

4. Exposed aggregate (rough finish) concrete wall panels
5. T-111 composite plywood siding
6. Plastic
7. Vinyl

#### C-1 DISTRICT DESIGN STANDARDS



- |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A. Blank wall area 40 linear feet or less, measured parallel to the street</p> <p>B. Repeating pattern of two elements at an interval of no more than 40 linear feet</p> <p>C. A visually distinct public entrance from the sidewalk along the primary building frontage</p> <p>D. First floor transparency of 50% measured between two and ten feet in height from grade</p> | <p>E. Upper floor transparency of 15% of the wall area of the story</p> <p>F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet</p> <p>G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## C-2 DISTRICT DESIGN STANDARDS



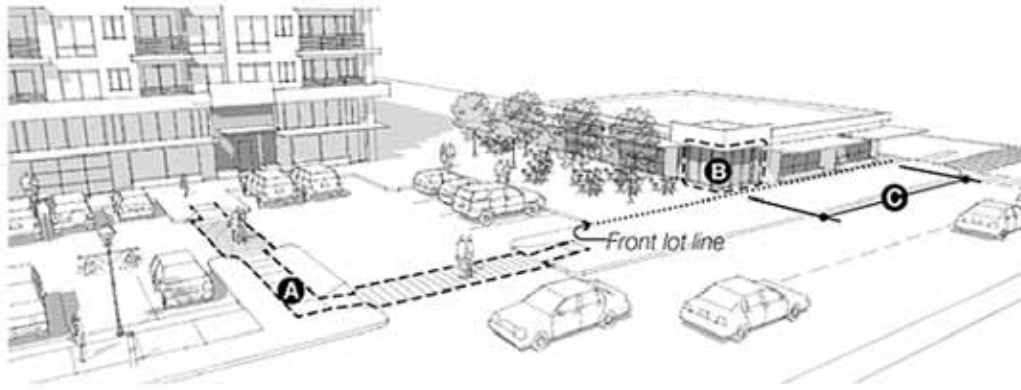
- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 50% measured between two and ten feet in height from grade
- E. Upper floor transparency of 15% of the wall area of the story
- F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet
- G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details

## C-3 DISTRICT DESIGN STANDARDS



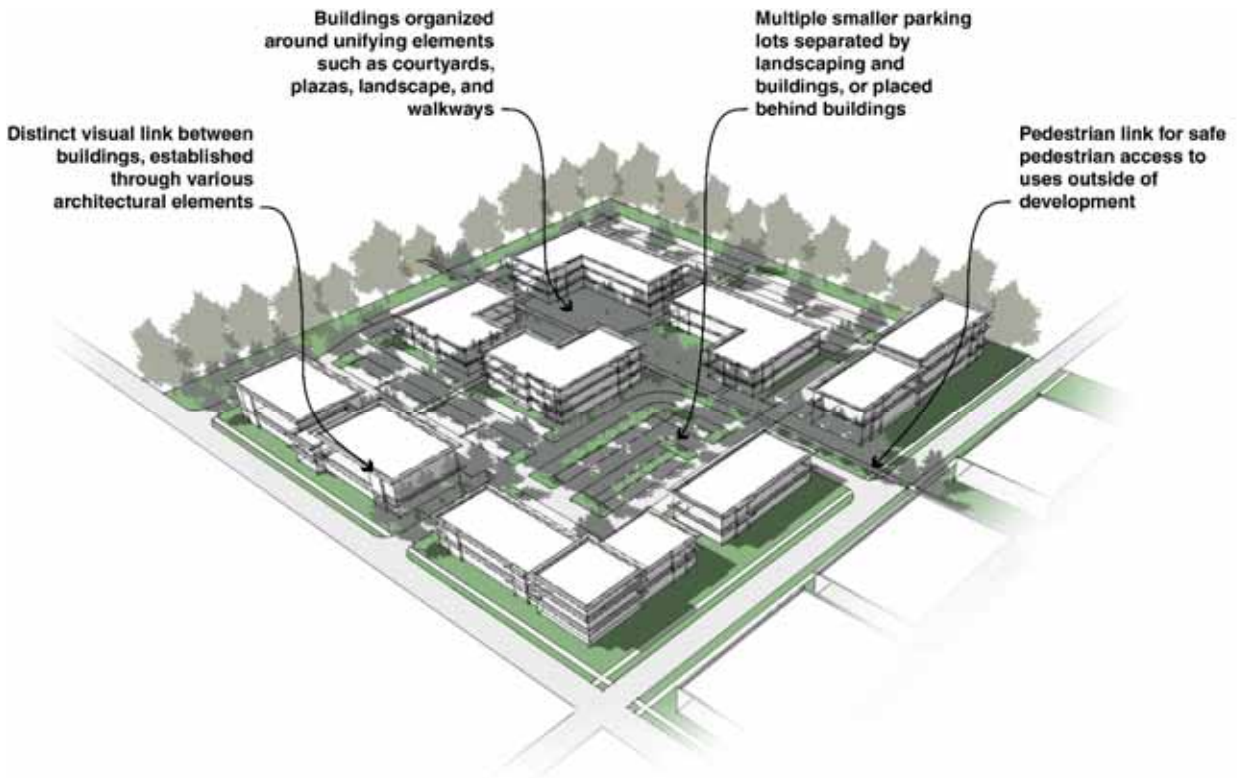
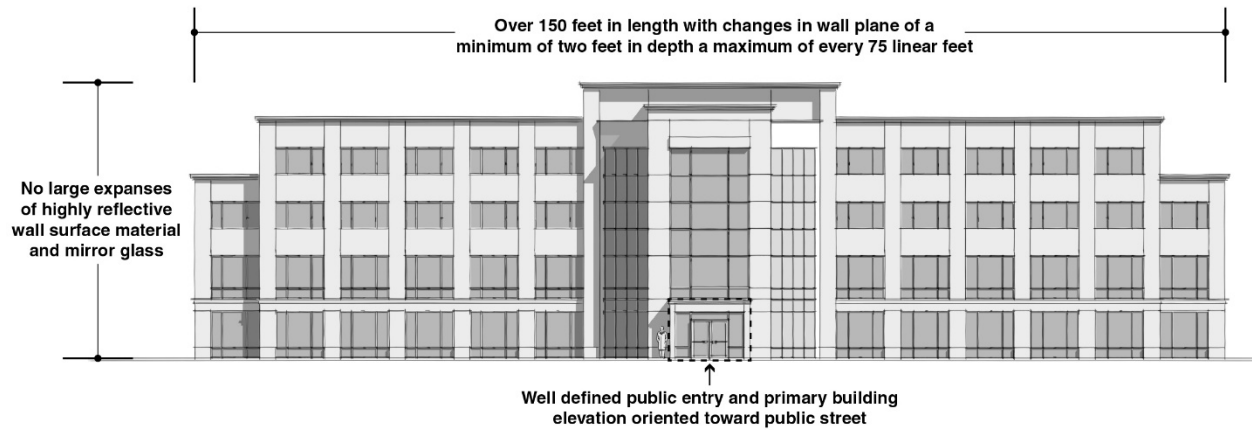
- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 35% measured between two and ten feet in height from grade
- E. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet
- F. Parapet walls with three-dimensional cornice treatments or other shadow-creating details

## MULTI-TENANT COMMERCIAL CENTER SITE DESIGN STANDARDS



- A. Sites must be designed to ensure safe pedestrian access to the commercial center from the public right-of-way, and safe pedestrian circulation within the development.
- B. Any outlot buildings must meet the minimum transparency requirements of the district, and must include prominent entrances oriented toward both the street and the interior lot.
- C. Commercial centers may provide definition along the street frontage by locating part of the center or outlot buildings within 0' to 25' of the front lot line. The center or any outlot buildings may be placed within a required setback to comply with this standard.

## C-OP DISTRICT DESIGN STANDARDS



Section 8. Section 17.05.050 of the Davenport Municipal Code, entitled "C-D District Standards (Section 17.05.050.C only)" is hereby amended to read as follows:

**C. C-D District Design Standards**

Development in the C-D District is subject to design review per Section 17.14.100, and must be designed in accordance with the City of Davenport's adopted Downtown Design Guidelines and Downtown Davenport Streetscape Improvement Plan.

Section 9. Section 17.05.060 of the Davenport Municipal Code, entitled "C-V District Standards (Section 17.05.060.C only)" is hereby amended to read as follows:

**C. C-V District Design Standards**

Development in the C-V District is subject to design review per Section 17.14.100. Design requirements for the C-V District are described in the adopted Village of East Davenport Performance Standards.

Section 10. Section 17.05.070 of the Davenport Municipal Code, entitled "C-E District Standards (Section 17.05.070.C only)" is hereby amended to read as follows:

**C. C-E District Design Standards**

Development in the C-E District is subject to design review per Section 17.14.100. Design requirements for the C-E District are described in the adopted Elmore Corners Plan.

Section 11. Section 17.06.030 of the Davenport Municipal Code, entitled "Dimensional Standards (Table 17.06-1 only)" is hereby amended to read as follows:

| Table 17.06-1: Industrial Districts Dimensional Standards |                                                       |                                                      |                                                       |
|-----------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------|
|                                                           | I-1                                                   | I-2                                                  | I-MU                                                  |
| <b>Bulk</b>                                               |                                                       |                                                      |                                                       |
| Minimum Lot Area                                          | None                                                  | 10,000sf                                             | None                                                  |
| Minimum Lot Width                                         | None                                                  | 70'                                                  | None                                                  |
| Maximum Building Height                                   | 90'                                                   | 90'                                                  | 90'                                                   |
| <b>Setbacks</b>                                           |                                                       |                                                      |                                                       |
| Minimum Front Setback                                     | 25'                                                   | 25'                                                  | 0'-10' build-to zone                                  |
| Front Setback Build-to Percentage                         | None                                                  | None                                                 | 80%                                                   |
| Minimum Interior Side Setback                             | None, unless abutting a residential district then 25' | 15', unless abutting a residential district then 25' | None                                                  |
| Minimum Corner Side Setback                               | 20'                                                   | 20'                                                  | 0'-10' build-to zone                                  |
| Corner Side Setback Build-to Percentage                   |                                                       |                                                      | 60%                                                   |
| Minimum Rear Setback                                      | 15'                                                   | 25'                                                  | None, unless abutting a residential district then 20' |

Section 12. Section 17.07.020 of the Davenport Municipal Code, entitled "S-OS Open Space District (Section 17.07.020.A only)" is hereby amended to read as follows:

**A. Purpose**

The S-OS Open Space District is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.

Section 13. Section 17.080.020 of the Davenport Municipal Code, entitled "Use Matrix (Table 17.08.020 only)" is hereby amended to read as follows

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| TABLE 17.08-1: USE MATRIX                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      |      |      |                  |
|----------------------------------------------|-----|-----|-----|-----|------|-------|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|------|------|------|------|------------------|
| PRINCIPAL USE                                | R-1 | R-2 | R-3 | R-4 | R-MF | R-MHP | C-T | C-1 | C-2 | C-3 | C-OP | C-D | C-V | C-E | I-1 | I-2 | I-MU | S-AG | S-OS | S-IC | USE STANDARD     |
| Adult Use                                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     | S   | S   |      |      |      |      | Sec. 17.08.030.A |
| Agriculture                                  |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      |                  |
| Amusement Facility - Indoor                  |     |     |     |     |      |       |     |     | P   | P   |      | P   | P   | P   | P   |     | P    |      |      |      |                  |
| Amusement Facility - Outdoor                 |     |     |     |     |      |       |     |     |     | S   |      |     |     | S   | P   |     | S    |      |      |      |                  |
| Animal Care Facility – Large Animal          |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      |                  |
| Animal Care Facility – Small Animal          |     |     |     |     |      |       | S   | S   | P   | P   |      | S   | S   | P   | P   |     | P    | P    |      |      | Sec. 17.08.030.B |
| Animal Breeder                               |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      | Sec. 17.08.030.B |
| Art Gallery                                  |     |     |     |     |      |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      |                  |
| Arts and Fitness Studio                      |     |     |     |     |      |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      |                  |
| Bar                                          |     |     |     |     |      |       |     | S   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      |                  |
| Bed and Breakfast                            | P   | P   | S   | S   | S    |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      | Sec. 17.08.030.C |
| Billboard                                    |     |     |     |     |      |       |     |     |     | P   |      |     |     |     | P   | P   |      |      |      |      | Sec. 17.08.030.D |
| Body Modification Establishment              |     |     |     |     |      |       |     | P   | P   | P   |      | P   |     | P   |     |     | P    |      |      |      |                  |
| Broadcasting Facility TV/Radio               |     |     |     |     |      |       |     | P   | P   | P   | P    | P   | P   | P   | P   | P   | P    |      |      | P    |                  |
| Campground                                   |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | S    | P    |      | Sec. 17.08.030.E |
| Car Wash                                     |     |     |     |     |      |       |     |     | P   | P   |      |     |     | S   |     |     | P    |      |      |      | Sec. 17.08.030.F |
| Casino                                       |     |     |     |     |      |       |     |     |     |     |      |     |     | P   |     |     |      |      |      |      |                  |
| Cemetery                                     |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      | P    |      |                  |
| Children's Home                              |     |     |     |     | P    |       |     |     | P   | P   |      |     |     | P   |     |     | S    |      |      | P    | Sec. 17.08.030.G |
| PRINCIPAL USE                                | R-1 | R-2 | R-3 | R-4 | R-MF | R-MHP | C-T | C-1 | C-2 | C-3 | C-OP | C-D | C-V | C-E | I-1 | I-2 | I-MU | S-AG | S-OS | S-IC | USE STANDARD     |
| Community Center                             | P   | P   | P   | P   | P    |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    | P    | P    | P    |                  |
| Community Garden                             | P   | P   | P   | P   | P    | P     | P   | P   | P   | P   | P    | P   | P   | P   |     |     | P    | P    | P    | P    | Sec. 17.08.030.H |
| Conservation Area                            |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    | P    |      |                  |
| Country Club                                 |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      | P    |      |                  |
| Cultural Facility                            |     |     |     |     |      |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      | P    | P    |                  |
| Day Care Center                              |     |     |     |     | P    |       | P   | P   | P   | P   | P    | P   | P   | P   |     |     | P    |      |      | P    | Sec. 17.08.030.I |
| Day Care Home                                | P   | P   | P   | P   | P    |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      | Sec. 17.08.030.I |
| Drive-Through Facility                       |     |     |     |     |      |       |     | S   | P   | P   |      | S   |     | P   |     |     | P    |      |      |      | Sec. 17.08.030.J |
| Drug/Alcohol Treatment Facility, Residential |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | S    |      |      | S    | Sec. 17.08.030.K |
| Drug Treatment Clinic                        |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | S    |      |      | S    | Sec. 17.08.030.K |
| Domestic Violence Shelter                    |     |     |     |     | P    |       |     | P   | P   | P   |      |     |     | P   |     |     | P    |      |      | P    | Sec. 17.08.030.G |
| Dwelling – Accessory Dwelling Unit           | P   | P   | P   | P   |      |       |     |     |     |     |      |     |     |     |     |     |      |      |      |      | Sec. 17.08.030.L |
| Dwelling – Manufactured Home                 |     |     |     |     |      | P     |     |     |     |     |      |     |     |     |     |     |      | S    |      |      | Sec. 17.08.030.M |

| TABLE 17.08-1: USE MATRIX                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      |      |      |                  |
|----------------------------------------------|-----|-----|-----|-----|------|-------|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|------|------|------|------|------------------|
| PRINCIPAL USE                                | R-1 | R-2 | R-3 | R-4 | R-MF | R-MHP | C-T | C-1 | C-2 | C-3 | C-OP | C-D | C-V | C-E | I-1 | I-2 | I-MU | S-AG | S-OS | S-IC | USE STANDARD     |
| Dwelling - Multi-Family                      |     |     |     |     | P    |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      | Sec. 17.08.030.N |
| Dwelling - Townhouse                         |     |     |     |     | P    |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      | Sec. 17.08.030.O |
| Dwelling - Single-Family                     | P   | P   | P   | P   |      |       | P   | P   | P   |     |      |     | P   |     |     |     |      |      |      |      | Sec. 17.08.030.O |
| Dwelling - Single-Family Semi-Detached       |     | P   | P   | P   | P    |       | P   | P   | P   |     |      |     | P   |     |     |     |      |      |      |      | Sec. 17.08.030.O |
| Dwelling - Two-Family (New Construction)     |     |     | P   | P   | P    |       | P   | P   | P   |     |      |     | P   |     |     |     |      |      |      |      | Sec. 17.08.030.O |
| Dwelling - Two-Family (Conversion)           |     |     | S   | S   | P    |       | P   | P   | P   |     |      |     | P   |     |     |     |      |      |      |      | Sec. 17.08.030.O |
| Educational Facility - Primary or Secondary  | P   | P   | P   | P   | P    |       |     |     |     |     |      |     |     |     |     |     |      |      |      | P    |                  |
| Educational Facility - University or College |     |     |     |     |      |       |     |     |     | P   | P    | P   |     | P   |     |     |      |      |      | P    |                  |
| Educational Facility - Vocational            |     |     |     |     |      |       | S   | S   | S   | P   | P    | P   | S   | P   | P   | P   | P    |      |      | P    |                  |
| Equine, Keeping of/Equestrian Facility       | P   |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      | Sec. 17.08.030.P |
| Fairground                                   |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | S    | S    | P    |                  |
| Financial Institution                        |     |     |     |     |      |       | P   | P   | P   | P   | P    | P   | P   | P   |     |     | P    |      |      |      |                  |
| Financial Institution, Alternative           |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | P    |      |      |      | Sec. 17.08.030.Q |
| Food Bank                                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     | P   |     | P    |      |      |      |                  |
| Food Pantry                                  |     |     |     |     |      |       |     |     | P   | S   |      |     |     | S   |     |     | S    |      |      |      |                  |
| Funeral Home                                 |     |     |     |     |      |       | S   | S   | S   | P   |      |     |     | P   |     |     | P    |      |      |      |                  |
| Gas Station                                  |     |     |     |     |      |       |     | S   | P   | P   |      |     |     | P   | P   | P   | P    |      |      |      | Sec. 17.08.030.R |
| Golf Course/Driving Range                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      | P    |      |                  |
| Government Office/Facility                   |     |     |     |     |      |       | P   | P   | P   | P   | P    | P   | P   | P   | P   | P   | P    |      | P    | P    |                  |
| PRINCIPAL USE                                | R-1 | R-2 | R-3 | R-4 | R-MF | R-MHP | C-T | C-1 | C-2 | C-3 | C-OP | C-D | C-V | C-E | I-1 | I-2 | I-MU | S-AG | S-OS | S-IC | USE STANDARD     |
| Greenhouse/Nursery - Retail                  |     |     |     |     |      |       |     |     |     | P   |      |     |     | P   |     |     | P    | S    |      |      |                  |
| Group Home                                   | P   | P   | P   | P   | P    |       |     |     |     |     |      |     |     |     |     |     |      |      |      |      | Sec. 17.08.030.S |
| Halfway House                                |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | S    |      |      | S    | Sec. 17.08.030.K |
| Healthcare Institution                       |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      |      | P    |                  |
| Heavy Rental and Service                     |     |     |     |     |      |       |     |     |     |     |      |     |     |     | P   |     | P    |      |      |      |                  |
| Heavy Retail                                 |     |     |     |     |      |       |     |     |     | S   |      |     |     | S   | P   |     | P    |      |      |      |                  |
| Homeless Shelter                             |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | S    |      |      | S    | Sec. 17.08.030.K |
| Hotel                                        |     |     |     |     |      |       |     |     | P   | P   | P    | P   | S   | P   |     |     | P    |      |      |      |                  |
| Industrial - General                         |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     | P   |      |      |      |      |                  |
| Industrial - Light                           |     |     |     |     |      |       |     |     |     |     | P    |     |     |     | P   | P   | P    |      |      |      |                  |
| Industrial Design                            |     |     |     |     |      |       |     | P   | P   | P   | P    | P   |     | P   | P   | P   | P    |      |      |      |                  |
| Live Performance Venue                       |     |     |     |     |      |       |     |     |     | P   |      | P   | P   | P   |     |     | P    |      |      |      |                  |

Section 14. Section 17.08.030 of the Davenport Municipal Code, entitled "Principal Use Standards" is hereby amended by modifying Section 17.08.030.D, entitled "Billboard", by modifying Section 17.08.030.N, entitled "Dwelling – Multi-Family, by modifying Section 17.08.030.O, entitled "Dwelling - Single-Family, Single-Family Semi-Detached, and Two-Family, by adding Section 17.008.030.P, entitled "Equine, Keeping of/Equestrian Facility", by reordering subsections subsequent to Section 17.08.030.P and by modifying Section 17.08.030.DD (revised to Section 17.08.030.EE) to read as follows:

**D. Billboard**

1. Billboard locational restrictions are as follows:
  - a. Billboard structures are prohibited if visible from an interstate highway.
  - b. Billboard structures are prohibited on properties listed on the Davenport Register of Historic Places.
  - c. Billboards with a sign area of up to 300 square feet must be a minimum of 100 feet from any residential district. Billboards with a sign area of over 300 square feet must be a minimum of 150 feet from any residential district. This is measured in a straight line along either side of the right-of-way of the street.
2. The maximum sign area of a billboard is 672 square feet plus an extension area from the single continuous perimeter not to exceed 153 square feet.
3. The maximum height of a billboard is 45 feet.
4. Billboards must meet principal building setbacks.
5. All billboards must be separated by a minimum distance of 1,500 feet.
6. Up to four billboard sign faces are allowed on one billboard structure. A "V" arrangement is permissible, however, no more than two billboard sign faces can be visible from any one street direction.
7. Billboards are permitted to be electronic billboards but must comply with the following:
  - a. Electronic billboards cannot change more than once every eight seconds. Static images with no animation are required and the transition from one image to the next must occur in one second or less.
  - b. An electronic display must contain a default mechanism to show a "full black" image or turn the sign off in case of malfunction, or must be manually turned off within 12 hours of a reported malfunction.

**N. Dwelling - Multi-Family**

In the case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.

1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
  2. Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
  3. A 25% minimum transparency requirement applies to any façade facing a street and is calculated on the basis of the entire area of the façade.
-

4. The following building materials are prohibited on any façade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

a. The following building materials are prohibited on any part of any façade:

- i. Plain concrete block
- ii. Plastic
- iii. Exterior insulating finish systems (EIFS)

b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:

- i. Corrugated metal
- ii. Exposed aggregate (rough finish) concrete wall panels
- iii. T-111 composite plywood siding

**O. Dwelling - Single-Family, Single-Family Semi-Detached, Two-Family, and Townhouse**

In the case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.

1. front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.

2. A 5% minimum transparency requirement applies to the front façade and is calculated on the basis of the area of the façade below the roofline.

3. A dwelling with a front facing attached three-car garage shall have one of the garages offset one foot from the other garages.

4. In order to encourage architectural detail and visual interest a point system shall be utilized for the front façade in which the front façade must score 20 points from the categories below. Primary building materials are the dominant component of the façade. Accent materials are secondary components of the façade, typically used to provide architectural detail or visual interest.

i. 8 points – covered porch with columns.

ii. 6 points – masonry, brick, or stone veneer as a primary building material or accent material. If accent material it must extend from the foundation or grade to the window sill as a minimum and maintain that elevation along the entire façade exclusive of doors, windows and small areas that make the use of the material impractical.

iii. 6 points – front facing roof dormer.

iv. 4 points for each front facing roof gable with 8/12 pitch or higher.

v. 4 points – decorative roof brackets or gable trusses as an accent material.

vi. 4 points – decorative siding including but not limited to patterned shingles, shake, and board and batten as a primary building material or accent material.

vii. 3 points – bay/box window(s).

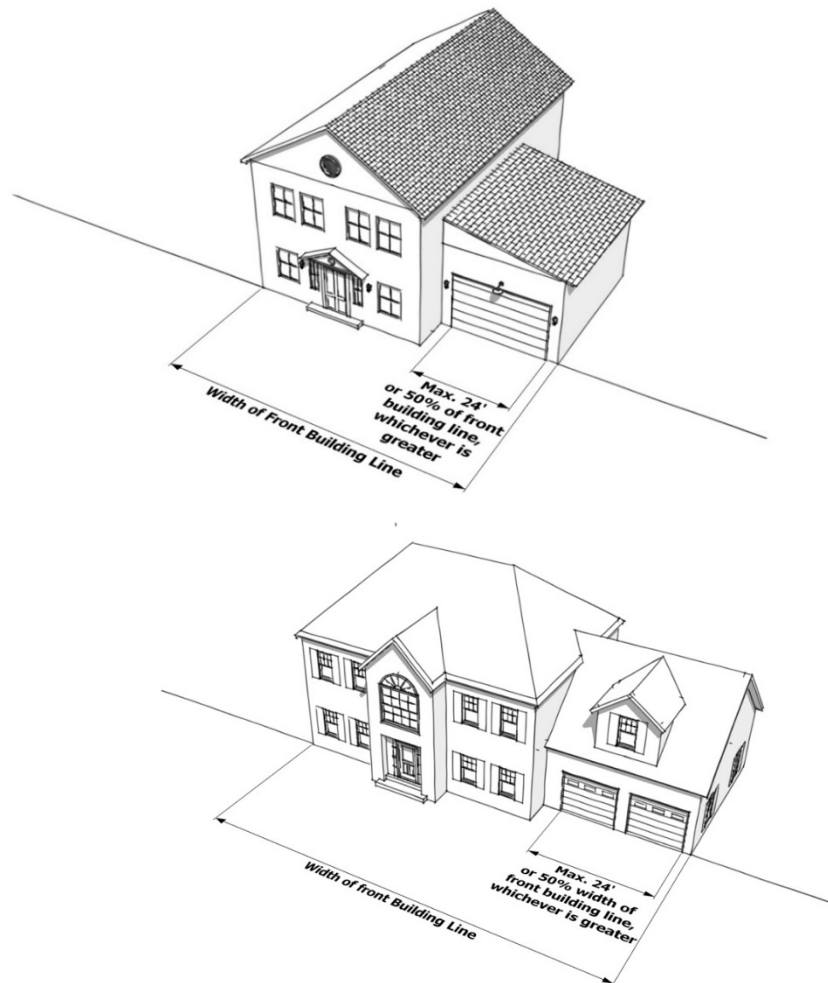
viii. 3 points – all front facing carriage style garage door(s). Carriage style garage doors may include decorative, simulated woodwork, decorative handles and brackets and window inserts.

ix. 3 points – door or window surrounds as an accent material.

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- x. 3 points – freeze boards and/or horizontal bands as an accent material.
- xi. 2 points – decorative roof at the base of a gable.
- xii. 1.5 points – for each percentage of transparency below the roofline over 5%.
- xiii. 1 point – decorative gable vent(s).
- xiv. 1 point – window shutters.
- xv. negative 5 points – front facing attached garage that exceeds 24 feet or 50% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

#### ATTACHED GARAGE WIDTH

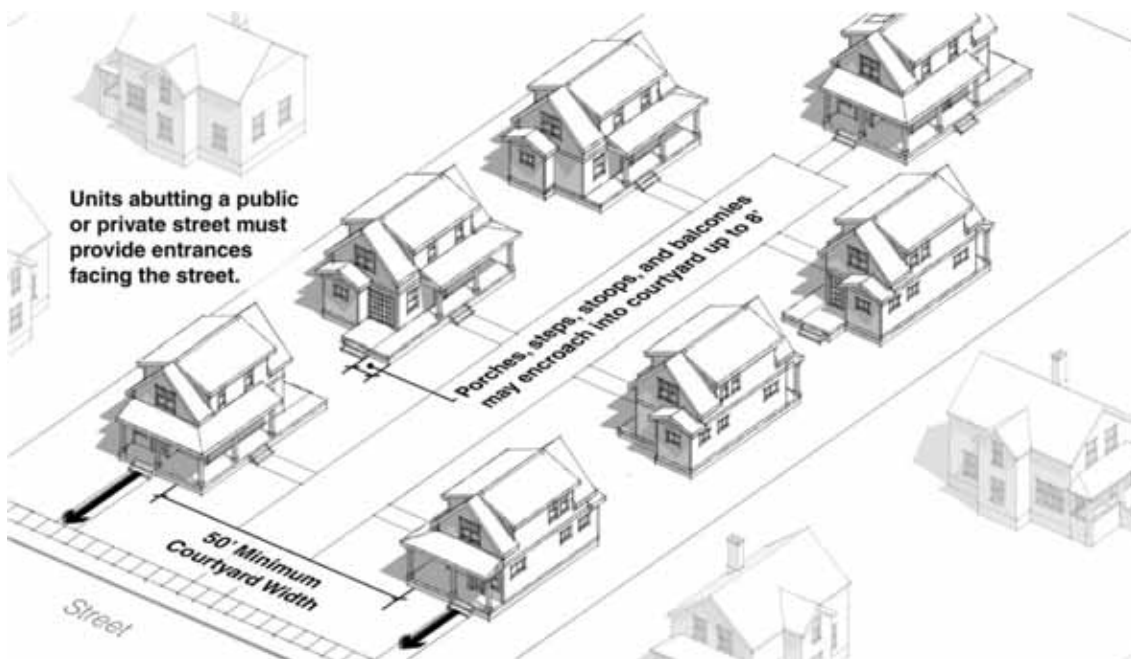


5. When a single-family and/or two-family development is designed as a house court, the following standards apply. A house court is a group of single-family and/or two-family dwellings arranged around a common courtyard or open space. Front facades of dwellings and primary pedestrian entrances are oriented to and accessed from the common area.

- a. The minimum total site area required for a house court is 15,000 square feet or the cumulative area required for each dwelling type in the house court, whichever is greater.
- b. The zoning district standards apply to each individual site within the house court.

- c. For any unit of a house court abutting a public or private street, the entrance of the units must face the street.
- d. Courtyards must meet the following standards:
  - 1. The minimum courtyard area is 3,000 square feet or 500 square feet per dwelling unit, whichever is greater.
  - 2. A courtyard must have a minimum width of 50 feet.
  - 3. All courtyard space must be contiguous and centrally located.
  - 4. Porches, steps and stoops, and balconies may encroach up to eight feet into a courtyard.
- e. Where a dwelling fronts on the courtyard, it is considered to meet the requirement for frontage on a public or private street.

#### **SINGLE-FAMILY DWELLING: HOUSE COURT**



- 6. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.

#### **P. Equine, Keeping of/Equestrian Facility**

- 1. A minimum of two acres is required to keep one equine. For each additional acre in excess of two acres, one additional equine may be housed and maintained.
- 2. A fence must be installed around the entire grazing area. The fence must be a minimum of 150 feet from the front lot line. The fence must be a minimum of 150 feet from an existing dwelling located on an adjacent lot.
- 3. A stable or shelter must be provided for the stabling of each equine. The stable or shelter must be a minimum of 100 feet from any side or rear lot line, and a minimum of 150 feet from any front lot line.
- 4. The keeping of equines for personal use is only permitted in the R-1 and S-AG Districts. No retail or wholesale use of these animals in the R-1 District. An equestrian facilities, which are defined as any place where

equine are kept, housed, boarded, lodged, fed, hired, trained, sold, rented, or bred for monetary compensation, is only permitted in the S-AG District.

**Q. Financial Services, Alternative (AFS)**

1. Alternative financial services (AFS) must be located no closer than 1,000 feet from any other AFS.
2. Any existing alternative financial service establishment as of the effective date of this Code that do not meet the spacing requirement is deemed conforming; this applies only to AFS that are allowed as a permitted or special use within the district. If an alternative financial service is no longer allowed within a district as of the effective date of this Code, it is nonconforming use.

**R. Gas Station**

1. All structures and all pump islands, compressed air connections, and similar equipment must be set back a minimum of 15 feet from interior side and rear lot lines. Structures are exempt from any build-to lines required by the district.
2. The minimum distance a freestanding canopy for gas pumps must be from any street lot line is ten feet and 15 feet from any interior lot line.
3. The ancillary uses of a retail goods establishment and two car wash bays are permitted in connection with the principal gas station use.
4. When a gas station abuts the lot line of a residential district, it must be screened along the interior side and/or rear lot lines that abut the residential lot as follows:
  - a. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the rear lot line.
  - b. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the residential lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.

**S. Group Home**

1. Group homes must be licensed by the state.
2. When a group home is located within an existing residential structure, the location, design, and operation of such facility must not alter the residential character of the structure.

**T. Lodge/Meeting Hall**

1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only.
3. Sleeping facilities are prohibited.
4. Lodges/meeting halls leased or used as reception facilities must comply with the requirements for reception facilities.

**U. Neighborhood Commercial Establishment**

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Ordinance.
  2. The following non-residential uses are permitted within a neighborhood commercial establishment:
    - a. Art gallery
    - b. Arts studio
-

- c. Office
- d. Personal service establishment
- e. Restaurant
- f. Retail goods establishment:
  - i. Retail sales of alcohol is prohibited.
  - ii. Retail sales of tobacco products, electronic cigarettes, and vaping and tobacco smoking accessories and supplies is prohibited.
- 3. No off-street parking is required. However, any off-street parking currently provided must be maintained.
- 4. Drive-through facilities are prohibited.
- 5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
- 6. Signs are limited to those allowed in the C-T District.

**V. Outdoor Dining**

- 1. Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar or restaurant.
- 2. Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.
- 3. Outdoor dining areas must be located on private property. Outdoor dining on public property is not controlled by this Ordinance.
- 4. When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designated as outdoor dining may be setback up to 30 feet from the required build-to line.

**W. Reception Facility**

- 1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.
- 2. When allowed in the residential districts and S-AG District, a minimum lot size of two acres is required. Fifty foot minimum setbacks are required along all lot lines.

**X. Residential Care Facility**

- 1. Residential care facilities must be licensed by the state.
- 2. When located in a nonresidential district, the structure must be designed with a lobby entrance along the primary frontage.

**Y. Retail Sales of Fireworks**

- 1. All fireworks sales are subject to the regulations on sale and storage by the Iowa Department of Transportation Hazard Classes 1.3g and 1.4g fireworks, excluding any novelty or sparklers as defined by the American Pyrotechnics Association.
- 2. All retail sales of fireworks establishments must be a minimum of 500 feet from any residential district.

**Z. Self-Storage Facility: Indoor and Outdoor**

- 1. Storage units cannot be used for residential occupancy or business.
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2. No plumbing connections are permitted in self-storage units.
3. Storing hazardous or toxic materials is prohibited.
4. For self-storage facilities that include both indoor and outdoor facilities, both types of uses must be allowed in the district.
5. In the C-3 District, self-storage facilities are only subject to the district design standards when located within 100 feet of a public right-of-way, excluding alleys.
6. The following additional standards apply to indoor self-storage facilities:
  - a. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only.
  - b. All facilities must meet the design standards of the district.
  - c. No storage units located on the first floor may be located within the first 25 feet of the front facade. No storage units located on the first floor may be visible from any public right-of-way.
  - d. Access to loading areas must be located to the interior or rear of the building.
7. The following additional permissions apply to outdoor self-storage facilities:
  - a. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.
  - b. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.
  - c. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.
  - d. If storage areas for recreational vehicles are provided, they must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. Shrubs must be planted and space sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.

#### **AA. Solar Farm**

1. Systems, equipment, and structures are limited to the maximum height of the district.
2. All solar farm structures must meet the district setbacks.
3. No grid tied photovoltaic system may be installed until evidence has provided that the owner has been approved by the utility company to install the system.
4. The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more. Decommissioning includes removal of all solar equipment. Decommissioning includes removal of solar arrays, structures, private roads or driveways, and foundations, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar farm.

#### **BB. Storage Yard – Outdoor**

1. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress.
    - a. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet from the lot line. Within that setback, shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity, and one evergreen tree every 50 feet planted linearly. Plantings must be placed outside the face of the fence facing the right-of-way.
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b. Fences or walls along the rear or interior side lot line require the planting of shrubs spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.

2. Storage of any kind is prohibited outside the fence or wall.

3. No items stored within 25 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.

#### **CC. Vehicle Repair/Service – Major or Minor**

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.

2. Repair of vehicles is prohibited in the front or side yards. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.

3. Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.

4. Outdoor repairs are only allowed in the rear yard and must be screened by a solid fence or masonry wall no less than six feet and no more than eight feet in height.

5. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.

6. The sale of new or used vehicles is prohibited.

7. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

#### **DD. Wind Energy System**

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.

2. All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.

3. All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.

4. All electrical components of the wind energy system must conform to applicable local, state, and national codes, and applicable international standards.

5. An engineer's certificate must be completed by a structural engineer, licensed in the State of Iowa, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.

6. Wind turbines must comply with the following design standards:

a. Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.

b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.

c. Within the wind energy system, wind turbines must be of a generally consistent size, design, and color,

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of similar height and rotor diameter, and rotate in the same direction.

**d.** Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.

**e.** On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.

**f.** Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.

**g.** A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.

**7.** The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.

**8.** Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

**9.** Wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.

**10.** All wind turbines must be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 110% of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.

**11.** All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.

**12.** The facility owner or operator must comply with all applicable codes regulating sound generation. A predictive sound study of turbine noise must accompany the application to verify that all code requirements can be met for dBA sound levels. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels per the Municipal Code, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.

**13.** A shadow flicker study is required, and must be submitted with the application. A wind turbine's shadow flicker must not fall on any existing structure, measured at the nearest external wall or walls, or within the buildable area of an adjacent vacant lot, as defined by current setback requirements.

**14.** The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.

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## **EE. Wireless Telecommunications**

### **1. Application Requirements**

All applications to erect, construct, or modify any part of a wireless telecommunications system require site plan review must include the following items:

- a.** A site plan showing:
  - i.** The location, size, screening, and design of all structures, including fences.
  - ii.** The location and size of all outdoor equipment.
  - iii.** Elevations showing antenna height.
  - iv.** If the site plan is for a new wireless telecommunications facility, a landscape plan showing all screening.
  - v.** If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.
- b.** A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, such as maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
- c.** A disclosure of what is proposed, demonstrating the need for the wireless telecommunications system in the proposed location. This is not required for co-location or stealth design antennas.
- d.** The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives. This is not required if the proposal is does not involve the erection of a new tower.
- e.** The service area of the proposed wireless telecommunications system.
- f.** If the proposal is for a new telecommunications tower, then a map showing collocation opportunities within the City and within areas surrounding the borders of the City must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g.** If the proposal is for a new telecommunications tower, certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

### **2. Setbacks**

- a.** All wireless telecommunications towers must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements no less than the tower height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- b.** All wireless telecommunications facilities must be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

### **3. Height**

The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily. The application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function, which will be reviewed and approved as part of site plan review. The City has the ability to hire an independent consultant to assist in review of the proposed height, whose fee will be charged to the applicant. Where a wireless telecommunications tower exceeds the maximum height permitted in the district, the City may require additional setbacks from all lot lines.

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#### **4. Lighting and Marking**

Wireless telecommunications systems must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

#### **5. Specific Standards for Wireless Telecommunications Antennas**

Wireless telecommunications antennas are a special use in all districts, unless they are stealth design in which case they are a permitted use. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review and approval. All applications for wireless telecommunications antennas must include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- a.** To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b.** Wireless telecommunication antennas must be mounted at least 30 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design, in addition to meeting the other requirements of this section. Wireless telecommunication antennas mounted lower than 30 feet are considered a special use.
- c.** Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (must be behind the parapet wall), and steeples, and must be designed to blend in with the structure.
- d.** Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design. However, such antennas cannot increase the overall height of the existing wireless telecommunications tower.
- e.** No antenna may increase the overall height of any structure on which it is mounted by more than 12 feet.

#### **6. Specific Standards for Wireless Telecommunications Facilities**

- a.** Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site.
- b.** Commercial advertising is prohibited. Only signage that is part of the equipment as manufactured or warning signage is permitted.

#### **7. Specific Standards for Wireless Telecommunications Towers**

- a.** The use of guyed towers is prohibited. Towers must be monopoles, meaning self-supporting with no wires, cables, or beams.
- b.** Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- c.** Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a galvanized silver or gray finish.

#### **8. Specific Standards for Distributed Antenna Systems (DAS)**

If a distributed antenna systems (DAS) is installed and entirely enclosed within a principal building, the requirements of this Ordinance do not apply. These standards only apply to distributed antenna systems (DAS) installed on private property.

- a.** All equipment related to a distributed antenna system must be mounted/co-located on existing poles or other existing structures unless it can be shown that an alternate location will be less obtrusive and/or more beneficial to the public. The design of any new pole requested requires special use approval.
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b. An applicant seeking installation of a distributed antenna system must demonstrate that it has made efforts to blend or camouflage the system with existing facilities and surroundings or has otherwise screened or concealed the system from view. Approved blending methods include, but are not limited to, location of equipment other than antennas within a tree canopy or other inconspicuous location, use of green, brown or other colored equipment (if commercially available to the applicant) designed to mimic the colors and/or materials of the tree canopy, co-location structure or other nearby structures, as well as use of textures and shapes as appropriate, all with the intent of minimizing the visual impact of the system. Unnatural colors and exposed cables are prohibited.

c. All pole-mounted distributed antenna systems must be installed at a minimum height of nine feet above the ground. Equipment may be housed in a cabinet at ground level only with the approval of the City as to location and with appropriate screening.

d. Distributed antenna systems may not extend more than seven feet above the height of the existing pole or other structure on which it is installed.

e. Where distributed antenna systems are placed in residential districts, every effort must be made to avoid placement at right of way locations directly in front of a residence. If placement directly in front of a residence is absolutely necessary for technological reasons, the City has the right to require screening or impose other design mitigation requirements.

f. The City may request that a particular node or nodes be placed in an alternative location to that proposed by the applicant. Where a request for an alternative location is unable to be accommodated by an applicant, the applicant must supply an explanation in writing as to why the suggested alternative location will materially compromise the functioning of the system or is otherwise impractical.

#### **9. Abandonment**

Any wireless telecommunications system that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the tower or facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.

#### **10. Nonconformities**

a. Ordinary maintenance, including replacement/upgrading, of antenna equipment may be performed on nonconforming antennas or towers. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or tower, a variance is required.

b. Co-location of an antenna on an existing nonconforming tower is a permitted use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not increase the overall height of the nonconforming tower.

Section 15. Section 17.08.050 of the Davenport Municipal Code, entitled "Use Definitions" is hereby amended by modifying the definition of the uses "Lodge/Meeting Hall", "Place of Worship", "Public Safety Facility" and "Restaurant" to read as follows:

**Lodge/Meeting Hall.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.

**Place of Worship.** A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety

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facilities include shelter and training facilities.

**Restaurant.** An establishment where food and drinks, including alcoholic beverages, are provided to the public for on-premises consumption by seated patrons and/or for carry-out service.

Section 16. Section 17.090.030 of the Davenport Municipal Code, entitled "Accessory Structures and Uses" is hereby amended by modifying Section 17.090.030.A, entitled "General Regulations for Accessory Structures", by modifying Section 17.090.030.H.1, entitled "General Requirements for All Fences", by modifying Section 17.09.030.K, entitled "Garage, Detached and Carports", by modifying Section 17.09.030.L, entitled "Home Occupation", by deleting Section 17.09.030.M, entitled "Keeping of Equines", by reordering subsections subsequent to Section 17.09.030.M and by modifying Section 17.09.040, entitled "Permitted Encroachments (Table 17.09-1 only)" to read as follows:

**A. General Regulations for Accessory Structures**

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this section and Ordinance.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
2. Accessory structures shall be constructed out of material intended for long-term exposure to the elements. Prohibited materials include but are not limited to cloth, fabric, canvas, plastic sheets and tarps. Greenhouses are not subject to this prohibition, Shipping containers are prohibited as an accessory structure.
2. Only those accessory structures permitted by this section and Section 17.09.040 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. The use of the term "yard" refers to the area between the principal building and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension.
3. The maximum height of any detached accessory structure is 20 feet, unless otherwise permitted or restricted by this Ordinance. This does not apply to any structure accessory to an active agricultural use, which are not limited in height.
4. Detached accessory structures, including those listed in this section and Section 17.09.040, must be setback as follows, unless otherwise permitted or restricted by this Ordinance:
  - a. Four feet from any interior side lot line. This interior side setback may be reduced to two feet if the adjacent walls, or parts of walls, of the accessory building have no openings and are protected on the inside with fire-proofing materials or are constructed of fire-proof materials, as verified by the Zoning Administrator.
  - b. No closer than four feet from any rear lot line.
  - c. No structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.
5. Accessory structures are included in the calculation of all maximum impervious surface and building coverage requirements of the district.
6. The footprint of any single detached accessory structure cannot exceed the footprint of the principal building. This does not apply to any structure accessory to an active agricultural use, which are not limited in area.

**H. Fences**

**1. General Requirements for All Fences**

- a. Every fence must be maintained in a good repair and safe condition at all times. Every damaged or missing element must be repaired, removed, or replaced.
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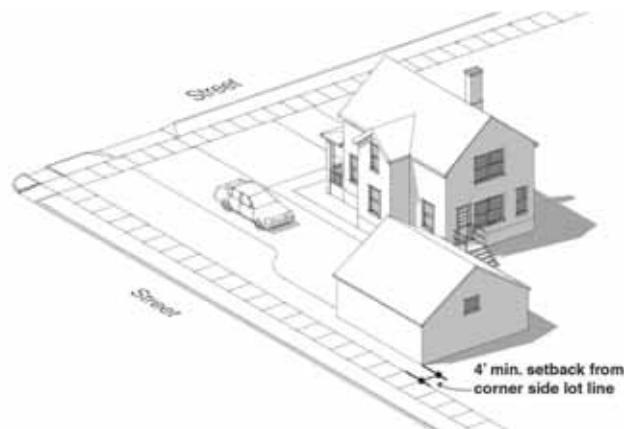
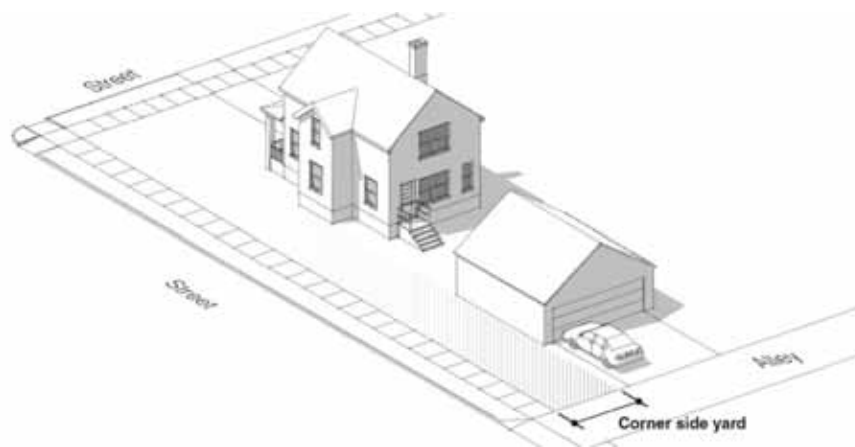
- b.** When only one side of a fence is finished, the finished side of all fences must face away from the lot on which it is located.
- c.** Fence height is measured from the adjacent ground to the highest point, except that decorative posts/pillars of a fence may exceed the maximum height by nine inches.
- d.** If a fence of a greater height is required and/or a fence is required to be a solid fence by any other section of this Ordinance or other City ordinance, then such fence is required.
- e.** Fences are prohibited within any right-of-way, drainage easement, or any designated floodway.
- f.** No barbed wire, spikes, nails, or any kind of pointed instrument may be installed on any railing, fence, guard, or other barrier or protection unless specifically allowed by the City Code.
- g.** The following materials are prohibited in the construction of fences:
  - i.** Scrap metal
  - ii.** Corrugated metal
  - iii.** Sheet metal
  - iv.** Electrical fences or any kind of electrically charged fences, unless used as part of livestock enclosures
  - v.** Razor wire
  - vi.** Pallets
  - vii.** Oriented strand board (OSB)
  - viii.** Plywood
  - ix.** Used or repurposed material

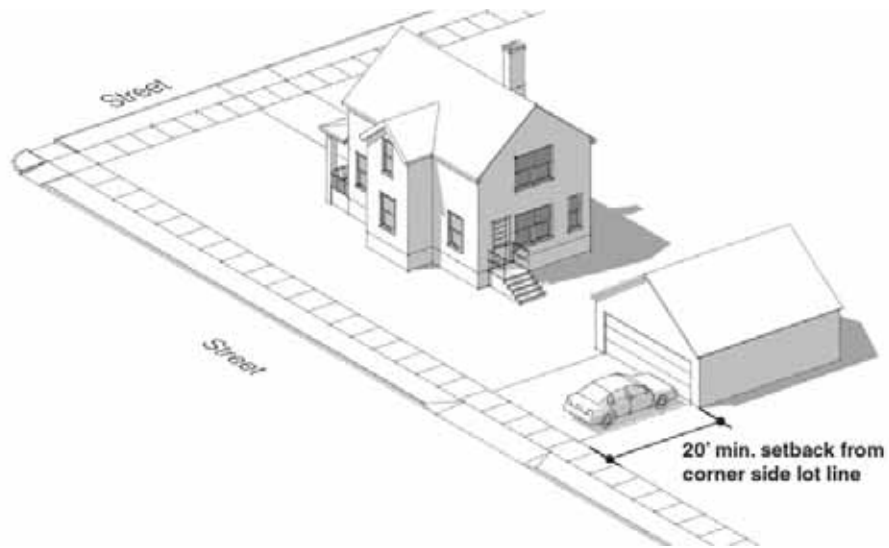
#### **K. Garages, Detached and Carports**

- 1.** Only one detached garage and one carport is permitted per lot for a single-family or two-family dwelling. Where a lot contains a detached garage and a carport, such carport must be attached to and constructed as an extension of the detached garage.
  - 2.** Detached garages and carports are permitted in the rear and interior side yards.
  - 3.** Detached garages and carports are permitted in the corner side yard, subject to the following:
    - a.** Where there is no alley access, and the garage or carport is located in the corner side yard and takes access from the abutting street, the garage or carport must be set back 20 feet from the corner side lot line.
    - b.** Where there is no alley access, and the garage or carport is located in the corner side yard but does not take access from the abutting street, the garage or carport must be set back four feet from the corner side lot line.
    - c.** Any detached garage located in a corner side yard must be set back a minimum of five feet from the front building facade line.
  - 4.** Where served by an alley or rear service drive, garages, parking pads for access and carports must take access from the alley or rear service drive. If a lot abuts an improved public alley that provides adequate access to a street, the garage or carport is not permitted within the required corner side yard setback.
  - 5.** Detached garages are subject to the following:
    - a.** Detached garages shall have the eaves of roof extend a minimum of one foot past the outside walls.
    - b.** Detached garages shall have a minimum 4/12 roof pitch.
-

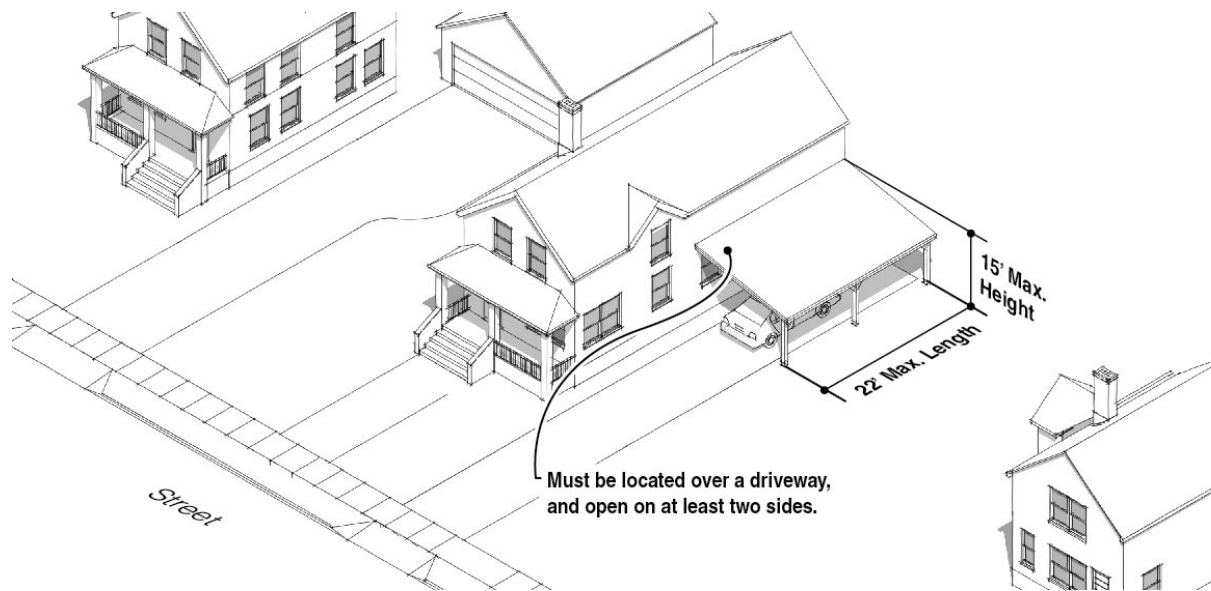
- c. Detached garages are encouraged to match the pitch of the roof of the principal dwelling.
  - d. Detached garages utilizing metal siding and/or roofing shall not have highly reflective surfaces.
  - e. Detached garages shall not contain cooking facilities or plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.
  - f. The design standards related to eaves, roof pitch and highly reflective surfaces do not apply to detached garages in the S-AG and R-1 Districts when properties are two acres in area or greater and the detached garage is located in the rear yard.
6. Carports are subject to the following:
- a. Carports must be located over a driveway.
  - b. The total length of a carport is limited to 22 feet. The height of a carport is limited to 15 feet.
  - c. A carport must be entirely open on at least two sides, with the exception of necessary support structures.
  - d. Only carports located in the rear yard may be used as recreational vehicles storage.

#### DETACHED GARAGE ACCESS





### CARPORT



## GARAGES AND CARPORTS



**Table 17.09-1: Permitted Encroachments Into Required Setbacks**

Y= Permitted // N= Prohibited

Max. = Maximum // Min. = Minimum

|                                                                                                                                                                                                                                                   | Front Setback | Corner Side Setback | Interior Side Setback | Rear Setback |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------|-----------------------|--------------|
| Accessibility Ramp                                                                                                                                                                                                                                | Y             | Y                   | Y                     | Y            |
| Air Conditioner Window Unit<br>Max. projection of 18" from building wall<br>No building permit required                                                                                                                                           | Y             | Y                   | Y                     | Y            |
| Arbor<br>No building permit required                                                                                                                                                                                                              | Y             | Y                   | Y                     | Y            |
| Awning or Sunshade<br>Max. of 2' from building wall<br>Does not include awnings used as a sign (See Chapter 17.12)                                                                                                                                | Y             | Y                   | Y                     | Y            |
| Balcony<br>Max. of 6' into front, interior side, or corner side setback<br>Max. of 8' into rear setback<br>Min. of 4' from any lot line<br>Min. vertical clearance of 8'                                                                          | Y             | Y                   | Y                     | Y            |
| Bay Window<br>Max. of 5' into any setback<br>Min. of 24" above ground                                                                                                                                                                             | Y             | Y                   | Y                     | Y            |
| Canopy (Residential Uses)<br>Max. of 5' into any setback<br>Min. of 4' from any lot line<br>Max. 15' width or no more than 3' extension on either doorway side, whichever is less<br>Does not include canopies used as a sign (See Chapter 17.12) | Y             | Y                   | Y                     | Y            |
| Canopy (Non-Residential Uses)<br>Max. of 18" from the curb line<br>Max. 15' width or no more than 3' extension on either doorway side, whichever is less<br>Does not include canopies used as a sign (See Chapter 17.12)                          | Y             | Y                   | Y                     | Y            |
|                                                                                                                                                                                                                                                   | Y             | Y                   | Y                     | Y            |

**Table 17.09-1: Permitted Encroachments Into Required Setbacks**

Y= Permitted // N= Prohibited

Max. = Maximum // Min. = Minimum

|                                                                                                                                                                                                  | Front Setback | Corner Side Setback | Interior Side Setback | Rear Setback |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------|-----------------------|--------------|
| Chimney<br>Max. of 18" into setback                                                                                                                                                              |               |                     |                       |              |
| Deck<br>Max. of 5' into corner side, or interior side setback<br>Max. of 10' into rear setback<br>Max. height of 5' above grade                                                                  | N             | Y                   | Y                     | Y            |
| Dog House<br>Prohibited in front or corner side yard<br>No building permit required                                                                                                              | N             | N                   | N                     | Y            |
| Eaves<br>Max. of 4' into setback                                                                                                                                                                 | Y             | Y                   | Y                     | Y            |
| Exterior Stairwell<br>Max. of 6' into setback<br>Prohibited in front yard                                                                                                                        | N             | Y                   | Y                     | Y            |
| Fire Escape<br>Max. of 3' into setback<br>Prohibited in front yard                                                                                                                               | N             | Y                   | Y                     | Y            |
| Fire Escape<br>Max. of 3' into setback<br>Prohibited in front yard                                                                                                                               | N             | Y                   | Y                     | Y            |
| Gazebo or Pergola<br>Prohibited in front yard                                                                                                                                                    | N             | N                   | Y                     | Y            |
| Greenhouse<br>Min. of 5' from any lot line<br>Prohibited in front and corner side yard                                                                                                           | N             | N                   | Y                     | Y            |
| Personal Recreation Game Court<br>Prohibited in front and corner side yard<br>Min. of 4' from any lot line                                                                                       | N             | N                   | N                     | Y            |
| Playground Equipment<br>Prohibited in front and corner side yard<br>Min. of 4' from any lot line<br>(This does not apply to backstops & portable basketball nets, which are allowed in any yard) | N             | N                   | N                     | Y            |
| Porch - Unenclosed<br>Max. of 5' into front, interior side, or corner side setback<br>Max. of 10' into rear setback<br>Enclosed porches are considered part of the principal structure           | Y             | Y                   | Y                     | Y            |
| Shed<br>Prohibited in front yard<br>Min. of 4' from any lot line                                                                                                                                 | N             | N                   | Y                     | Y            |
| Sidewalk<br>No min. setback from lot lines                                                                                                                                                       | Y             | Y                   | Y                     | Y            |
| Sills, belt course, cornices, and ornamental features<br>Max. of 3' into setback                                                                                                                 | Y             | Y                   | Y                     | Y            |
| Stoop<br>Max. of 4' into setback                                                                                                                                                                 | Y             | Y                   | Y                     | Y            |

**Section 17.** Section 17.10.030 of the Davenport Municipal Code, entitled "Off-Street Parking Design Standards (Figure 17.10-1 only)" is hereby amended to read as follows:

| Figure 17.10-1: Off-Street Parking Space Minimum Dimensions |                 |                 |                         |                         |                    |
|-------------------------------------------------------------|-----------------|-----------------|-------------------------|-------------------------|--------------------|
| Parking Angle                                               | Stall Width (A) | Stall Depth (B) | Aisle Width Two-Way (C) | Aisle Width One-Way (D) | Vertical Clearance |
| 0° (Parallel)                                               | 8.5'*           | 20'             | 24'                     | 12'                     | 7' 6"              |
| 90° (Head-In)                                               | 8.5'*           | 18'**           | 24'                     | 24'                     | 7' 6"              |
| 60°                                                         | 8.5'*           | 15' 7"          | 25' 10"                 | 20' 4"                  | 7' 6"              |
| 45°                                                         | 8.5'*           | 12' 9"          | 29' 8"                  | 12' 9"                  | 7' 6"              |

\* Stall width may be reduced to 8' for accessible spaces designed in accordance with Iowa Statewide Urban Design and Specifications.

\*\* Stall depth may be reduced to 16.5' if a 2' overhang area is provided in an abutting parking lot island or landscape area or pedestrian walkway.

**Section 18.** Section 17.10.040 of the Davenport Municipal Code, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces" is hereby amended by modifying Section 17.10.040.C and Section 17.10.040.E to read as follows:

**C.** The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless a shared parking arrangement is approved or such use is a multi-tenant commercial center, which has a separate requirement per item E below. The following standards for computation apply:

1. When calculating the number of required off-street spaces results in a requirement of a fractional space, said fraction is rounded up.
2. In places of assembly in which patrons or spectators occupy benches, pews, or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every five square feet in the prayer hall if prayer mat spaces are not marked.

**E.** Parking for multi-tenant commercial centers is calculated as one space required per 500 square feet of gross floor area, rather than by the individual uses.

**Section 19.** Section 17.10.070 of the Davenport Municipal Code, entitled "Required Off-Street Loading Spaces" is hereby amended by modifying Section 17.10.070.B to read as follows:

**B. Required Number of Off-Street Loading Spaces**

Off-street loading spaces must be provided in accordance with Table 17.10-4: Off-Street Loading Requirements. In the case of multi-tenant commercial centers or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one non-residential use tenant of a multi-tenant commercial center is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required).

| TABLE 17.10-4: OFF-STREET LOADING REQUIREMENTS |                           |
|------------------------------------------------|---------------------------|
| Use Type                                       | Number of Spaces Required |
| <b>Multi-Family Dwelling</b>                   |                           |
| Total of 50 dwelling units or more             | 1 loading space           |
| <b>Commercial &amp; Institutional Use</b>      |                           |
| 10,000 - 100,000sf GFA                         | 1 loading space           |
| 100,001 - 200,000sf GFA                        | 2 loading spaces          |

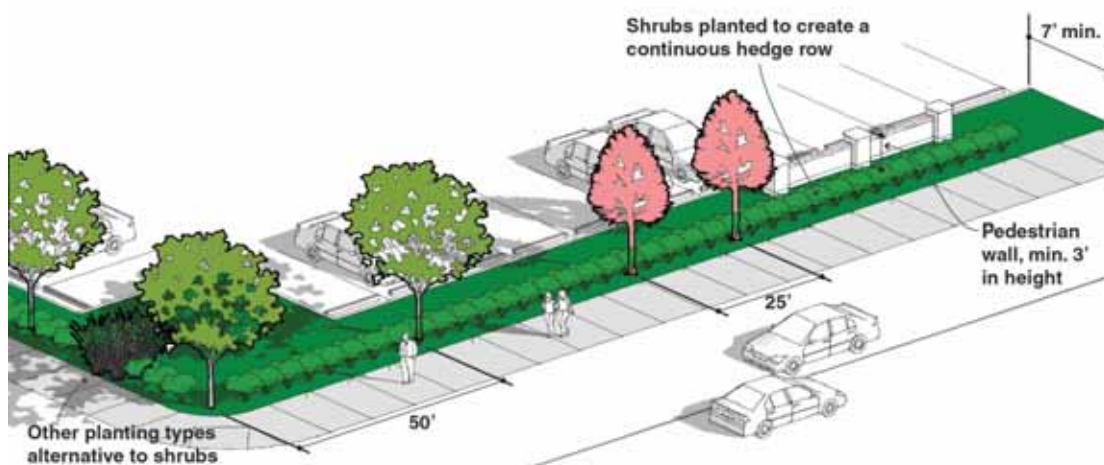
| TABLE 17.10-4: OFF-STREET LOADING REQUIREMENTS |                           |
|------------------------------------------------|---------------------------|
| Use Type                                       | Number of Spaces Required |
| 200,001sf and above GFA                        | 3 loading spaces          |
| <b>Industrial Use</b>                          |                           |
| 10,000 - 40,000sf GFA                          | 1 loading spaces          |
| 40,001 - 100,000sf GFA                         | 2 loading spaces          |
| 100,001 and above GFA                          | 3 loading spaces          |

**Section 20.** Section 17.11.050 of the Davenport Municipal Code, entitled "Parking Lot Perimeter Landscape Yard" is hereby amended to read as follows:

A perimeter landscape yard is required for all parking lots that are adjacent to streets and alleys, and must be established along the edge of the parking lot to create a visually attractive environment. A perimeter landscape yard is also required where a parking lot is adjacent to a public space such as a plaza, public seating area, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian accessways. The landscaped area must be improved as follows:

- A.** The perimeter parking lot landscape area must be at least five feet in width along a street or public space. This area shall be increased to seven feet in width if it is utilized as an off-street parking space stall overhang. The perimeter parking lot landscape area must be at least five feet in width along an alley. The C-D and C-V Districts are exempt from perimeter parking lot landscape along an alley; vehicle parking must not overhang into an alley right-of-way.
- B.** Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height may be used.
- C.** A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.
- D.** Alternatively, a low pedestrian wall a minimum of three feet to a maximum of four feet in height may be used. The pedestrian wall must be masonry, brick, or stone; unfinished CMU is prohibited. No shade trees are required. Required shrubs must be installed between the sidewalk and the wall to provide a softening effect.
- E.** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Mulch or other permeable landscape materials are required for any remaining area.

**PARKING LOT PERIMETER LANDSCAPE YARD**



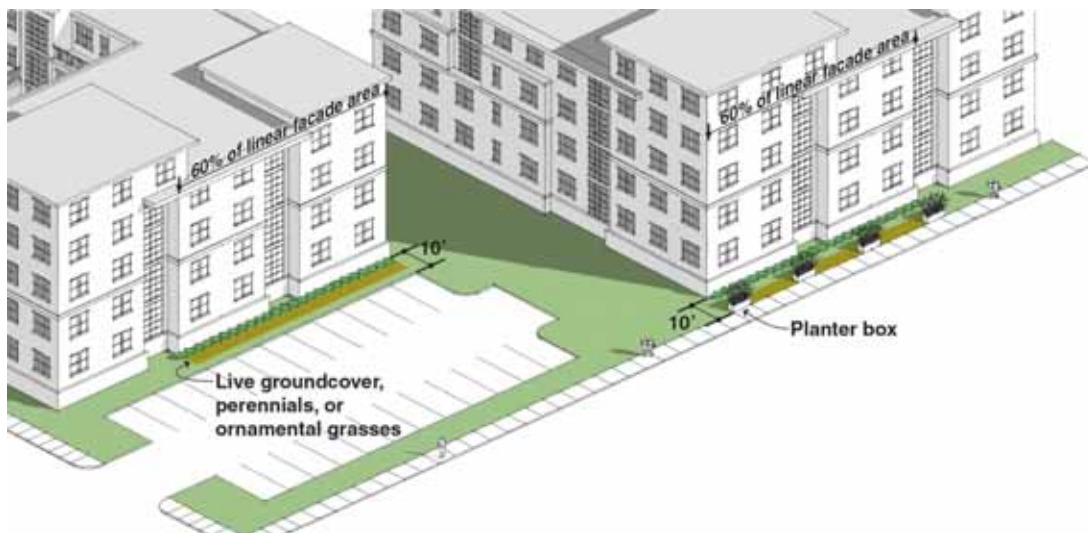
**Section 21.** Section 17.11.070 of the Davenport Municipal Code, entitled "Site Landscape" is hereby amended to read as follows:

**A.** Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill. Section 17.11.090 contains additional requirements for on-site tree plantings for certain districts.

**B.** Where multi-family and nonresidential (including mixed-use) developments are located ten feet or more from a street lot line and where the front, corner side, or interior side façade is adjacent to a parking area, foundation landscape must be planted as described below. This planting area is required along 60% of the linear façade area. This percentage may be reduced to accommodate building functional operations during landscape plan review.

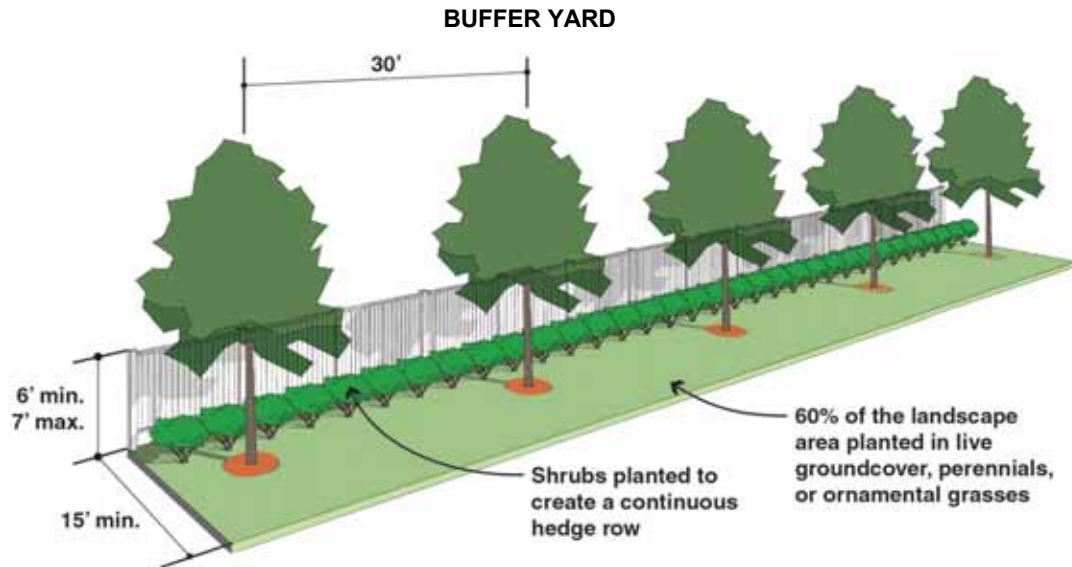
1. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.
2. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Mulch or other permeable landscape materials are required for any remaining area.
3. As an alternative, planted pots and/or planter boxes may be used to satisfy up to 30% of the total landscape area requirement if approved as part of the landscape plan. The landscape plan must show the materials and/or models of pots and planter boxes.

**SITE LANDSCAPE**



**Section 22.** Section 17.11.080 of the Davenport Municipal Code, entitled "Buffer Yards (Section 17.11.080.C.6 only)" is hereby amended to read as follows:

6. Unless otherwise specifically required by the use standards of this Ordinance, such as required by the use standards of Chapter 17.08, a solid fence or wall, constructed of wood, vinyl, brick, masonry, or stone must be erected along 100% of the buffer yard length, with the exception of ingress/egress points. If constructed on a berm, the height of the berm is included and the maximum height of fence and berm is seven feet.
  - a. The solid fence or wall must be a minimum of six feet and a maximum of seven feet in height along the rear lot line.
  - b. The solid fence or wall must a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the abutting lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.



**Section 23.** Section 17.14.020 of the Davenport Municipal Code, entitled “Notice” is hereby amended to read as follows:

**A. Notice**

Table 17.14-1: Notice indicates the types of notice for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

| Table 17.14-1: Notice    |                  |                        |                        |               |
|--------------------------|------------------|------------------------|------------------------|---------------|
| Zoning Application       | Type             |                        |                        |               |
|                          | Published Notice | Mailed Courtesy Notice | Mailed Required Notice | Posted Notice |
| Zoning Text Amendment    | •                |                        |                        |               |
| Zoning Map Amendment     | •                | •                      | •                      | •             |
| Special Use              | •                | •                      |                        | •             |
| Hardship Variance        | •                | •                      |                        | •             |
| Design Review            |                  |                        |                        |               |
| Planned Unit Development | •                | •                      |                        | •             |
| Administrative Exception |                  |                        | •                      |               |
| Zoning Appeals           | •                |                        |                        |               |

**B. Published Notice**

When published notice is required, the Zoning Administrator will publish notice in a newspaper of general circulation within the City. The notice must include the date, time, and location of the hearing/decision, description of the application, the name of the applicant, and the address or locational description if address is not available of the subject property. Notice must be published as follows:

1. Hearing before the Plan and Zoning Commission or Zoning Board of Adjustment: No less than four days and no more than 20 days in advance of the scheduled hearing date.
2. Hearing before the City Council: No less than seven days and no more than 20 days in advance of the scheduled hearing date.

## **C. Mailed Courtesy Notice**

### **1. General Notice Requirements**

- a. The city may mail notice.
- b. The notice should include the date, time, and location of the hearing/decision, description of the application, the name of the applicant, and the address or locational description if address is not available of the subject property.
- c. Nothing in this section prevents the applicant from giving additional notice as he/she may deem appropriate.

### **2. Mailed Notice**

The City may follow the following standards when mailing courtesy notices per Table 17.14-1. Courtesy notice is not required. If notice does not meet these standards or is not mailed, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing.

- a. Courtesy notice may be mailed to all property owners within 200 feet of the lot line of the subject property.
- b. Courtesy notice may be mailed as follows:
  - i. Hearing before the Plan and Zoning Commission or Zoning Board of Adjustment: No less than four days and no more than 20 days in advance of the scheduled hearing date.
  - ii. Hearing before the City Council: No less than seven days and no more than 20 days in advance of the scheduled hearing date.
- c. When a zoning map amendment is proposed by the City, notification will also be mailed to the owner of the subject property.

### **3. Mailed Required Notice**

Per Table 17.14-1, administrative exceptions require mailed notice.

- a. Notice will be mailed to property owners abutting the subject property as well as the property owner(s) located directly across the street.
- b. Notice will be mailed no less than four days and no more than 20 days in advance of the date the Zoning Administrator may render a decision.

## **D. Posted Notice**

The City may follow the following standards when posting notices per Table 17.14-1. Posted notice is not required. If notice does not meet these standards or is not posted, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing.

1. The City may post notice on the subject property.
  2. The sign may be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage may be required to post one sign visible on each street frontage.
  3. The posting period may be no less than four days and no more than 20 days in advance of the scheduled hearing date.
  4. The applicant is responsible for removal of a sign within ten days of the issuance of a decision.
-

**Section 24.** Section 17.14.040 of the Davenport Municipal Code, entitled "Zoning Text and Map Amendment (Section 17.14.040.D only)" is hereby amended to read as follows:

**D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan and Zoning Commission. Amendments initiated by a City Council, commission, or official also require an application, but are exempt from fees.

**1. Neighborhood Meeting**

The City may require the applicant to conduct a neighborhood meeting prior to the Plan and Zoning Commission public hearing. A neighborhood meeting is not required. If the neighborhood meeting does not meet these standards or does not occur, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing

- a. The purpose of the neighborhood meeting is to share the details of the application, answer questions, and receive feedback.
- b. The City may mail notification of the meeting to all property owners within the 200 feet of the subject property. The City may expand the notification of the neighborhood meeting if deemed warranted.
- c. The applicant must provide the City with a list of attendees following the neighborhood meeting.

**Section 25.** Section 17.14.090 of the Davenport Municipal Code, entitled "Site Plan Review" is hereby amended by adding Section 17.14.090.F, entitled "Minor Adjustments to Certain Design Standards" and by modifying the Sections subsequent to Section 17.14.090.F to read as follows:

**F. Minor Adjustments to Certain Design Standards**

The Zoning Administrator is authorized to grant minor adjustments to off-street parking and loading and landscape design standards when carrying out the requirement may cause a minor practical difficulty. Such adjustment may be granted when it will not adversely affect the purposes and intent of this chapter or simply grant a convenience to the applicant.

**G. Modifications to Approved Site Plans**

1. An application for a modification to an approved site plan must be submitted to the Zoning Administrator. Modification applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
  2. The Zoning Administrator may approve the following minor modifications to approved site plans. Only those elements of the site plan being modified need to be submitted for review.
    - a. Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
    - b. Exterior renovations to a building facade when in conformance with the requirements of this Ordinance.
    - c. The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
    - d. The construction of additional bicycle or parking spaces.
    - e. The addition of any open space.
    - f. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance.
    - g. Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required and remains in conformance with all landscape requirements.
-

h. The modification of existing signs or the addition of new signs when in conformance with the requirements of the Ordinance.

3. Any modification not considered a minor modification requires resubmittal of a full site plan.

#### **H. Expiration**

The site plan approval expires if a building permit has not been issued or construction has not begun within one year after the date of site plan approval. An extension of this one year validity period may be granted by the Zoning Administrator prior to the expiration date of the approval, if the applicant requests an extension in writing prior to the expiration date of the approval.

Section 26. Section 17.14.100 of the Davenport Municipal Code, entitled "Design Review (Section 17.14.100.D.2 only)" is hereby amended to read as follows:

2. The following are exempt from Design Review Board approval:

a. Properties listed on the Davenport Register of Historic Places and/or demolition of a building listed on the National Register of Historic Places, which are subject to the review authority of the Historic Preservation Commission.

b. The Zoning Administrator is authorized to approve design proposals as determined by the Design Review Board.

**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.

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First Consideration:

Second Consideration:

Approved:

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Frank Klipsch, Mayor

Attest: \_\_\_\_\_  
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on \_\_\_\_\_

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## ORDINANCE NO. 2019 -

Case ORD19-02: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code (hereto referred to as DMC), entitled "Zoning", by amending Section 17.02.010 of the DMC, entitled "Rules of Interpretation" by adding and defining the term "should" and by reordering the subsequent rules, by amending Section 17.02.030 of the DMC, entitled "Definition of General Terms" by adding and defining the terms "Adjacent" and "Façade" to the existing list of Definition and General Terms and by revising the definitions of the terms "Sign, Freestanding" by correcting a term inconsistency, "Stoop" by adding a maximum dimension and "Substantial Repair/Rehabilitation" by revising unclear language, by amending Section 17.04.010 of the DMC, entitled "Purpose Statements" by modifying Section 17.04.010.G by replacing single-family dwellings with semi-detached dwellings in the purpose statement, by amending Section 17.04.030 of the DMC, entitled "Dimensional Standards" by modifying Table 17.04-1 by deleting "SF" and related standards and adding a five foot interior side setback for "2F" and "SF-SD" within the "R-MF" District, by amending Section 17.04.050 of the DMC, entitled "R-3C and R-4C District Design Standards" by deleting language and a diagram related to garages, carports and alley access, by amending Section 17.05.010 of the DMC, entitled "Purpose Statement" by revising the locational intent, by amending Section 17.05.040 of the DMC entitled "Design Standards" by modifying Table 17.05-2 by replacing the term "abut" with "face" and the term "abutting" with "facing", by clarifying unclear language, by deleting overly restrictive transparency requirements for outlot buildings and by revising reduced setback language for commercial centers so that it is permissive and not mandatory (the diagram for Multi-Tenant Commercial Center Site Design Standards is also modified), by amending Section 17.05.050 of the DMC, entitled "C-D District Standards" by modifying Section 17.05.050.C by correcting a scrivener's error, by amending Section 17.05.060 of the DMC, entitled "C-V District Standards" by modifying Section 17.05.060.C by correcting a scrivener's error, by amending Section 17.05.070 of the DMC, entitled "C-E District Standards" by modifying Section 17.05.070.C by correcting a scrivener's error, by amending Section 17.06.030 of the DMC, entitled "Dimensional Standards" by modifying Table 17.06-1 by reducing the minimum interior side setback from five feet to none in certain circumstances, by amending Section 17.07.020 of the DMC, entitled "S-OS Open Space District" by modifying Section 17.07.020.A by adding additional uses to the purpose statement, by amending Section 17.08.020 of the DMC, entitled "Use Matrix" by modifying Table 17.08.020 by adding "Amusement Facility – Indoor", "Animal Care Facility – Small Animal" and "Parking Lot (Principal Use)" to the list of permitted uses in the I-1 District, by adding "Dwelling – Multi-Family" and "Dwelling – Townhouse" to the list of permitted uses in the I-MU District, by adding "Government Office/Facility", "Public Safety Facility" and "Restaurant" to the list of permitted uses in the S-OS District, by adding the use "Equine, Keeping of/Equestrian Facility" to the list of

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permitted uses in the R-1 and S-AG Districts, by revising the "Use Standard" section for "Dwelling – Townhouse" and by reordering the "Use Standard" subsections subsequent to Section 17.08.030.P, by amending Section 17.080.030 of the DMC, entitled "Principal Use Standards" by modifying Section 17.080.030.D, entitled "Billboard" by deleting reference to the same side of the street, by modifying Section 17.08.030.N, entitled "Dwelling – Multi-Family or Townhouse" by deleting reference and standards related to a townhouse and by deleting "Aluminum, steel or other metal siding" and "Vinyl" from the listed of prohibited building materials, by modifying Section 17.080.O, entitled "Dwelling - Single-Family, Single-Family Semi-Detached, and Two-Family" by adding reference to and standards related to a townhouse, by creating a point system for front façade design, by revising certain language and a diagram to support this point system, by deleting the "Transition Rule for Section 17.080.030.O.3" provision, by adding Section 17.08.030.P, entitled "Equine, Keeping of/Equestrian Facility" and related principal use standards, by reordering subsections subsequent to Section 17.08.030.P and by deleting language in Section 17.08.030.DD (being revised to Section 17.08.030.EE) regarding distributed antenna systems in the right-of-way, by amending Section 17.08.050 of the DMC, entitled "Use Definitions" by revising the definition of the uses "Lodge/Meeting Hall" and "Place of Worship" by including language regarding the service and/or sale of food and drinks as an ancillary use, by revising the definition of the use "Public Safety Facility" by deleting reference to canine and equine units and by revising the definition of the use "Restaurant" to include language regarding alcoholic beverages, by amending Section 17.090.030 of the DMC, entitled "Accessory Structures and Uses" by modifying Section 17.090.030.A, entitled "General Regulations for Accessory Structures" by adding a material standard and a prohibition on the use of shipping containers, by modifying Section 17.090.030.H.1, entitled "General Requirements for All Fences" by deleting reference to walls and by revising and deleting certain language regarding the finished side of all fences, by modifying Section 17.09.030.K, entitled "Garage, Detached and Carports", by adding language and a diagram requiring access from the alley or rear service drive, by creating design standards for detached garages, by deleting the "Sunset for Section 17.09.030.K.4.d" provision, by deleting language regarding temporary tent structures, by modifying Section 17.09.030.L, entitled "Home Occupation" by adding language to prohibit any business that provides physical good, products, or merchandise directly to the consumer, by deleting Section 17.09.030.M, entitled "Keeping of Equines", by reordering subsections subsequent to Section 17.09.030.M and by modifying Table 17.09-1 by deleting the phrase "Prohibited in the front yard" from the encroachment term "Deck", by amending Section 17.10.030 of the DMC, entitled "Off-Street Parking Design Standards" by revising certain off-street parking space minimum dimensions and aisle width in Figure 17.10-1, by amending Section 17.10.040 of the DMC, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces" by modifying Section 17.10.040.C by correcting a term inconsistency and Section 17.10.040.E by deleting a definition contained elsewhere in Title 17, by amending Section 17.10.070 of the DMC, entitled "Required Off-Street Loading Spaces" by modifying Section 17.10.070.B by correcting a term inconsistency, by amending Section 17.11.050 of the DMC, entitled "Parking Lot Perimeter Landscape Yard" by requiring a perimeter landscape yard when a parking lot is adjacent to streets, alleys and public spaces and by revising the width of

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the perimeter parking lot landscape area in certain circumstances, by amending Section 17.11.070 of the DMC, entitled "Site Landscape" by replacing the term "abuts" with the phrase "is adjacent to", by amending Section 17.11.080 of the DMC, entitled "Buffer Yards" by modifying Section 17.11.080.C.6 by including vinyl as a permitted fence material, by amending Section 17.14.020 of the DMC, entitled "Notice" by deleting "required" in certain subsections and by revising certain mandatory language to permissive language in certain subsections, by amending Section 17.14.040 of the DMC, entitled "Zoning Text and Map Amendment" by modifying Section 17.14.040.D by revising mandatory language to permissive language, by amending Section 17.14.090 of the DMC, entitled "Site Plan Review" by adding Section 17.14.090.F, entitled "Minor Adjustments to Certain Design Standards" and subsection standards, by reordering subsections subsequent to Section 17.14.090.F and by correcting a scrivener's error in Section 17.14.090.G (revised to Section 17.14.090.H) and by amending Section 17.14.100, entitled "Design Review" by modifying Section 17.14.100.D.2 by adding "and/or National Register of Historic Places". [Ward All]

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

Section 1. Section 17.02.010 of the Davenport Municipal Code, entitled "Rules of Interpretation" is hereby amended to read as follows:

#### **Section 17.02.010 Rules of Interpretation**

The terms in the text of this Ordinance are interpreted in accordance with the following rules of construction:

- A.** The singular number includes the plural, and the plural the singular.
- B.** The present tense includes the past and future tenses, and the future tense includes the present.
- C.** The terms "must," "shall," and "will" are mandatory.
- D.** The term "should" is mandatory unless extenuating circumstances warrant administrative flexibility.
- ~~D~~.E.** The term "may" is permissive.
- ~~E~~.F.** The terms "must not," "will not," and "shall not" are prohibiting.
- ~~F~~.G.** Any gender includes all genders.
- ~~G~~.H.** Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

Section 2. Section 17.02.030 of the Davenport Municipal Code, entitled "Definition of General Terms" is hereby amended by adding and defining the terms "Adjacent" and "Façade" to the existing list of Definition and General Terms and by revising the definitions of the terms "Sign, Freestanding", "Stoop" and "Substantial Repair/Rehabilitation" to read as follows:

#### Section 17.02.030 Definition of General Terms

**Adjacent.** Close to or near something.

**Façade.** The vertical face of a building, including any insets and protrusions, which contribute the aesthetic and/or structure design of the building.

**Sign, Freestanding.** A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. There are three types of freestanding signs regulated by this Ordinance:

1. **Freestanding Sign – Standard.** A freestanding sign that identifies an establishment that is not specifically categorized as a residential subdivision freestanding sign or a multi-tenant **retail commercial** center freestanding sign.
2. **Freestanding Sign – Residential Subdivision.** A freestanding sign used to identify a residential subdivision.
3. **Freestanding Sign – Multi-Tenant **Retail Commercial** Center.** A freestanding sign used to identify a commercial development with two or more tenants.

#### FREESTANDING SIGN



#### FREESTANDING SIGN



**Stoop.** An exterior floor **having a maximum dimension of five feet wide by five feet long**, typically constructed of **wood**, stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

**Substantial Repair/Rehabilitation.** Substantial repair/rehabilitation 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.

**Section 3.** Section 17.04.010 of the Davenport Municipal Code, entitled "Purpose Statements (Section 17.04.010.G only)" is hereby amended to read as follows:

**G. R-MF Multi-Family Residential Zoning District**

The R-MF Multi-Family Residential Zoning District is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including single-family semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

**Section 4.** Section 17.04.030 of the Davenport Municipal Code, entitled "Dimensional Standards (Table 17.04-1 only)" is hereby amended to read as follows:

| Table 17.04-1: Residential Districts Dimensional Standards<br>SF = Single-Family // SF-SD = Single-Family Semi-Detached // 2F = Two-Family // TH = Townhouse // MF = Multi-Family |                                                                              |                                                                                                               |                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                   | R-4                                                                          | R-4C                                                                                                          | R-MF                                                                                                                                                                        |
| <b>Bulk</b>                                                                                                                                                                       |                                                                              |                                                                                                               |                                                                                                                                                                             |
| <b>Minimum Lot Area</b>                                                                                                                                                           | SF: 6,000sf<br>SF-SD: 3,500sf/du<br>2F: 7,000sf<br>Non-Residential: 10,000sf | SF: 4,000sf<br>SF-SD: 2,500/du<br>2F: 5,500sf<br>Non-Residential: 10,000sf                                    | SF: 2F: 6,000sf<br>SF-SD: 2,500/du<br>TH, MF: 1,500sf/du<br>Non-Residential: 10,000sf                                                                                       |
| <b>Minimum Lot Width</b>                                                                                                                                                          | SF & 2F: 50'<br>SF-SD: 25'/du<br>Non-Residential: 75'                        | SF & 2F: 40'<br>SF-SD: 25'/du<br>Non-Residential: 75'                                                         | SF: 2F: 50'<br>SF-SD: 25'/du<br>TH: 20'/du<br>MF: 80'<br>Non-Residential: 75'                                                                                               |
| <b>Maximum Building Height</b>                                                                                                                                                    | 35'                                                                          | 35'                                                                                                           | SF: 2F, TH: 35'<br>MF: 70'                                                                                                                                                  |
| <b>Maximum Building Coverage</b>                                                                                                                                                  | 35%                                                                          | 40%<br>Non-Residential: 35%                                                                                   | SF: 40%<br>SF-SD & 2F: 50%<br>TH, MF: 65%                                                                                                                                   |
| <b>Maximum Impervious Surface</b>                                                                                                                                                 | 60%<br>Non-Residential: 70%                                                  | 60%<br>Non-Residential: 70%                                                                                   | SF: 60%<br>SF-SD & 2F: 70%<br>TH, MF: 75%<br>Non-Residential: 75%                                                                                                           |
| <b>Setbacks</b>                                                                                                                                                                   |                                                                              |                                                                                                               |                                                                                                                                                                             |
| <b>Minimum Front Setback</b>                                                                                                                                                      | 20' or average of front setbacks,<br>whichever is less                       | 15' or average of front setbacks,<br>whichever is less                                                        | 25'                                                                                                                                                                         |
| <b>Minimum Interior Side Setback</b>                                                                                                                                              | 5'                                                                           | 10% of lot width, or 5',<br>whichever is less<br>In no case shall an interior side<br>setback be less than 4' | 2F, SF-SD: 5'<br>TH, MF: 10' - When abutting a<br>residential district, structures<br>over 45' in height require 1'<br>additional setback for each 3' in<br>height over 45' |
| <b>Minimum Corner Side Setback</b>                                                                                                                                                | 15'                                                                          | 10'                                                                                                           | 20'                                                                                                                                                                         |
| <b>Minimum Reverse Corner Side Setback</b>                                                                                                                                        | 20'                                                                          | 15'                                                                                                           | 25'                                                                                                                                                                         |
| <b>Minimum Rear Setback</b>                                                                                                                                                       | 20' or 20% of lot depth,<br>whichever is less                                | 15' or 20% of lot depth,<br>whichever is less                                                                 | 25' or 20% of site depth,<br>whichever is less                                                                                                                              |

**Section 5.** Section 17.04.050 of the Davenport Municipal Code, entitled "R-3C and R-4C District Design Standards" is hereby amended to read as follows:

In addition to the use standards for dwelling types located in Chapter 17.08, the following design standards apply to the R-3C and R-4C Districts. The standards below are applicable to construction of a new dwelling, ~~construction of a new garage and/or carport,~~ and/or an addition to an existing dwelling that exceeds 25% of the building footprint of the structure as it was on the effective date of this Ordinance.

**A. Building Massing and Orientation**

1. The scale of new construction must maintain compatibility with adjacent homes and the overall character of the surrounding area.
2. Architectural elements within the design must be in proportion to the overall structure.
3. The scale of additions to existing homes must maintain compatibility with the size of the existing structure and its architectural elements, as well as with the size of adjacent homes and the overall character of the surrounding area.
4. Foundation height must maintain compatibility with adjacent homes, provided adequate drainage can be achieved.
5. Dwellings must be oriented toward the residential street, and must connect to the sidewalk via walkways perpendicular to the street.
- ~~6. Where served by an alley or rear service drive, dwellings must orient garages or parking pads for access from the alley or rear service drive.~~

**B. Façade Design**

1. All façades that face a street must have articulation in the form of windows, doors, or other significant architectural features that are projected or recessed to create shadow and visual interest.
2. The number and size of façade articulations must be scaled to the size of the façade to balance a home's compatibility within the neighborhood with its own unique character.
3. Additions to existing homes must continue the architectural vocabulary established by the original home, and must be informed by the overall character of the surrounding area.
4. Front porches are encouraged, to add interest and scale to the front of a home. Where provided, porches must maintain compatibility with adjacent homes.
5. The front entry to a home must be a prominent feature, and must be located on the front façade.

**C. Fenestration**

1. The design of a home's fenestration must reflect a consistent rhythm, repeating elements or groups of elements in a consistent manner across a home's story and between stories. Individual elements may vary in size, but must relate to each other proportionally.
  2. Elements of fenestration must relate to each other visually by sharing design features such as vertical or horizontal alignment, depth, or ornamentation such as muntins, mullions, sills, trim, lintels, etc.
  3. Façades facing onto immediately adjacent properties must design their fenestration to respect the privacy of neighbors. This may be addressed through the height, size, or proportion of windows, the exclusion of balconies, and the use of opaque or translucent materials.
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## **D. Roof Form**

1. Roof forms must be varied through a combination of structural articulations such as gables, hips, valleys, ridges, and saddles that complement the roof form of adjacent homes.
2. Roof pitch should be consistent for all sloped roof faces, and should maintain compatibility with adjacent homes and the overall character of the surrounding area.
3. Definition is encouraged, through integration of architectural features such as dormers, eyebrows, chimneys, and deep eaves, which create shadows across the façade of a structure and create visual interest.

## **E. Building Materials**

Building materials for new homes, or additions to existing homes must maintain compatibility with adjacent homes and the overall character of the surrounding area.

### **1. Primary Building Materials**

Primary building materials are the dominant component of a home's exterior walls, composing 75 to 90 percent of each building face.

- a. No more than two primary building materials are permitted for new homes, not including foundation.
- b. For additions to existing homes, no more than two primary building materials are permitted, provided that the total number of primary building materials for the overall structure, including addition, is not more than two.
- c. Color, texture, or finish changes within any category of materials count as separate primary building materials.
- d. Permitted primary building materials include:
  - i. Brick and stone
  - ii. Wood or simulated wood
  - iii. Vinyl siding
  - iv. Aluminum Siding
  - v. Stucco
- e. Building materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

### **2. Accent Materials**

Accent materials are secondary components of a home's exterior walls, typically used to provide architectural detail or visual interest to a façade. Accent materials may not compose more than 25% of each building face.

- a. For new construction and additions to existing homes, if one primary building material is used (not including a foundation), a minimum of two but no more than three accent materials are permitted for the overall structure, including any addition.
  - b. For new construction and additions to existing homes, if two primary building materials are used (not including a foundation), a minimum of one but no more than two accent materials are permitted for the overall structure, including any addition.
  - c. Color, texture, or finish changes within any category of materials count as separate accent materials.
  - d. Permitted accent materials include:
    - i. Brick and stone
    - ii. Wood or simulated wood
-

iii. Architectural metal cladding

iv. Concrete masonry units

v. Stucco

e. Accent materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

### **3. Roofing Materials**

a. Roofing materials should complement the architectural style of a home.

b. A consistent application of one roofing material is required for all roof areas visible from the right of way or any neighboring property.

c. Color, texture, or finish changes within any category of materials listed below count as separate roofing materials.

d. Permitted roofing materials include the following:

i. Dimensional asphalt shingles

ii. Wood shingles and shakes

iii. Slate

iv. Terra Cotta

v. Ceramic tile

vi. Metal tiles or standing seam

e. Roofing materials not listed above will be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

### **4. Application of Building Materials**

a. Building materials should be consistently applied on all exterior faces of new homes. Elevations of different materials or colors are not permitted, such as brick or stone front facades, with vinyl siding on side and rear elevations.

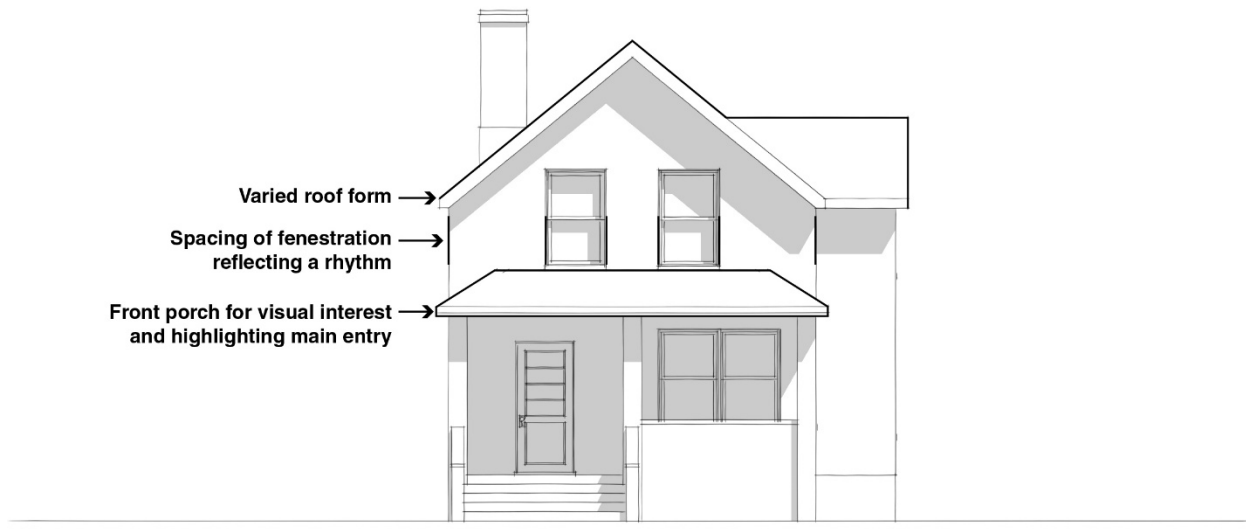
b. Visual balance should be maintained on each face of a structure. For both new construction and additions to existing homes, if multiple primary building materials are used on the overall structure, those that appear heavier, or that carry more visual weight should be placed toward the bottom of a structure, with materials that appear lighter placed above.

c. Frequent or irrational changes in building materials should be avoided. Change of materials should occur with prominent architectural features or changes in wall plane.

d. Where materials change with a change in wall plane, the material change should occur on the inside corner, not the outside edge.

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## R-3C AND R-4C DISTRICT DESIGN STANDARDS



## R-3C AND R-4C DISTRICT DESIGN STANDARDS



Section 6. Section 17.05.010 of the Davenport Municipal Code, entitled "Purpose Statement" is hereby amended to read as follows:

### C. C-2 Corridor Commercial Zoning District

The C-2 Corridor Commercial Zoning District is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along the minor arterials streets and collectors streets adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport's commercial corridors.

## Section 7. Section 17.05.040 of the Davenport Municipal Code, entitled “Design Standards” is hereby amended to read as follows:

The following design standards apply to new construction, substantial repair or rehabilitation of the exterior façade of an existing structure meant to remedy damage or deterioration, and additions to an existing structure in the commercial districts, with the exception of the C-D, C-V, and C-E Districts. Design standards for development in the C-D, C-V, and C-E Districts are found in Sections 17.05.050, 17.05.060, and 17.05.070 respectively, below. Only those standards that relate to the specific repair, rehabilitation action, or addition apply. These standards do not apply to interior remodeling.

### A. Commercial Districts Design Standards

Table 17.05-2: Commercial Districts Design Standards establishes the design standards for the commercial districts. In the table, a “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard does not apply to the district.

| Table 17.05-2: Commercial Districts Design Standards                                                                                                                                                                                                                                                                                                                                                                                                     |     |     |     |     |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C-T | C-1 | C-2 | C-3 | C-OP |
| <b>Façade Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     |     |     |     |     |      |
| Building façades that <b>abut face</b> a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 40 linear feet, measured parallel to the street.                                                                                                                                                                                                                                                                           | •   | •   | •   | •   |      |
| Building façades in excess of 100 linear feet that <b>abut face</b> a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, building material change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet. | •   | •   | •   | •   |      |
| Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.                                                                                                                                                                                                                                                                 |     |     |     |     | •    |
| All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade.                                                                                                                                                                                                                                                                | •   | •   | •   | •   |      |
| Building materials and visual elements used on the façade of the primary building frontage must continue on all building façades that <b>abut face</b> a public right-of-way (excluding alleys) and/or the lot line of a residential district.                                                                                                                                                                                                           | •   | •   | •   | •   |      |
| Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.                                                                                                                                                                                                                                                                                                                                             | •   | •   | •   | •   | •    |
| <b>Fenestration Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |     |     |     |     |      |
| The ground floor of a façade <b>abutting facing</b> a public right-of-way (excluding alleys) must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade.                                                                                                                                                                                                                                                        |     | •   | •   |     |      |
| The ground floor of a façade <b>abutting facing</b> a public right-of-way (excluding alleys) must maintain a minimum transparency of 35%, measured between two and ten feet in height.                                                                                                                                                                                                                                                                   |     |     |     | •   |      |
| Upper floors of a façade <b>abutting facing</b> a public right-of-way (excluding alleys) must maintain a minimum transparency of 15% of the wall area of the story.                                                                                                                                                                                                                                                                                      | •   | •   | •   |     |      |
| <b>Roof Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       |     |     |     |     |      |
| Rooflines over 100 linear feet in building length must contain variation, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.                                                                                                                                                                             | •   | •   | •   | •   |      |
| Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.                                                                                                                                                                                                                                                                                                            | •   | •   | •   | •   |      |
| Any roof that is visible from a public right-of-way must be shingle or colored standing seam metal roofing.                                                                                                                                                                                                                                                                                                                                              | •   | •   | •   | •   |      |
| Green roof, blue roof, and white roof designs are encouraged.                                                                                                                                                                                                                                                                                                                                                                                            | •   | •   | •   | •   | •    |
| Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.                                                                                                                                                                                                                                                  | •   | •   | •   | •   | •    |
| <b>Entrance Design</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   |     |     |     |     |      |
| Public entrances and primary building elevations must be oriented toward <b>a public streets</b> . Main entrances to the buildings must be well defined.                                                                                                                                                                                                                                                                                                 |     |     |     |     | •    |
| Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.                                                                                                                                                                                                                                                                                                 |     |     |     |     | •    |

| Table 17.05-2: Commercial Districts Design Standards                                                                                                                                                                                                                                                                      |     |     |     |     |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|------|
|                                                                                                                                                                                                                                                                                                                           | C-T | C-1 | C-2 | C-3 | C-OP |
| <b>Multi-Tenant Commercial Center and Office Park Site Design</b>                                                                                                                                                                                                                                                         |     |     |     |     |      |
| Sites must be designed to ensure safe pedestrian access to the commercial center from the public right-of-way, and safe pedestrian circulation within the development.                                                                                                                                                    |     | •   | •   | •   |      |
| A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.                                                                                                                                   |     | •   | •   | •   |      |
| Any outlot buildings must meet the minimum transparency requirements of the district on all facades except where such transparency on part or all of a facade would reveal preparation and/or storage areas. Prominent entrances must be oriented toward both the street and the interior parking lot.                    |     |     |     | •   |      |
| Commercial centers must may provide definition along the street frontage by located locating part of the center or outlot buildings within 0' to 25' of the front lot line for a minimum of 30% of the frontage. The center or any outlot buildings may be placed within a required setback to comply with this standard. |     |     |     | •   |      |
| In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project.                                                                             |     |     |     |     | •    |
| Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.                                                                                                                                                 |     |     |     |     | •    |

## B. Building Material Restrictions

In commercial districts (excluding the C-D, C-V, and C-E Districts), the following building materials are prohibited on any façade facing a public right-of-way (excluding alleys) or any façade that abuts the lot line of a residential district. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings (does not apply to C-1 and C-2 Districts)
4. Exposed aggregate (rough finish) concrete wall panels
5. T-111 composite plywood siding
6. Plastic
7. Vinyl

## C-1 DISTRICT DESIGN STANDARDS



- |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A. Blank wall area 40 linear feet or less, measured parallel to the street</p> <p>B. Repeating pattern of two elements at an interval of no more than 40 linear feet</p> <p>C. A visually distinct public entrance from the sidewalk along the primary building frontage</p> <p>D. First floor transparency of 50% measured between two and ten feet in height from grade</p> | <p>E. Upper floor transparency of 15% of the wall area of the story</p> <p>F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet</p> <p>G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## C-2 DISTRICT DESIGN STANDARDS



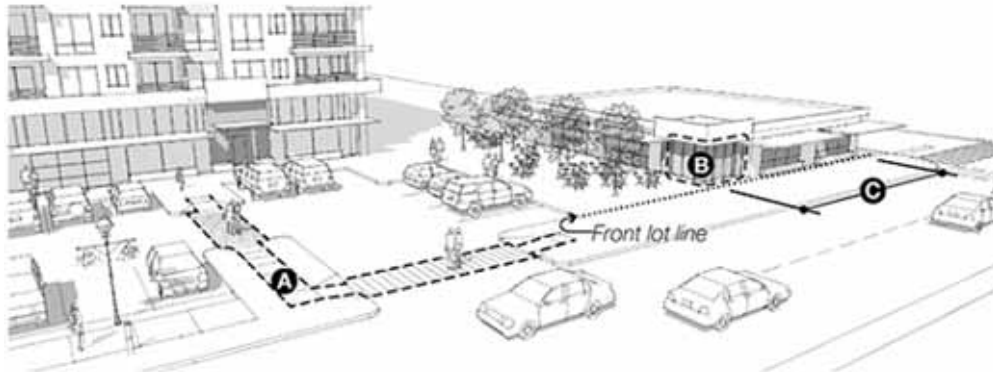
- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 50% measured between two and ten feet in height from grade
- E. Upper floor transparency of 15% of the wall area of the story
- F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet
- G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details

## C-3 DISTRICT DESIGN STANDARDS



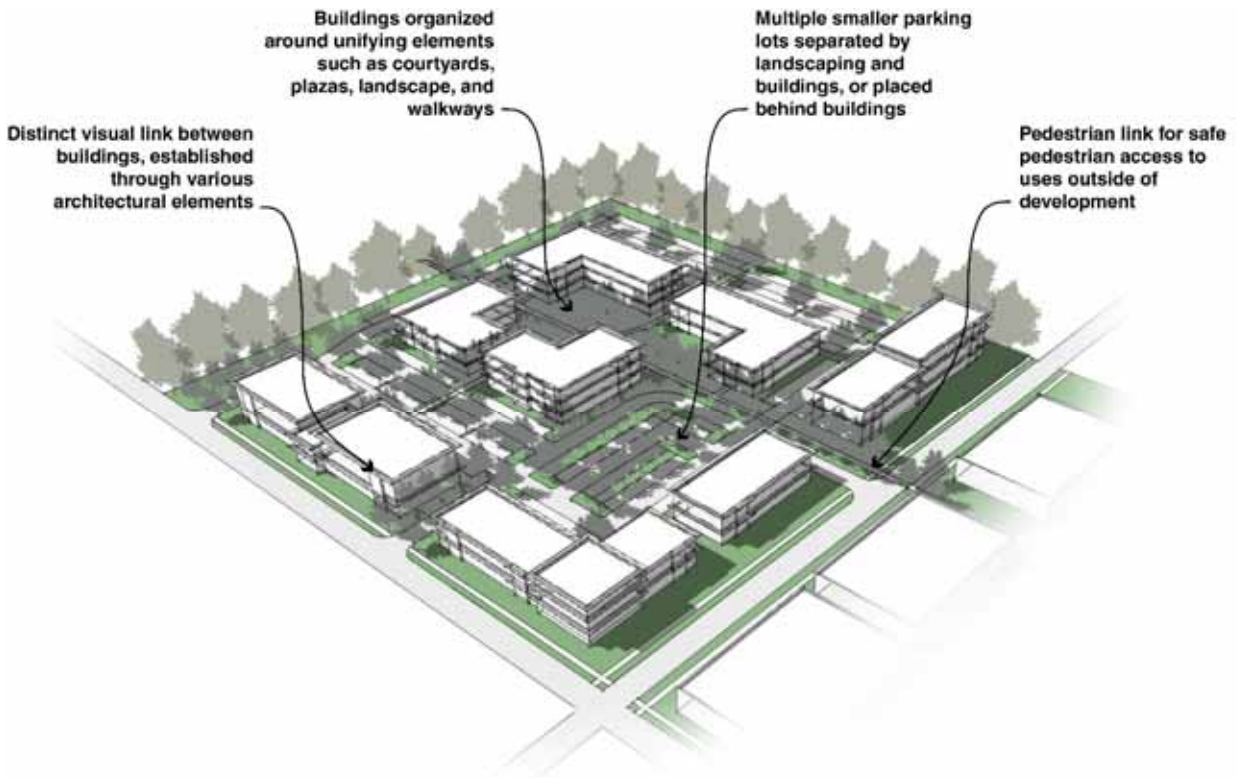
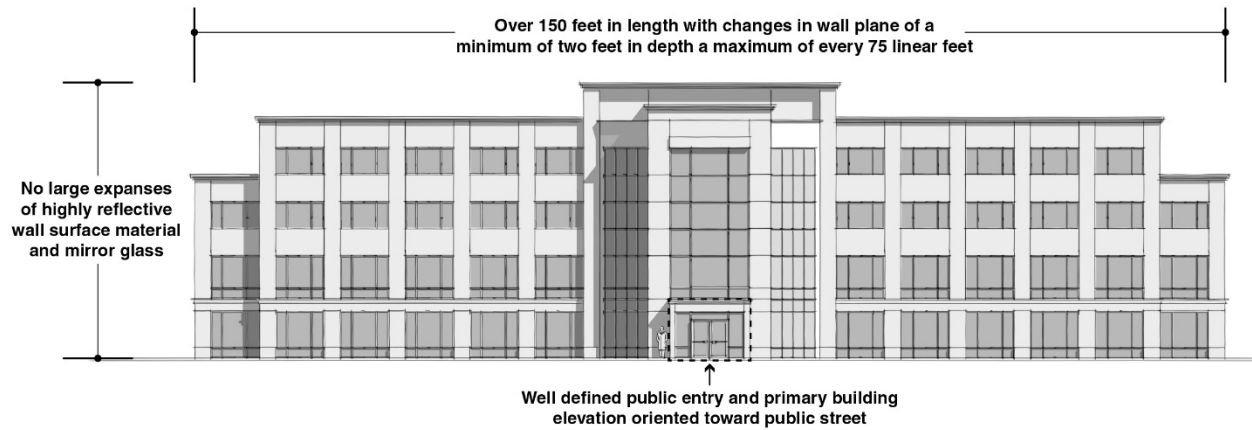
- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 35% measured between two and ten feet in height from grade
- E. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet
- F. Parapet walls with three-dimensional cornice treatments or other shadow-creating details

## MULTI-TENANT COMMERCIAL CENTER SITE DESIGN STANDARDS



- A. Sites must be designed to ensure safe pedestrian access to the commercial center from the public right-of-way, and safe pedestrian circulation within the development.
- B. Any outlot buildings must meet the minimum transparency requirements of the district, and must include prominent entrances oriented toward both the street and the interior lot.
- C. Commercial centers **must may** provide definition along the street frontage by **located locating** part of the center or outlot buildings within 0' to 25' of the front lot line **for a minimum of 30% of the frontage**. The center or any outlot buildings may be placed within a required setback to comply with this standard.

## C-OP DISTRICT DESIGN STANDARDS



Section 8. Section 17.05.050 of the Davenport Municipal Code, entitled "C-D District Standards (Section 17.05.050.C only)" is hereby amended to read as follows:

**C. C-D District Design Standards**

Development in the C-D District is subject to design review per Section ~~17.15.070~~ 17.14.100, and must be designed in accordance with the City of Davenport's adopted Downtown Design Guidelines and Downtown Davenport Streetscape Improvement Plan.

Section 9. Section 17.05.060 of the Davenport Municipal Code, entitled "C-V District Standards (Section 17.05.060.C only)" is hereby amended to read as follows:

**C. C-V District Design Standards**

Development in the C-V District is subject to design review per Section ~~17.15.070~~ 17.14.100. Design requirements for the C-V District are described in the adopted Village of East Davenport Performance Standards.

Section 10. Section 17.05.070 of the Davenport Municipal Code, entitled "C-E District Standards (Section 17.05.070.C only)" is hereby amended to read as follows:

**C. C-E District Design Standards**

Development in the C-E District is subject to design review per Section ~~17.15.070~~ 17.14.100. Design requirements for the C-E District are described in the adopted Elmore Corners Plan.

Section 11. Section 17.06.030 of the Davenport Municipal Code, entitled "Dimensional Standards (Table 17.06-1 only)" is hereby amended to read as follows:

| Table 17.06-1: Industrial Districts Dimensional Standards |                                                                     |                                                      |                                                       |
|-----------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------|
|                                                           | I-1                                                                 | I-2                                                  | I-MU                                                  |
| <b>Bulk</b>                                               |                                                                     |                                                      |                                                       |
| Minimum Lot Area                                          | None                                                                | 10,000sf                                             | None                                                  |
| Minimum Lot Width                                         | None                                                                | 70'                                                  | None                                                  |
| Maximum Building Height                                   | 90'                                                                 | 90'                                                  | 90'                                                   |
| <b>Setbacks</b>                                           |                                                                     |                                                      |                                                       |
| Minimum Front Setback                                     | 25'                                                                 | 25'                                                  | 0'-10' build-to zone                                  |
| Front Setback Build-to Percentage                         | None                                                                | None                                                 | 80%                                                   |
| Minimum Interior Side Setback                             | <del>5'</del> None, unless abutting a residential district then 25' | 15', unless abutting a residential district then 25' | None                                                  |
| Minimum Corner Side Setback                               | 20'                                                                 | 20'                                                  | 0'-10' build-to zone                                  |
| Corner Side Setback Build-to Percentage                   |                                                                     |                                                      | 60%                                                   |
| Minimum Rear Setback                                      | 15'                                                                 | 25'                                                  | None, unless abutting a residential district then 20' |

Section 12. Section 17.07.020 of the Davenport Municipal Code, entitled "S-OS Open Space District (Section 17.07.020.A only)" is hereby amended to read as follows:

**A. Purpose**

The S-OS Open Space District is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.

Section 13. Section 17.080.020 of the Davenport Municipal Code, entitled "Use Matrix (Table 17.08.020 only)" is hereby amended to read as follows:

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| TABLE 17.08-1: USE MATRIX                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      |      |      |                  |
|----------------------------------------------|-----|-----|-----|-----|------|-------|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|------|------|------|------|------------------|
| PRINCIPAL USE                                | R-1 | R-2 | R-3 | R-4 | R-MF | R-MHP | C-T | C-1 | C-2 | C-3 | C-OP | C-D | C-V | C-E | I-1 | I-2 | I-MU | S-AG | S-OS | S-IC | USE STANDARD     |
| Adult Use                                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     | S   | S   |      |      |      |      | Sec. 17.08.030.A |
| Agriculture                                  |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      |                  |
| Amusement Facility - Indoor                  |     |     |     |     |      |       |     |     | P   | P   |      | P   | P   | P   | P   |     | P    |      |      |      |                  |
| Amusement Facility - Outdoor                 |     |     |     |     |      |       |     |     |     | S   |      |     |     | S   | P   |     | S    |      |      |      |                  |
| Animal Care Facility – Large Animal          |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      |                  |
| Animal Care Facility – Small Animal          |     |     |     |     |      |       | S   | S   | P   | P   |      | S   | S   | P   | P   |     | P    | P    |      |      | Sec. 17.08.030.B |
| Animal Breeder                               |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      | Sec. 17.08.030.B |
| Art Gallery                                  |     |     |     |     |      |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      |                  |
| Arts and Fitness Studio                      |     |     |     |     |      |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      |                  |
| Bar                                          |     |     |     |     |      |       |     | S   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      |                  |
| Bed and Breakfast                            | P   | P   | S   | S   | S    |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      | Sec. 17.08.030.C |
| Billboard                                    |     |     |     |     |      |       |     |     |     | P   |      |     |     |     | P   | P   |      |      |      |      | Sec. 17.08.030.D |
| Body Modification Establishment              |     |     |     |     |      |       |     | P   | P   | P   |      | P   |     | P   |     |     | P    |      |      |      |                  |
| Broadcasting Facility TV/Radio               |     |     |     |     |      |       |     | P   | P   | P   | P    | P   | P   | P   | P   | P   | P    |      |      | P    |                  |
| Campground                                   |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | S    | P    |      | Sec. 17.08.030.E |
| Car Wash                                     |     |     |     |     |      |       |     |     | P   | P   |      |     |     | S   |     |     | P    |      |      |      | Sec. 17.08.030.F |
| Casino                                       |     |     |     |     |      |       |     |     |     |     |      |     |     | P   |     |     |      |      |      |      |                  |
| Cemetery                                     |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      | P    |      |                  |
| Children's Home                              |     |     |     |     | P    |       |     |     | P   | P   |      |     |     | P   |     |     | S    |      |      | P    | Sec. 17.08.030.G |
| PRINCIPAL USE                                | R-1 | R-2 | R-3 | R-4 | R-MF | R-MHP | C-T | C-1 | C-2 | C-3 | C-OP | C-D | C-V | C-E | I-1 | I-2 | I-MU | S-AG | S-OS | S-IC | USE STANDARD     |
| Community Center                             | P   | P   | P   | P   | P    |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    | P    | P    | P    |                  |
| Community Garden                             | P   | P   | P   | P   | P    | P     | P   | P   | P   | P   | P    | P   | P   | P   |     |     | P    | P    | P    | P    | Sec. 17.08.030.H |
| Conservation Area                            |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    | P    |      |                  |
| Country Club                                 |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      | P    |      |                  |
| Cultural Facility                            |     |     |     |     |      |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      | P    | P    |                  |
| Day Care Center                              |     |     |     |     | P    |       | P   | P   | P   | P   | P    | P   | P   | P   |     |     | P    |      |      | P    | Sec. 17.08.030.I |
| Day Care Home                                | P   | P   | P   | P   | P    |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      | Sec. 17.08.030.I |
| Drive-Through Facility                       |     |     |     |     |      |       |     | S   | P   | P   |      | S   |     | P   |     |     | P    |      |      |      | Sec. 17.08.030.J |
| Drug/Alcohol Treatment Facility, Residential |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | S    |      |      | S    | Sec. 17.08.030.K |
| Drug Treatment Clinic                        |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | S    |      |      | S    | Sec. 17.08.030.K |
| Domestic Violence Shelter                    |     |     |     |     | P    |       |     | P   | P   | P   |      |     |     | P   |     |     | P    |      |      | P    | Sec. 17.08.030.G |
| Dwelling – Accessory Dwelling Unit           | P   | P   | P   | P   |      |       |     |     |     |     |      |     |     |     |     |     |      |      |      |      | Sec. 17.08.030.L |
| Dwelling – Manufactured Home                 |     |     |     |     |      | P     |     |     |     |     |      |     |     |     |     |     |      | S    |      |      | Sec. 17.08.030.M |

| TABLE 17.08-1: USE MATRIX                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      |      |      |                   |
|----------------------------------------------|-----|-----|-----|-----|------|-------|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|------|------|------|------|-------------------|
| PRINCIPAL USE                                | R-1 | R-2 | R-3 | R-4 | R-MF | R-MHP | C-T | C-1 | C-2 | C-3 | C-OP | C-D | C-V | C-E | I-1 | I-2 | I-MU | S-AG | S-OS | S-IC | USE STANDARD      |
| Dwelling - Multi-Family                      |     |     |     |     | P    |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      | Sec. 17.08.030.N  |
| Dwelling - Townhouse                         |     |     |     |     | P    |       | P   | P   | P   | P   |      | P   | P   | P   |     |     | P    |      |      |      | Sec. 17.08.030.NO |
| Dwelling - Single-Family                     | P   | P   | P   | P   |      |       | P   | P   | P   |     |      |     | P   |     |     |     |      |      |      |      | Sec. 17.08.030.O  |
| Dwelling - Single-Family Semi-Detached       |     | P   | P   | P   | P    |       | P   | P   | P   |     |      |     | P   |     |     |     |      |      |      |      | Sec. 17.08.030.O  |
| Dwelling - Two-Family (New Construction)     |     |     | P   | P   | P    |       | P   | P   | P   |     |      |     | P   |     |     |     |      |      |      |      | Sec. 17.08.030.O  |
| Dwelling - Two-Family (Conversion)           |     |     | S   | S   | P    |       | P   | P   | P   |     |      |     | P   |     |     |     |      |      |      |      | Sec. 17.08.030.O  |
| Educational Facility - Primary or Secondary  | P   | P   | P   | P   | P    |       |     |     |     |     |      |     |     |     |     |     |      |      |      | P    |                   |
| Educational Facility - University or College |     |     |     |     |      |       |     |     |     | P   | P    | P   |     | P   |     |     |      |      |      | P    |                   |
| Educational Facility - Vocational            |     |     |     |     |      |       | S   | S   | S   | P   | P    | P   | S   | P   | P   | P   | P    |      |      | P    |                   |
| Equine, Keeping of/Equestrian Facility       | P   |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | P    |      |      | Sec. 17.08.030.P  |
| Fairground                                   |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      | S    | S    | P    |                   |
| Financial Institution                        |     |     |     |     |      |       | P   | P   | P   | P   | P    | P   | P   | P   |     |     | P    |      |      |      |                   |
| Financial Institution, Alternative           |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | P    |      |      |      | Sec. 17.08.030.PQ |
| Food Bank                                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     | P   |     | P    |      |      |      |                   |
| Food Pantry                                  |     |     |     |     |      |       |     |     | P   | S   |      |     |     | S   |     |     | S    |      |      |      |                   |
| Funeral Home                                 |     |     |     |     |      |       | S   | S   | S   | P   |      |     |     | P   |     |     | P    |      |      |      |                   |
| Gas Station                                  |     |     |     |     |      |       |     | S   | P   | P   |      |     |     | P   | P   | P   | P    |      |      |      | Sec. 17.08.030.QR |
| Golf Course/Driving Range                    |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      | P    |      |                   |
| Government Office/Facility                   |     |     |     |     |      |       | P   | P   | P   | P   | P    | P   | P   | P   | P   | P   | P    |      | P    | P    |                   |
| PRINCIPAL USE                                | R-1 | R-2 | R-3 | R-4 | R-MF | R-MHP | C-T | C-1 | C-2 | C-3 | C-OP | C-D | C-V | C-E | I-1 | I-2 | I-MU | S-AG | S-OS | S-IC | USE STANDARD      |
| Greenhouse/Nursery - Retail                  |     |     |     |     |      |       |     |     |     | P   |      |     |     | P   |     |     | P    | S    |      |      |                   |
| Group Home                                   | P   | P   | P   | P   | P    |       |     |     |     |     |      |     |     |     |     |     |      |      |      |      | Sec. 17.08.030.RS |
| Halfway House                                |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | S    |      |      | S    | Sec. 17.08.030.K  |
| Healthcare Institution                       |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     |     |      |      |      | P    |                   |
| Heavy Rental and Service                     |     |     |     |     |      |       |     |     |     |     |      |     |     |     | P   |     | P    |      |      |      |                   |
| Heavy Retail                                 |     |     |     |     |      |       |     |     |     | S   |      |     |     | S   | P   |     | P    |      |      |      |                   |
| Homeless Shelter                             |     |     |     |     |      |       |     |     | S   | S   |      |     |     | S   |     |     | S    |      |      | S    | Sec. 17.08.030.K  |
| Hotel                                        |     |     |     |     |      |       |     |     | P   | P   | P    | P   | S   | P   |     |     | P    |      |      |      |                   |
| Industrial - General                         |     |     |     |     |      |       |     |     |     |     |      |     |     |     |     | P   |      |      |      |      |                   |
| Industrial - Light                           |     |     |     |     |      |       |     |     |     |     | P    |     |     |     | P   | P   | P    |      |      |      |                   |
| Industrial Design                            |     |     |     |     |      |       |     | P   | P   | P   | P    | P   |     | P   | P   | P   | P    |      |      |      |                   |
| Live Performance Venue                       |     |     |     |     |      |       |     |     |     | P   |      | P   | P   | P   |     |     | P    |      |      |      |                   |

Section 14. Section 17.08.030 of the Davenport Municipal Code, entitled "Principal Use Standards" is hereby amended by modifying Section 17.08.030.D, entitled "Billboard", by modifying Section 17.08.030.N, entitled "Dwelling – Multi-Family, by modifying Section 17.08.030.O, entitled "Dwelling - Single-Family, Single-Family Semi-Detached, and Two-Family, by adding Section 17.008.030.P, entitled "Equine, Keeping of/Equestrian Facility", by reordering subsections subsequent to Section 17.08.030.P and by modifying Section 17.08.030.DD (revised to Section 17.08.030.EE) to read as follows:

**D. Billboard**

1. Billboard locational restrictions are as follows:
  - a. Billboard structures are prohibited if visible from an interstate highway.
  - b. Billboard structures are prohibited on properties listed on the Davenport Register of Historic Places.
  - c. Billboards with a sign area of up to 300 square feet must be a minimum of 100 feet from any residential district. Billboards with a sign area of over 300 square feet must be a minimum of 150 feet from any residential district. This is measured in a straight line along either side of the right-of-way of the street.
2. The maximum sign area of a billboard is 672 square feet plus an extension area from the single continuous perimeter not to exceed 153 square feet.
3. The maximum height of a billboard is 45 feet.
4. Billboards must meet principal building setbacks.
5. All billboards ~~on the same side of a street~~ must be separated by a minimum distance of 1,500 feet.
6. Up to four billboard sign faces are allowed on one billboard structure. A "V" arrangement is permissible, however, no more than two billboard sign faces can be visible from any one street direction.
7. Billboards are permitted to be electronic billboards but must comply with the following:
  - a. Electronic billboards cannot change more than once every eight seconds. Static images with no animation are required and the transition from one image to the next must occur in one second or less.
  - b. An electronic display must contain a default mechanism to show a "full black" image or turn the sign off in case of malfunction, or must be manually turned off within 12 hours of a reported malfunction.

**N. Dwelling - Multi-Family ~~or Townhouse~~**

In the case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.

1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family ~~or townhouse~~ development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
  2. Building façades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
  3. ~~The following A 25%~~ minimum transparency requirements ~~s apply applies~~ to any façade facing a street and ~~are~~ ~~is~~ calculated on the basis of the entire area of the façade:
    - ~~a. Townhouse: 15%~~
    - ~~b. Multi-Family Dwelling: 25%~~
-

~~4. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.~~

**5.4.** The following building materials are prohibited on any façade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

a. The following building materials are prohibited on any part of any façade:

- i. Plain concrete block
- ii. Plastic
- iii. Exterior insulating finish systems (EIFS)

b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:

- i. Corrugated metal
- ~~ii. Aluminum, steel or other metal sidings~~
- ~~iii.ii.~~ Exposed aggregate (rough finish) concrete wall panels
- ~~iv.iii.~~ T-111 composite plywood siding
- ~~v. Vinyl~~

#### **O. Dwelling - Single-Family, Single-Family Semi-Detached, and Two-Family, and Townhouse**

In the case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.

1. ~~A dwelling must have a primary entrance from the façade facing the street. The front entry must be a dominant feature on the front elevation of a home and~~ an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.

~~2. Windows, entrances, porches, or other architectural features are required on all street-facing facades to avoid the appearance of blank walls.~~

~~3.2.~~ A ~~15%~~ 5% minimum transparency requirement applies to the front façade and is calculated on the basis of the ~~entire~~ area of the façade below the roofline.

3. A dwelling with a front facing attached three-car garage shall have one of the garages offset one foot from the other garages.

4. In order to encourage architectural detail and visual interest a point system shall be utilized for the front façade in which the front façade must score 20 points from the categories below. Primary building materials are the dominant component of the façade. Accent materials are secondary components of the façade, typically used to provide architectural detail or visual interest.

i. 8 points – covered porch with columns.

ii. 6 points – masonry, brick, or stone veneer as a primary building material or accent material. If accent material it must extend from the foundation or grade to the window sill as a minimum and maintain that elevation along the entire façade exclusive of doors, windows and small areas that make the use of the material impractical.

iii. 6 points – front facing roof dormer.

iv. 4 points for each front facing roof gable with 8/12 pitch or higher.

v. 4 points – decorative roof brackets or gable trusses as an accent material.

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**vi.** 4 points – decorative siding including but not limited to patterned shingles, shake, and board and batten as a primary building material or accent material.

**vii.** 3 points – bay/box window(s).

**viii.** 3 points – all front facing carriage style garage door(s). Carriage style garage doors may include decorative, simulated woodwork, decorative handles and brackets and window inserts.

**ix.** 3 points – door or window surrounds as an accent material.

**x.** 3 points – freeze boards and/or horizontal bands as an accent material.

**xi.** 2 points – decorative roof at the base of a gable.

**xii.** 1.5 points – for each percentage of transparency below the roofline over 5%.

**xiii.** 1 point – decorative gable vent(s).

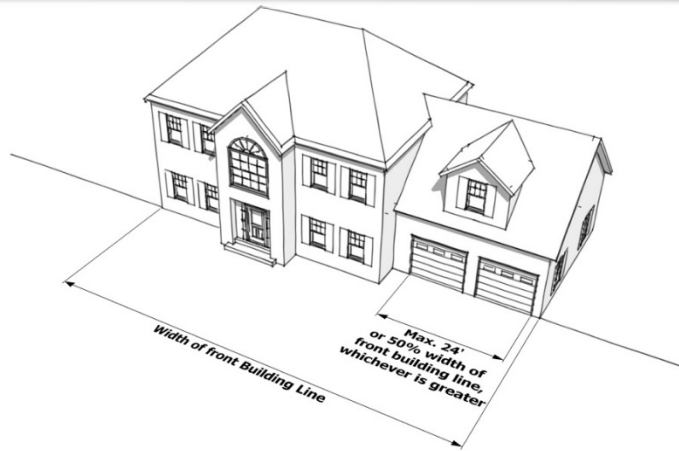
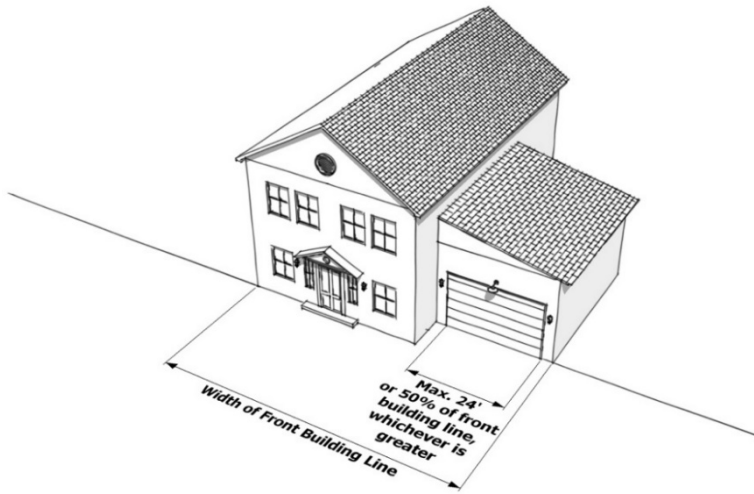
**xiv.** 1 point – window shutters.

**xv.** negative 5 points – front facing attached garage that exceeds 24 feet or 50% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

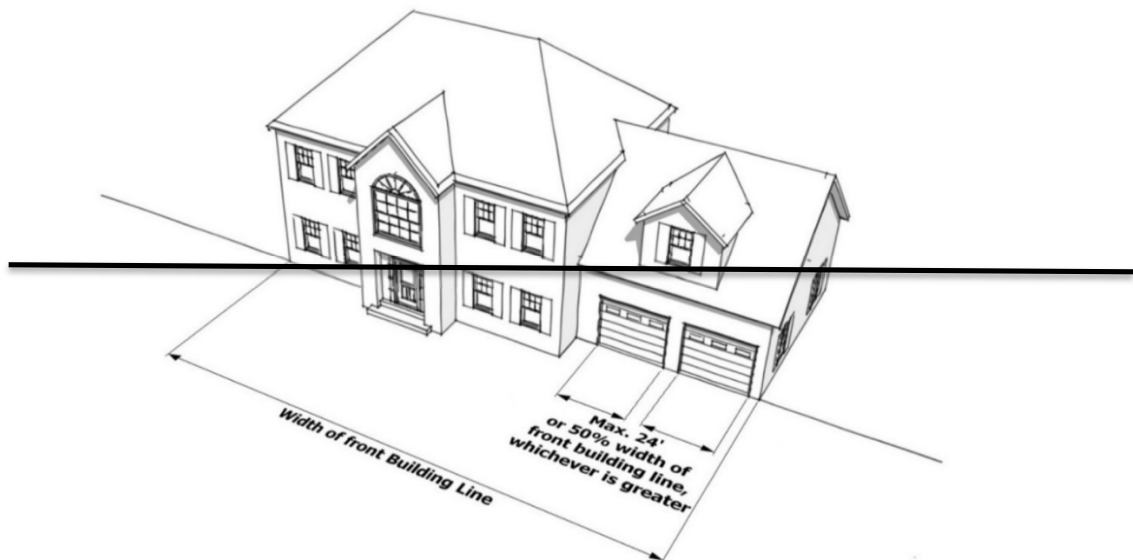
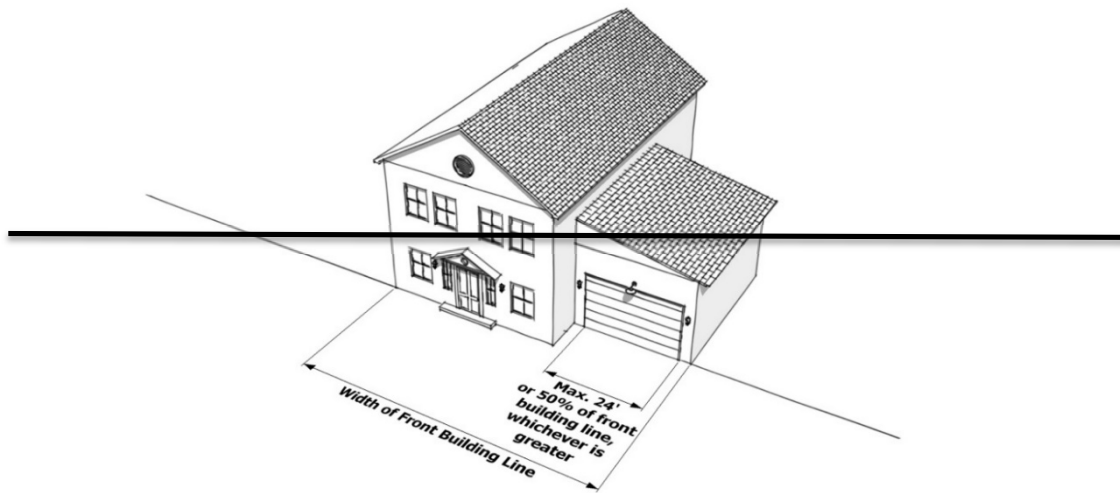
**4.** Front loaded attached garages are limited to 50% of the width of the front building line or 24 feet, whichever is greater. Garage width is measure between the edges of the garage door(s).

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## **ATTACHED GARAGE WIDTH**



## ATTACHED GARAGE WIDTH



### Transition Rule for Section 17.08.030.O.3:

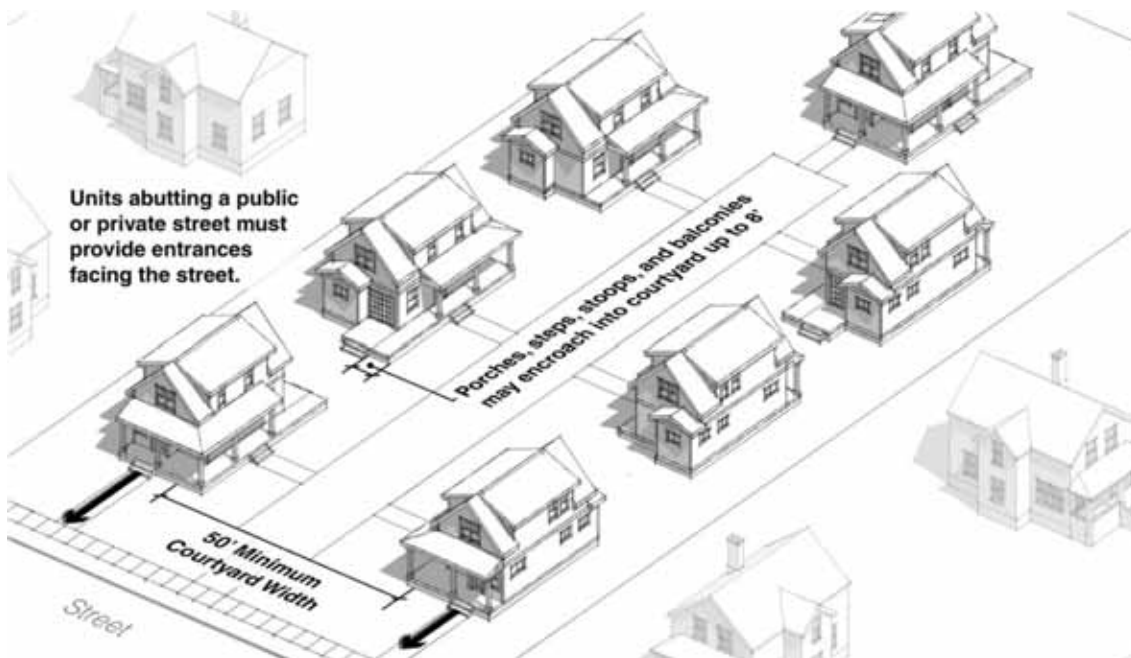
The changes below are considered part of a transition rule. As such, any previously permitted plans must be followed as approved.

1. In case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.
2. A 5% minimum transparency requirement applies to the front façade and is calculated on the basis of the entire area of the façade. In addition to the primary building material, a minimum of one accent material is required on the front façade. Permitted accent materials include brick and stone, wood or simulated wood, vinyl siding, aluminum siding and stucco. Accent materials not referenced may be considered on a case by case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.
3. This transition rule will sunset on September 1, 2019.

5. When a single-family and/or two-family development is designed as a house court, the following standards apply. A house court is a group of single-family and/or two-family dwellings arranged around a common courtyard or open space. Front facades of dwellings and primary pedestrian entrances are oriented to and accessed from the common area.

- a. The minimum total site area required for a house court is 15,000 square feet or the cumulative area required for each dwelling type in the house court, whichever is greater.
- b. The zoning district standards apply to each individual site within the house court.
- c. For any unit of a house court abutting a public or private street, the entrance of the units must face the street.
- d. Courtyards must meet the following standards:
  1. The minimum courtyard area is 3,000 square feet or 500 square feet per dwelling unit, whichever is greater.
  2. A courtyard must have a minimum width of 50 feet.
  3. All courtyard space must be contiguous and centrally located.
  4. Porches, steps and stoops, and balconies may encroach up to eight feet into a courtyard.
- e. Where a dwelling fronts on the courtyard, it is considered to meet the requirement for frontage on a public or private street.

#### **SINGLE-FAMILY DWELLING: HOUSE COURT**



6. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.

#### **P. Equine, Keeping of/Equestrian Facility**

1. A minimum of two acres is required to keep one equine. For each additional acre in excess of two acres, one additional equine may be housed and maintained.
2. A fence must be installed around the entire grazing area. The fence must be a minimum of 150 feet from the front lot line. The fence must be a minimum of 150 feet from an existing dwelling located on an adjacent lot.
3. A stable or shelter must be provided for the stabling of each equine. The stable or shelter must be a minimum of 100 feet from any side or rear lot line, and a minimum of 150 feet from any front lot line.
4. The keeping of equines for personal use is only permitted in the R-1 and S-AG Districts. No retail or wholesale use of these animals in the R-1 District. An equestrian facilities, which are defined as any place where equine are kept, housed, boarded, lodged, fed, hired, trained, sold, rented, or bred for monetary compensation, is only permitted in the S-AG District.

#### **P-Q. Financial Services, Alternative (AFS)**

1. Alternative financial services (AFS) must be located no closer than 1,000 feet from any other AFS.
2. Any existing alternative financial service establishment as of the effective date of this Code that do not meet the spacing requirement is deemed conforming; this applies only to AFS that are allowed as a permitted or special use within the district. If an alternative financial service is no longer allowed within a district as of the effective date of this Code, it is nonconforming use.

#### **Q-R. Gas Station**

1. All structures and all pump islands, compressed air connections, and similar equipment must be set back a minimum of 15 feet from interior side and rear lot lines. Structures are exempt from any build-to lines required by the district.
2. The minimum distance a freestanding canopy for gas pumps must be from any street lot line is ten feet and 15 feet from any interior lot line.
3. The ancillary uses of a retail goods establishment and two car wash bays are permitted in connection with the principal gas station use.
4. When a gas station abuts the lot line of a residential district, it must be screened along the interior side and/or rear lot lines that abut the residential lot as follows:
  - a. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the rear lot line.
  - b. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the residential lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.

#### **R-S. Group Home**

1. Group homes must be licensed by the state.
2. When a group home is located within an existing residential structure, the location, design, and operation of such facility must not alter the residential character of the structure.

#### **S-T. Lodge/Meeting Hall**

1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
  2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only.
  3. Sleeping facilities are prohibited.
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4. Lodges/meeting halls leased or used as reception facilities must comply with the requirements for reception facilities.

#### **T.U. Neighborhood Commercial Establishment**

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Ordinance.
2. The following non-residential uses are permitted within a neighborhood commercial establishment:
  - a. Art gallery
  - b. Arts studio
  - c. Office
  - d. Personal service establishment
  - e. Restaurant
  - f. Retail goods establishment:
    - i. Retail sales of alcohol is prohibited.
    - ii. Retail sales of tobacco products, electronic cigarettes, and vaping and tobacco smoking accessories and supplies is prohibited.
3. No off-street parking is required. However, any off-street parking currently provided must be maintained.
4. Drive-through facilities are prohibited.
5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
6. Signs are limited to those allowed in the C-T District.

#### **U.V. Outdoor Dining**

1. Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar or restaurant.
2. Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.
3. Outdoor dining areas must be located on private property. Outdoor dining on public property is not controlled by this Ordinance.
4. When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designated as outdoor dining may be setback up to 30 feet from the required build-to line.

#### **V.W. Reception Facility**

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.
  2. When allowed in the residential districts and S-AG District, a minimum lot size of two acres is required. Fifty foot minimum setbacks are required along all lot lines.
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#### **W.X. Residential Care Facility**

1. Residential care facilities must be licensed by the state.
2. When located in a nonresidential district, the structure must be designed with a lobby entrance along the primary frontage.

#### **X.Y. Retail Sales of Fireworks**

1. All fireworks sales are subject to the regulations on sale and storage by the Iowa Department of Transportation Hazard Classes 1.3g and 1.4g fireworks, excluding any novelty or sparklers as defined by the American Pyrotechnics Association.
2. All retail sales of fireworks establishments must be a minimum of 500 feet from any residential district.

#### **Y.Z. Self-Storage Facility: Indoor and Outdoor**

1. Storage units cannot be used for residential occupancy or business.
  2. No plumbing connections are permitted in self-storage units.
  3. Storing hazardous or toxic materials is prohibited.
  4. For self-storage facilities that include both indoor and outdoor facilities, both types of uses must be allowed in the district.
  5. In the C-3 District, self-storage facilities are only subject to the district design standards when located within 100 feet of a public right-of-way, excluding alleys.
  6. The following additional standards apply to indoor self-storage facilities:
    - a. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only.
    - b. All facilities must meet the design standards of the district.
    - c. No storage units located on the first floor may be located within the first 25 feet of the front facade. No storage units located on the first floor may be visible from any public right-of-way.
    - d. Access to loading areas must be located to the interior or rear of the building.
  7. The following additional permissions apply to outdoor self-storage facilities:
    - a. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.
    - b. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.
    - c. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.
    - d. If storage areas for recreational vehicles are provided, they must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. Shrubs must be planted and space sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.
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#### **Z-AA. Solar Farm**

1. Systems, equipment, and structures are limited to the maximum height of the district.
2. All solar farm structures must meet the district setbacks.
3. No grid tied photovoltaic system may be installed until evidence has provided that the owner has been approved by the utility company to install the system.
4. The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more. Decommissioning includes removal of all solar equipment. Decommissioning includes removal of solar arrays, structures, private roads or driveways, and foundations, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar farm.

#### **AA-BB. Storage Yard – Outdoor**

1. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress.
  - a. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet from the lot line. Within that setback, shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity, and one evergreen tree every 50 feet planted linearly. Plantings must be placed outside the face of the fence facing the right-of-way.
  - b. Fences or walls along the rear or interior side lot line require the planting of shrubs spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.
2. Storage of any kind is prohibited outside the fence or wall.
3. No items stored within 25 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.

#### **BB-CC. Vehicle Repair/Service – Major or Minor**

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. Repair of vehicles is prohibited in the front or side yards. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
3. Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.
4. Outdoor repairs are only allowed in the rear yard and must be screened by a solid fence or masonry wall no less than six feet and no more than eight feet in height.
5. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
6. The sale of new or used vehicles is prohibited.
7. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

#### **CC-DD. Wind Energy System**

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
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2. All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.
  3. All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.
  4. All electrical components of the wind energy system must conform to applicable local, state, and national codes, and applicable international standards.
  5. An engineer's certificate must be completed by a structural engineer, licensed in the State of Iowa, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
  6. Wind turbines must comply with the following design standards:
    - a. Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.
    - b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
    - c. Within the wind energy system, wind turbines must be of a generally consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.
    - d. Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
    - e. On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
    - f. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
    - g. A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.
  7. The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.
  8. Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
  9. Wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
  10. All wind turbines must be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 110% of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
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11. All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.

12. The facility owner or operator must comply with all applicable codes regulating sound generation. A predictive sound study of turbine noise must accompany the application to verify that all code requirements can be met for dBA sound levels. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels per the Municipal Code, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.

13. A shadow flicker study is required, and must be submitted with the application. A wind turbine's shadow flicker must not fall on any existing structure, measured at the nearest external wall or walls, or within the buildable area of an adjacent vacant lot, as defined by current setback requirements.

14. The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.

## **DD-EE. Wireless Telecommunications**

### **1. Application Requirements**

All applications to erect, construct, or modify any part of a wireless telecommunications system require site plan review must include the following items:

- a. A site plan showing:
    - i. The location, size, screening, and design of all structures, including fences.
    - ii. The location and size of all outdoor equipment.
    - iii. Elevations showing antenna height.
    - iv. If the site plan is for a new wireless telecommunications facility, a landscape plan showing all screening.
    - v. If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.
  - b. A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, such as maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
  - c. A disclosure of what is proposed, demonstrating the need for the wireless telecommunications system in the proposed location. This is not required for co-location or stealth design antennas.
  - d. The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives. This is not required if the proposal is does not involve the erection of a new tower.
  - e. The service area of the proposed wireless telecommunications system.
  - f. If the proposal is for a new telecommunications tower, then a map showing collocation opportunities within the City and within areas surrounding the borders of the City must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
  - g. If the proposal is for a new telecommunications tower, certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.
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## **2. Setbacks**

- a. All wireless telecommunications towers must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements no less than the tower height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- b. All wireless telecommunications facilities must be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

## **3. Height**

The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily. The application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function, which will be reviewed and approved as part of site plan review. The City has the ability to hire an independent consultant to assist in review of the proposed height, whose fee will be charged to the applicant. Where a wireless telecommunications tower exceeds the maximum height permitted in the district, the City may require additional setbacks from all lot lines.

## **4. Lighting and Marking**

Wireless telecommunications systems must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

## **5. Specific Standards for Wireless Telecommunications Antennas**

Wireless telecommunications antennas are a special use in all districts, unless they are stealth design in which case they are a permitted use. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review and approval. All applications for wireless telecommunications antennas must include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- a. To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b. Wireless telecommunication antennas must be mounted at least 30 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design, in addition to meeting the other requirements of this section. Wireless telecommunication antennas mounted lower than 30 feet are considered a special use.
- c. Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (must be behind the parapet wall), and steeples, and must be designed to blend in with the structure.
- d. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design. However, such antennas cannot increase the overall height of the existing wireless telecommunications tower.
- e. No antenna may increase the overall height of any structure on which it is mounted by more than 12 feet.

## **6. Specific Standards for Wireless Telecommunications Facilities**

- a. Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site.
- b. Commercial advertising is prohibited. Only signage that is part of the equipment as manufactured or warning signage is permitted.

## **7. Specific Standards for Wireless Telecommunications Towers**

- a. The use of guyed towers is prohibited. Towers must be monopoles, meaning self-supporting with no wires, cables, or beams.
  - b. Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
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c. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a galvanized silver or gray finish.

## **8. Specific Standards for Distributed Antenna Systems (DAS)**

If a distributed antenna systems (DAS) is installed and entirely enclosed within a principal building, the requirements of this Ordinance do not apply. These standards only apply to distributed antenna systems (DAS) installed on private property. ~~While DAS located within the right of way are not controlled by this Ordinance, Davenport Public Works may seek to enforce the following standards for those located in the right of way.~~

a. All equipment related to a distributed antenna system must be mounted/co-located on existing poles or other existing structures unless it can be shown that an alternate location will be less obtrusive and/or more beneficial to the public. The design of any new pole requested requires special use approval.

b. An applicant seeking installation of a distributed antenna system must demonstrate that it has made efforts to blend or camouflage the system with existing facilities and surroundings or has otherwise screened or concealed the system from view. Approved blending methods include, but are not limited to, location of equipment other than antennas within a tree canopy or other inconspicuous location, use of green, brown or other colored equipment (if commercially available to the applicant) designed to mimic the colors and/or materials of the tree canopy, co-location structure or other nearby structures, as well as use of textures and shapes as appropriate, all with the intent of minimizing the visual impact of the system. Unnatural colors and exposed cables are prohibited.

c. All pole-mounted distributed antenna systems must be installed at a minimum height of nine feet above the ground. Equipment may be housed in a cabinet at ground level only with the approval of the City as to location and with appropriate screening.

d. Distributed antenna systems may not extend more than seven feet above the height of the existing pole or other structure on which it is installed.

e. Where distributed antenna systems are placed in residential districts, every effort must be made to avoid placement at right of way locations directly in front of a residence. If placement directly in front of a residence is absolutely necessary for technological reasons, the City has the right to require screening or impose other design mitigation requirements.

f. The City may request that a particular node or nodes be placed in an alternative location to that proposed by the applicant. Where a request for an alternative location is unable to be accommodated by an applicant, the applicant must supply an explanation in writing as to why the suggested alternative location will materially compromise the functioning of the system or is otherwise impractical.

## **9. Abandonment**

Any wireless telecommunications system that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the tower or facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.

## **10. Nonconformities**

a. Ordinary maintenance, including replacement/upgrading, of antenna equipment may be performed on nonconforming antennas or towers. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or tower, a variance is required.

b. Co-location of an antenna on an existing nonconforming tower is a permitted use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not increase the overall height of the nonconforming tower.

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**Section 15.** Section 17.08.050 of the Davenport Municipal Code, entitled "Use Definitions" is hereby amended by modifying the definition of the uses "Lodge/Meeting Hall", "Place of Worship", "Public Safety Facility" and "Restaurant" to read as follows:

**Lodge/Meeting Hall.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.

**Place of Worship.** A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

**Restaurant.** An establishment where food and drinks, including alcoholic beverages, are provided to the public for on-premises consumption by seated patrons and/or for carry-out service.

**Section 16.** Section 17.090.030 of the Davenport Municipal Code, entitled "Accessory Structures and Uses" is hereby amended by modifying Section 17.090.030.A, entitled "General Regulations for Accessory Structures", by modifying Section 17.090.030.H.1, entitled "General Requirements for All Fences", by modifying Section 17.090.030.K, entitled "Garage, Detached and Carports", by modifying Section 17.090.030.L, entitled "Home Occupation", by deleting Section 17.090.030.M, entitled "Keeping of Equines", by reordering subsections subsequent to Section 17.090.030.M and by modifying Section 17.090.040, entitled "Permitted Encroachments (Table 17.09-1 only)" to read as follows:

**A. General Regulations for Accessory Structures**

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this section and Ordinance.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.

2. Accessory structures shall be constructed out of material intended for long-term exposure to the elements. Prohibited materials include but are not limited to cloth, fabric, canvas, plastic sheets and tarps. Greenhouses are not subject to this prohibition. Shipping containers are prohibited as an accessory structure.

2. Only those accessory structures permitted by this section and Section 17.090.040 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. The use of the term "yard" refers to the area between the principal building and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension.

3. The maximum height of any detached accessory structure is 20 feet, unless otherwise permitted or restricted by this Ordinance. This does not apply to any structure accessory to an active agricultural use, which are not limited in height.

4. Detached accessory structures, including those listed in this section and Section 17.090.040, must be setback as follows, unless otherwise permitted or restricted by this Ordinance:

- a. Four feet from any interior side lot line. This interior side setback may be reduced to two feet if the adjacent walls, or parts of walls, of the accessory building have no openings and are protected on the inside with fire-proofing materials or are constructed of fire-proof materials, as verified by the Zoning Administrator.
  - b. No closer than four feet from any rear lot line.
  - c. No structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.
5. Accessory structures are included in the calculation of all maximum impervious surface and building coverage requirements of the district.
6. The footprint of any single detached accessory structure cannot exceed the footprint of the principal building. This does not apply to any structure accessory to an active agricultural use, which are not limited in area.

## **H. Fences and Walls**

### **1. General Requirements for All Fences**

- a. Every fence and wall must be maintained in a good repair and safe condition at all times. Every damaged or missing element must be repaired, removed, or replaced.
- b. When only one side of a fence is finished, the finished side of all fences must face away from the lot on which it is located. All fence posts must be placed on the inside of the fence.
- c. Fence height is measured from the adjacent ground to the highest point, except that decorative posts/pillars of a fence or wall may exceed the maximum height by nine inches.
- d. If a fence of a greater height is required and/or a fence is required to be a solid fence by any other section of this Ordinance or other City ordinance, then such fence is required.
- e. Fences are prohibited within any right-of-way, drainage easement, or any designated floodway.
- f. No barbed wire, spikes, nails, or any kind of pointed instrument may be installed on any railing, fence, guard, or other barrier or protection unless specifically allowed by the City Code.
- g. The following materials are prohibited in the construction of fences and walls:
  - i. Scrap metal
  - ii. Corrugated metal
  - iii. Sheet metal
  - iv. Electrical fences or any kind of electrically charged fences, unless used as part of livestock enclosures
  - v. Razor wire
  - vi. Pallets
  - vii. Oriented strand board (OSB)
  - viii. Plywood
  - ix. Used or repurposed material

## **K. Garages, Detached and Carports**

1. Only one detached garage and one carport is permitted per lot for a single-family or two-family dwelling. Where a lot contains a detached garage and a carport, such carport must be attached to and constructed as an extension of the detached garage.
-

2. Detached garages and carports are permitted in the rear and interior side yards.

3. Detached garages and carports are permitted in the corner side yard, subject to the following:

~~a. If a lot abuts an improved public alley that provides adequate access to a street, the garage or carport is not permitted within the required corner side yard setback.~~

~~b.a.~~ Where there is no alley access, and the garage or carport is located in the corner side yard and takes access from the abutting street, the garage or carport must be set back 20 feet from the corner side lot line.

~~c.b.~~ Where there is no alley access, and the garage or carport is located in the corner side yard but does not take access from the abutting street, the garage or carport must be set back four feet from the corner side lot line.

~~d.c.~~ Any detached garage located in a corner side yard must be set back a minimum of five feet from the front building facade line.

~~4. Where served by an alley or rear service drive, garages, parking pads for access and carports must take access from the alley or rear service drive. If a lot abuts an improved public alley that provides adequate access to a street, the garage or carport is not permitted within the required corner side yard setback.~~

~~4.5.~~ Detached garages are subject to the following:

~~a. Detached garages shall have the eaves of roof extend a minimum of one foot past the outside walls.~~

~~b. Detached garages shall have a minimum 4/12 roof pitch.~~

~~a.c.~~ Detached garages are encouraged to match the pitch of the roof of the principal dwelling.

~~d. Detached garages utilizing metal siding and/or roofing shall not have highly reflective surfaces.~~

~~b.e.~~ ~~The area above vehicle parking spaces in a detached~~ Detached garages ~~may shall~~ not contain ~~a~~ cooking facilities or plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.

~~f. The design standards related to eaves, roof pitch and highly reflective surfaces do not apply to detached garages in the S-AG and R-1 Districts when properties are two acres in area or greater and the detached garage is located in the rear yard.~~

~~c. If a lot abuts an improved public alley that provides adequate access to a street, a detached garage must be constructed so that access is from the public alley.~~

~~d. Pole barn type construction is prohibited in all residential districts.~~

**Sunset for Section 17.09.030.K.4.d:**

**This provision will sunset on September 1, 2019.**

~~5.6.~~ Carports are subject to the following:

a. Carports must be located over a driveway.

b. The total length of a carport is limited to 22 feet. The height of a carport is limited to 15 feet.

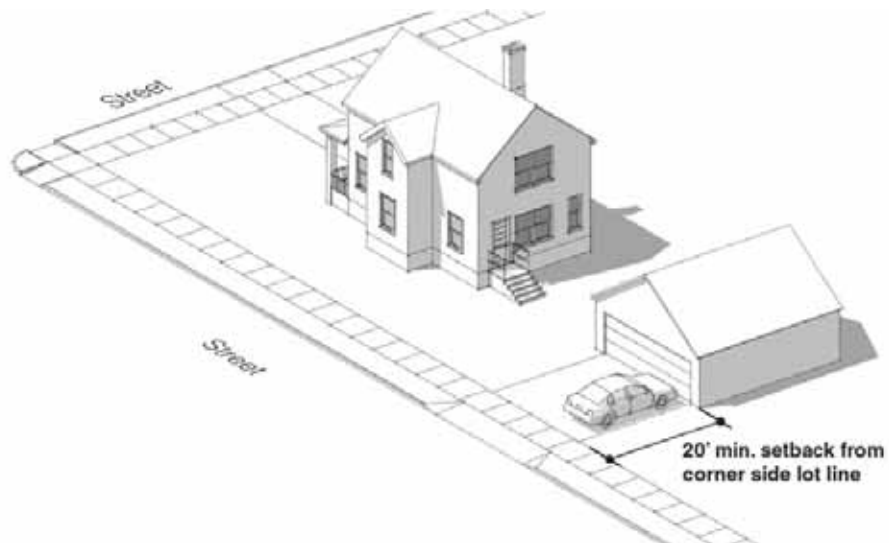
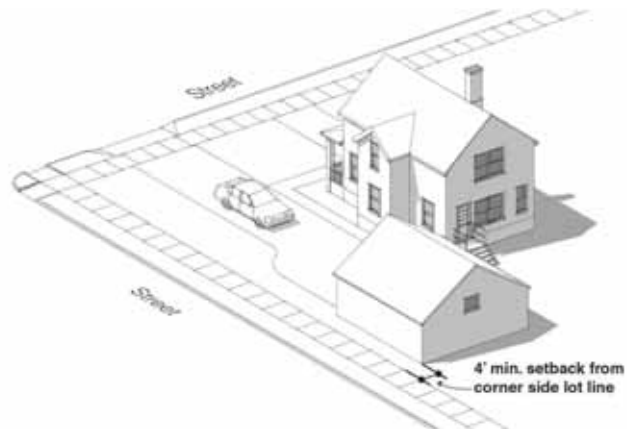
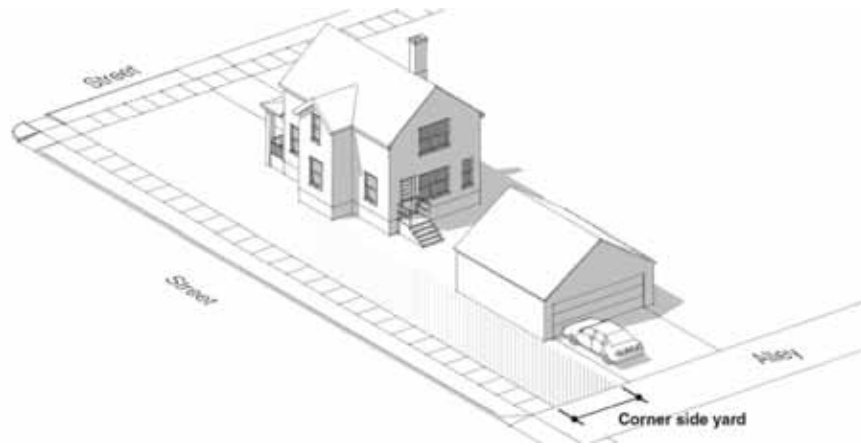
c. A carport must be entirely open on at least two sides, with the exception of necessary support structures.

~~d. A carport must be constructed as a permanent structure. Temporary tent structures are not considered a permanent structure.~~

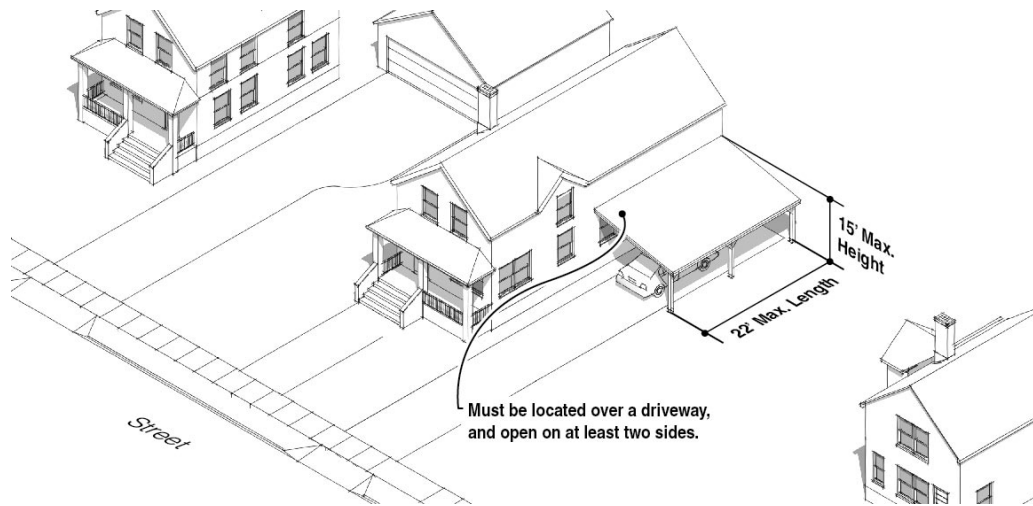
~~e.d.~~ Only carports located in the rear yard may be used as recreational vehicles storage.

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## DETACHED GARAGE ACCESS



## CARPORT



## GARAGES AND CARPORTS



Table 17.09-1: Permitted Encroachments Into Required Setbacks

Y= Permitted // N= Prohibited

Max. = Maximum // Min. = Minimum

|                                                                                                         | Front Setback | Corner Side Setback | Interior Side Setback | Rear Setback |
|---------------------------------------------------------------------------------------------------------|---------------|---------------------|-----------------------|--------------|
| Accessibility Ramp                                                                                      | Y             | Y                   | Y                     | Y            |
| Air Conditioner Window Unit<br>Max. projection of 18" from building wall<br>No building permit required | Y             | Y                   | Y                     | Y            |
| Arbor<br>No building permit required                                                                    | Y             | Y                   | Y                     | Y            |
| Awning or Sunshade                                                                                      | Y             | Y                   | Y                     | Y            |

**Table 17.09-1: Permitted Encroachments Into Required Setbacks**

Y= Permitted // N= Prohibited  
Max. = Maximum // Min. = Minimum

|                                                                                                                                                                                                                                                      | Front Setback | Corner Side Setback | Interior Side Setback | Rear Setback |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------|-----------------------|--------------|
| Max. of 2' from building wall<br>Does not include awnings used as a sign (See Chapter 17.12)                                                                                                                                                         |               |                     |                       |              |
| Balcony<br>Max. of 6' into front, interior side, or corner side setback<br>Max. of 8' into rear setback<br>Min. of 4' from any lot line<br>Min. vertical clearance of 8'                                                                             | Y             | Y                   | Y                     | Y            |
| Bay Window<br>Max. of 5' into any setback<br>Min. of 24" above ground                                                                                                                                                                                | Y             | Y                   | Y                     | Y            |
| Canopy (Residential Uses)<br>Max. of 5' into any setback<br>Min. of 4' from any lot line<br>Max. 15' width or no more than 3' extension on either doorway side, whichever is less<br>Does not include canopies used as a sign<br>(See Chapter 17.12) | Y             | Y                   | Y                     | Y            |
| Canopy (Non-Residential Uses)<br>Max. of 18" from the curb line<br>Max. 15' width or no more than 3' extension on either doorway side, whichever is less<br>Does not include canopies used as a sign<br>(See Chapter 17.12)                          | Y             | Y                   | Y                     | Y            |
| Chimney<br>Max. of 18" into setback                                                                                                                                                                                                                  | Y             | Y                   | Y                     | Y            |
| Deck<br>Max. of 5' into corner side, or interior side setback<br>Max. of 10' into rear setback<br>Prohibited in front yard<br>Max. height of 5' above grade                                                                                          | N             | Y                   | Y                     | Y            |
| Dog House<br>Prohibited in front or corner side yard<br>No building permit required                                                                                                                                                                  | N             | N                   | N                     | Y            |
| Eaves<br>Max. of 4' into setback                                                                                                                                                                                                                     | Y             | Y                   | Y                     | Y            |
| Exterior Stairwell<br>Max. of 6' into setback<br>Prohibited in front yard                                                                                                                                                                            | N             | Y                   | Y                     | Y            |
| Fire Escape<br>Max. of 3' into setback<br>Prohibited in front yard                                                                                                                                                                                   | N             | Y                   | Y                     | Y            |
| Fire Escape<br>Max. of 3' into setback<br>Prohibited in front yard                                                                                                                                                                                   | N             | Y                   | Y                     | Y            |
| Gazebo or Pergola<br>Prohibited in front yard                                                                                                                                                                                                        | N             | N                   | Y                     | Y            |
| Greenhouse<br>Min. of 5' from any lot line<br>Prohibited in front and corner side yard                                                                                                                                                               | N             | N                   | Y                     | Y            |
| Personal Recreation Game Court<br>Prohibited in front and corner side yard<br>Min. of 4' from any lot line                                                                                                                                           | N             | N                   | N                     | Y            |
| Playground Equipment<br>Prohibited in front and corner side yard<br>Min. of 4' from any lot line<br>(This does not apply to backstops & portable basketball nets, which are allowed in any yard)                                                     | N             | N                   | N                     | Y            |
| Porch - Unenclosed                                                                                                                                                                                                                                   | Y             | Y                   | Y                     | Y            |

| Table 17.09-1: Permitted Encroachments Into Required Setbacks<br>Y= Permitted // N= Prohibited<br>Max. = Maximum // Min. = Minimum                               |               |                     |                       |              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------|-----------------------|--------------|
|                                                                                                                                                                  | Front Setback | Corner Side Setback | Interior Side Setback | Rear Setback |
| Max. of 5' into front, interior side, or corner side setback<br>Max. of 10' into rear setback<br>Enclosed porches are considered part of the principal structure |               |                     |                       |              |
| Shed<br>Prohibited in front yard<br>Min. of 4' from any lot line                                                                                                 | N             | N                   | Y                     | Y            |
| Sidewalk<br>No min. setback from lot lines                                                                                                                       | Y             | Y                   | Y                     | Y            |
| Sills, belt course, cornices, and ornamental features<br>Max. of 3' into setback                                                                                 | Y             | Y                   | Y                     | Y            |
| Stoop<br>Max. of 4' into setback                                                                                                                                 | Y             | Y                   | Y                     | Y            |

**Section 17.** Section 17.10.030 of the Davenport Municipal Code, entitled "Off-Street Parking Design Standards (Figure 17.10-1 only)" is hereby amended to read as follows:

| Figure 17.10-1: Off-Street Parking Space Minimum Dimensions |                 |                 |                         |                         |                    |
|-------------------------------------------------------------|-----------------|-----------------|-------------------------|-------------------------|--------------------|
| Parking Angle                                               | Stall Width (A) | Stall Depth (B) | Aisle Width Two-Way (C) | Aisle Width One-Way (D) | Vertical Clearance |
| 0° (Parallel)                                               | 8.5'            | 20'             | 24'                     | 12'                     | 7' 6"              |
| 90° (Head-In)                                               | 8.5'            | 18'             | 24'                     | 24'                     | 7' 6"              |
| 60°                                                         | 8.5'            | 21' 15' 7"      | N/A 25' 10"             | 18' 20' 4"              | 7' 6"              |
| 45°                                                         | 8.5'            | 17' 12' 9"      | N/A 29' 8"              | 12' 9"                  | 7' 6"              |

\* Stall width may be reduced to 8' for accessible spaces designed in accordance with Iowa Statewide Urban Design and Specifications.

\*\* Stall depth may be reduced to 16.5' if a 2' overhang area is provided in an abutting parking lot island or landscape area or pedestrian walkway.

**Section 18.** Section 17.10.040 of the Davenport Municipal Code, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces" is hereby amended by modifying Section 17.10.040.C and Section 17.10.040.E to read as follows:

**C.** The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless a shared parking arrangement is approved or such use is a multi-tenant retail commercial center, which has a separate requirement per item E below. The following standards for computation apply:

1. When calculating the number of required off-street spaces results in a requirement of a fractional space, said fraction is rounded up.
2. In places of assembly in which patrons or spectators occupy benches, pews, or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every five square feet in the prayer hall if prayer mat spaces are not marked.

**E.** Parking for multi-tenant commercial centers is calculated as one space required per 500 square feet of gross floor area, rather than by the individual uses. A multi-tenant commercial center is defined as a group of three or more commercial establishments, primarily retail, but also including service, restaurant, recreation, office, or medical, that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant commercial centers are large shopping centers and strip retail centers.

**Section 19.** Section 17.10.070 of the Davenport Municipal Code, entitled “Required Off-Street Loading Spaces” is hereby amended by modifying Section 17.10.070.B to read as follows:

**B. Required Number of Off-Street Loading Spaces**

Off-street loading spaces must be provided in accordance with Table 17.10-4: Off-Street Loading Requirements. In the case of multi-tenant **buildings commercial centers** or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one non-residential use tenant of a multi-tenant **building commercial center** is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required).

| TABLE 17.10-4: OFF-STREET LOADING REQUIREMENTS |                           |
|------------------------------------------------|---------------------------|
| Use Type                                       | Number of Spaces Required |
| <b>Multi-Family Dwelling</b>                   |                           |
| Total of 50 dwelling units or more             | 1 loading space           |
| <b>Commercial &amp; Institutional Use</b>      |                           |
| 10,000 - 100,000sf GFA                         | 1 loading space           |
| 100,001 - 200,000sf GFA                        | 2 loading spaces          |
| 200,001sf and above GFA                        | 3 loading spaces          |
| <b>Industrial Use</b>                          |                           |
| 10,000 - 40,000sf GFA                          | 1 loading spaces          |
| 40,001 - 100,000sf GFA                         | 2 loading spaces          |
| 100,001 and above GFA                          | 3 loading spaces          |

**Section 20.** Section 17.11.050 of the Davenport Municipal Code, entitled “Parking Lot Perimeter Landscape Yard” is hereby amended to read as follows:

A perimeter landscape yard is required for all parking lots that **abut are adjacent to** streets and alleys, and must be established along the edge of the parking lot to create a visually attractive environment. A perimeter landscape yard is also required where a parking lot **abuts an is** adjacent **to a** public space such as a plaza, public seating area, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian accessways. The landscaped area must be improved as follows:

**A.** The perimeter parking lot landscape area must be at least **seven five** feet in width along a street or public space. **This area shall be increased to seven feet in width if it is utilized as an off-street parking space stall overhang.** The perimeter parking lot landscape area must be at least five feet in width along an alley. The C-D and C-V Districts are exempt from perimeter parking lot landscape along an alley; vehicle parking must not overhang into an alley right-of-way.

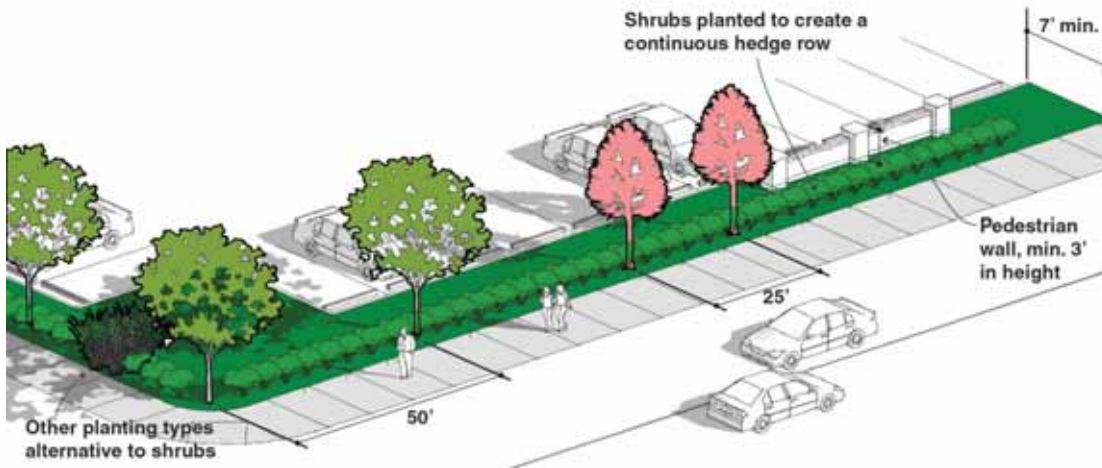
**B.** Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height may be used.

**C.** A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.

**D.** Alternatively, a low pedestrian wall a minimum of three feet to a maximum of four feet in height may be used. The pedestrian wall must be masonry, brick, or stone; unfinished CMU is prohibited. No shade trees are required. Required shrubs must be installed between the sidewalk and the wall to provide a softening effect.

**E.** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Mulch or other permeable landscape materials are required for any remaining area.

## PARKING LOT PERIMETER LANDSCAPE YARD



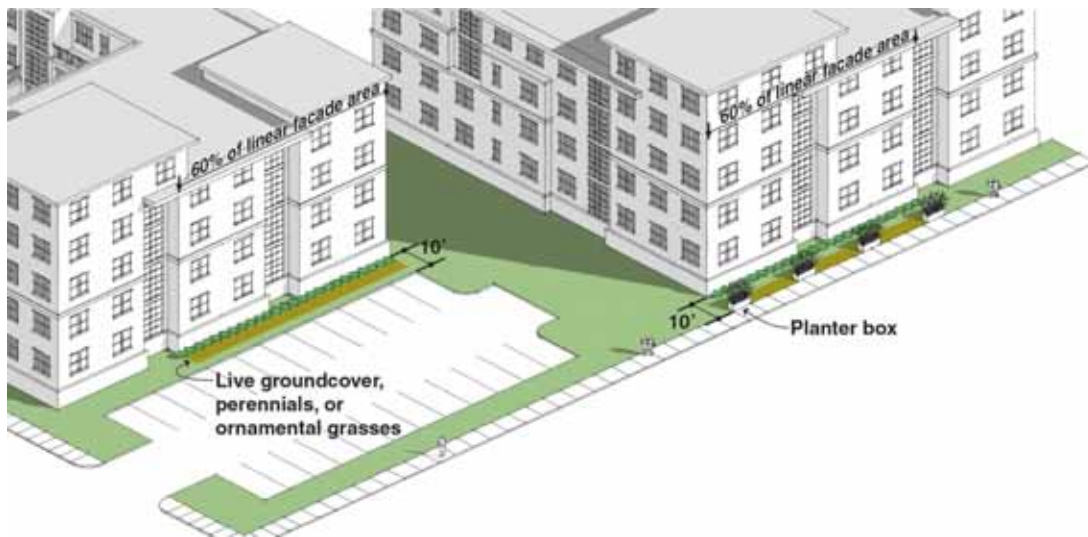
**Section 21.** Section 17.11.070 of the Davenport Municipal Code, entitled "Site Landscape" is hereby amended to read as follows:

**A.** Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill. Section 17.11.090 contains additional requirements for on-site tree plantings for certain districts.

**B.** Where multi-family and nonresidential (including mixed-use) developments are located ten feet or more from a street lot line and where the front, corner side, or interior side façade **abuts is adjacent to** a parking area, foundation landscape must be planted as described below. This planting area is required along 60% of the linear façade area. This percentage may be reduced to accommodate building functional operations during landscape plan review.

1. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.
2. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Mulch or other permeable landscape materials are required for any remaining area.
3. As an alternative, planted pots and/or planter boxes may be used to satisfy up to 30% of the total landscape area requirement if approved as part of the landscape plan. The landscape plan must show the materials and/or models of pots and planter boxes.

## SITE LANDSCAPE

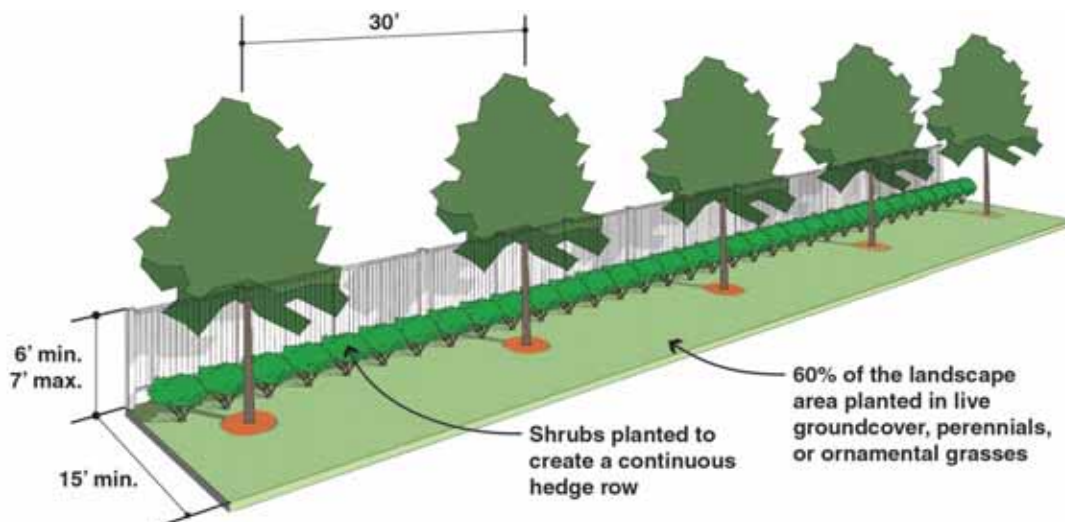


Section 22. Section 17.11.080 of the Davenport Municipal Code, entitled "Buffer Yards (Section 17.11.080.C.6 only" is hereby amended to read as follows:

6. Unless otherwise specifically required by the use standards of this Ordinance, such as required by the use standards of Chapter 17.08, a solid fence or wall, constructed of wood, **vinyl**, brick, masonry, or stone must be erected along 100% of the buffer yard length, with the exception of ingress/egress points. If constructed on a berm, the height of the berm is included and the maximum height of fence and berm is seven feet.

- a. The solid fence or wall must be a minimum of six feet and a maximum of seven feet in height along the rear lot line.
- b. The solid fence or wall must a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the abutting lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.

## BUFFER YARD



**Section 23.** Section 17.14.020 of the Davenport Municipal Code, entitled "Notice" is hereby amended to read as follows:

**A. Required Notice**

Table 17.14-1: Required Notice indicates the types of notice required for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

| Table 17.14-1: Required Notice |                  |                        |                        |               |
|--------------------------------|------------------|------------------------|------------------------|---------------|
| Zoning Application             | Type             |                        |                        |               |
|                                | Published Notice | Mailed Courtesy Notice | Mailed Required Notice | Posted Notice |
| Zoning Text Amendment          | •                |                        |                        |               |
| Zoning Map Amendment           | •                | •                      | •                      | •             |
| Special Use                    | •                | •                      |                        | •             |
| Hardship Variance              | •                | •                      |                        | •             |
| Design Review                  |                  |                        |                        |               |
| Planned Unit Development       | •                | •                      |                        | •             |
| Administrative Exception       |                  |                        | •                      |               |
| Zoning Appeals                 | •                |                        |                        |               |

**B. Published Notice**

When published notice is required, the Zoning Administrator will publish notice in a newspaper of general circulation within the City. The notice must include the date, time, and location of the hearing/decision, description of the application, the name of the applicant, and the address or locational description if address is not available of the subject property. Notice must be published as follows:

1. Hearing before the Plan and Zoning Commission or Zoning Board of Adjustment: No less than four days and no more than 20 days in advance of the scheduled hearing date.
2. Hearing before the City Council: No less than seven days and no more than 20 days in advance of the scheduled hearing date.

**C. Mailed Courtesy Notice**

**1. General Notice Requirements**

- a. The city will may mail notice.
- b. The notice must should include the date, time, and location of the hearing/decision, description of the application, the name of the applicant, and the address or locational description if address is not available of the subject property.
- c. Nothing in this section prevents the applicant from giving additional notice as he/she may deem appropriate.

**2. Mailed Courtesy Notice**

The City will may follow the following standards when mailing courtesy notices per Table 17.14-1. Courtesy notice is not required. If notice does not meet these standards or is not mailed, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing.

- a. Courtesy notice will may be mailed to all property owners within 200 feet of the lot line of the subject property.
- b. Courtesy notice will may be mailed as follows:
  - i. Hearing before the Plan and Zoning Commission or Zoning Board of Adjustment: No less than four days and no more than 20 days in advance of the scheduled hearing date.

ii. Hearing before the City Council: No less than seven days and no more than 20 days in advance of the scheduled hearing date.

c. When a zoning map amendment is proposed by the City, notification will also be mailed to the owner of the subject property.

### 3. Mailed Required Notice

Per Table 17.14-1, administrative exceptions require mailed notice.

a. Notice will be mailed to property owners abutting the subject property as well as the property owner(s) located directly across the street.

b. Notice will be mailed no less than four days and no more than 20 days in advance of the date the Zoning Administrator may render a decision.

### D. Posted Notice

~~The City may follow the following standards when posting notices per Table 17.14-1. Posted notice is not required. If notice does not meet these standards or is not posted, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing.~~

~~1. When posted notice is required, the~~ The City ~~will~~ may post notice on the subject property.

2. The sign ~~must~~ may be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage ~~are~~ may be required to post one sign visible on each street frontage.

3. The ~~required~~ posting period ~~must~~ may be no less than four days and no more than 20 days in advance of the scheduled hearing date.

~~4. Any sign knocked down after posting before a public hearing does not invalidate, impair, or otherwise affect any subsequent approval following the public hearing.~~

~~5.4.~~ The applicant is responsible for removal of a sign within ten days of the issuance of a decision.

Section 24. Section 17.14.040 of the Davenport Municipal Code, entitled "Zoning Text and Map Amendment (Section 17.14.040.D only)" is hereby amended to read as follows:

### D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan and Zoning Commission. Amendments initiated by a City Council, commission, or official also require an application, but are exempt from fees.

#### 1. Required Neighborhood Meeting

~~The City may require the applicant to conduct a neighborhood meeting prior to the Plan and Zoning Commission public hearing. A neighborhood meeting is not required. If the neighborhood meeting does not meet these standards or does not occur, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing.~~

a. ~~The applicant must conduct a neighborhood meeting prior to the Plan and Zoning Commission public hearing for the~~ The purpose of ~~the neighborhood meeting is to share~~ sharing the details of the application, ~~answering~~ answer questions, and ~~receiving~~ receive feedback.

b. The City ~~will~~ may mail notification of the meeting to all property owners within the 200 feet of the subject property. The City may expand the notification of the neighborhood meeting if deemed warranted.

c. The applicant must provide the City with a list of attendees following the neighborhood meeting.

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Section 25. Section 17.14.090 of the Davenport Municipal Code, entitled "Site Plan Review" is hereby amended by adding Section 17.14.090.F, entitled "Minor Adjustments to Certain Design Standards" and by modifying the Sections subsequent to Section 17.14.090.F to read as follows:

**F. Minor Adjustments to Certain Design Standards**

The Zoning Administrator is authorized to grant minor adjustments to off-street parking and loading and landscape design standards when carrying out the requirement may cause a minor practical difficulty. Such adjustment may be granted when it will not adversely affect the purposes and intent of this chapter or simply grant a convenience to the applicant.

**F.G. Modifications to Approved Site Plans**

1. An application for a modification to an approved site plan must be submitted to the Zoning Administrator. Modification applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
2. The Zoning Administrator may approve the following minor modifications to approved site plans. Only those elements of the site plan being modified need to be submitted for review.
  - a. Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
  - b. Exterior renovations to a building facade when in conformance with the requirements of this Ordinance.
  - c. The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
  - d. The construction of additional bicycle or parking spaces.
  - e. The addition of any open space.
  - f. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance.
  - g. Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required and remains in conformance with all landscape requirements.
  - h. The modification of existing signs or the addition of new signs when in conformance with the requirements of the Ordinance.
3. Any modification not considered a minor modification requires resubmittal of a full site plan.

**G.H. Expiration**

The site plan approval expires if a building permit has not been issued or construction has not **begin begun** within one year after the date of site plan approval. An extension of this one year validity period may be granted by the Zoning Administrator prior to the expiration date of the approval, if the applicant requests an extension in writing prior to the expiration date of the approval.

Section 26. Section 17.14.100 of the Davenport Municipal Code, entitled "Design Review (Section 17.14.100.D.2 only)" is hereby amended to read as follows:

2. The following are exempt from Design Review Board approval:
    - a. Properties listed on the Davenport Register of Historic Places **and/or demolition of a building listed on the National Register of Historic Places**, which are subject to the review authority of the Historic Preservation Commission.
    - b. The Zoning Administrator is authorized to approve design proposals as determined by the Design Review Board.
-

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.

First Consideration:

Second Consideration:

Approved:

---

Frank Klipsch, Mayor

Attest: \_\_\_\_\_  
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on \_\_\_\_\_

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Community Planning and Economic Development Department  
City Hall - 226 West Fourth Street - Davenport, Iowa 52801  
Telephone: 563-326-7765  
[www.cityofdavenportiowa.com](http://www.cityofdavenportiowa.com)

July 17, 2019

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of July 16, 2019, the City Plan and Zoning Commission considered Case No. Case ORD19-02 being the request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning. [Ward All]

Finding:

1. The proposed Zoning Ordinance amendment would correct scrivener's errors and content inconsistencies, clarify certain regulations and amend certain overly restrictive regulations.

The Plan and Zoning Commission accepted the listed finding and forward Case ORD19-02 to the City Council with a recommendation for approval.

The Commission vote was 5 yes, 0 no and 0 abstention.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', with a stylized flourish at the end.

Robert Inghram, Chairperson  
City Plan and Zoning Commission

City Plan & Zoning Commission Voting Record

Hearing/Meeting Date: \_\_ 7/16/2019

Meeting Location: \_Council Chambers\_

|    | Name:      | Public<br>Hearing<br>Roll Call | Regular<br>Meeting<br>Roll Call | REZ19-09 | ORD19-02 |  |  |  |  |
|----|------------|--------------------------------|---------------------------------|----------|----------|--|--|--|--|
|    | Motion     |                                |                                 | Tallman  | Tallman  |  |  |  |  |
|    | Second     |                                |                                 | Maness   | Johnson  |  |  |  |  |
| 1  | Connell    | EXC                            |                                 |          |          |  |  |  |  |
| 2  | Hepner     | EXC                            |                                 |          |          |  |  |  |  |
| 3  | Inghram    |                                |                                 |          |          |  |  |  |  |
| 4  | Johnson    |                                |                                 | Yes      | Yes      |  |  |  |  |
| 5  | Schneider  | EXC                            |                                 |          |          |  |  |  |  |
| 6  | Lammers    | EXC                            |                                 |          |          |  |  |  |  |
| 7  | Maness     |                                |                                 | Yes      | Yes      |  |  |  |  |
| 8  | Medd       |                                |                                 | Yes      | Yes      |  |  |  |  |
| 9  | Brandsgard | EXC                            |                                 |          |          |  |  |  |  |
| 10 | Reinartz   |                                |                                 | Yes      | Yes      |  |  |  |  |
| 11 | Tallman    |                                |                                 | Yes      | Yes      |  |  |  |  |

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Matt Flynn 563-888-2286

Wards:

**Action / Date**

**8/14/2019**

Subject:

Second Consideration: Ordinance for Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District (Fairmount Cemetery and Crematory Association, Petitioner). [Ward 1]

Recommendation:

Adopt the Ordinance.

Background:

Reason for Request:

Fairmount Cemetery and Crematory Association (Fairmount) acquired this property, adjacent to the existing crematory, in 2018. It seeks to replace the existing maintenance building, currently located on top of the hill, to this location. This site is adjacent to the historic Crematory building, chapel and administrative offices. As an accessory structure to the facility, it cannot be located in the R-4C District, necessitating the rezoning request to S-OS.

Additional Background Information:

Existing Zoning:

Purpose statement for the S-OS District: The S-OS Open Space District is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments.

The S-OS District is the only one in the City where cemeteries are a permitted use. All other cemeteries in the City are similarly zoned.

See attached current zoning map for adjacent classifications.

Comprehensive Plan:

The property is designated as RG, Residential General, in the Comprehensive Plan. RG is described as follows:

Residential General (RG) - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

See attached Future Land Use Map for additional information.

Technical Review:

No infrastructure deficiencies or unusual service demands have been identified.

Public Input:

A sign was posted on the property on May 30, 2019.

Public hearing notice was published in the Quad City Times on June 7, 2019.

A public meeting was held on June 11 at the Crematory. Ten people attended. Only concern expressed is to site the proposed building to the rear (north) side of the property as much as practical. At the Public Hearing before the Plan and Zoning Commission on June 18, 2019, one person spoke who had questions about the process and stormwater concerns.

Discussion:

The new zoning ordinance includes approval standards for rezonings. Staff will be using these standards as part of the evaluation of rezoning requests.

a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Staff Comments:

Staff's opinion is that the proposed zoning, with conditions, meets the intent of the future land use designation of RG, as it promotes transitional uses along its edges.

b. The compatibility with the zoning of nearby property.

Staff Comments:

The proposed S-OS district allows limited uses and should not impact surrounding properties.

c. The compatibility with established neighborhood character.

Staff Comments:

This neighborhood is transitional in nature and contains a variety of uses. With the suggested conditions, neighborhood character should not be affected by the proposed rezoning.

d. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

Staff Comments:

Allowing the rezoning and relocation of the maintenance building will increase the efficiency of the cemetery operation and lend to its stability.

e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

Staff Comments:

The property is suited for the proposed development, as it is in close proximity to the existing crematory.

f. The extent to which the proposed amendment creates non-conformities.

Staff Comments:

The property is vacant and has no non-conformities.

Recommendation:

At its July 1, 2019 meeting, the Plan and Zoning Commission recommended the City Council accept the listed findings and approve Case REZ19-08, including the following conditions:

Findings:

1. The rezoning request is consistent with the Comprehensive Plan in that it allows a transitional use on the edge of a RG, Residential General designation.
2. The proposed rezoning will allow for consolidation of cemetery operations, increasing its efficiency.

3. Proposed conditions will negate any potential negative impacts of the facility on surrounding properties.

**Conditions:**

1. That an agreement not to sever this property from the existing cemetery property is executed prior to any construction.
2. The proposed maintenance building not exceed 32 feet by 48 feet.
3. The proposed maintenance building be located as far north as possible.
4. The proposed maintenance building shall not be constructed of overly bright or reflective colors.
5. Any security lighting be completely shielded from the property to the east.
6. No long term outdoor storage of materials or equipment is allowed.
7. Site plan approval is required prior to any development on the site.

**ATTACHMENTS:**

| Type                                     | Description                   |
|------------------------------------------|-------------------------------|
| <input type="checkbox"/> Ordinance       | Ordinance                     |
| <input type="checkbox"/> Backup Material | P&Z Letter                    |
| <input type="checkbox"/> Backup Material | Application                   |
| <input type="checkbox"/> Backup Material | Existing Zoning Map           |
| <input type="checkbox"/> Backup Material | 2035 Future Land Use          |
| <input type="checkbox"/> Backup Material | Legal Notice                  |
| <input type="checkbox"/> Backup Material | Neighbor List                 |
| <input type="checkbox"/> Backup Material | PH Notice and Map             |
| <input type="checkbox"/> Backup Material | Proposed Maintenance Building |
| <input type="checkbox"/> Backup Material | Public Hearing Notice         |
| <input type="checkbox"/> Backup Material | P&Z Vote Sheet                |

**REVIEWERS:**

| Department                      | Reviewer      | Action   | Date                |
|---------------------------------|---------------|----------|---------------------|
| Community Development Committee | Berger, Bruce | Approved | 7/11/2019 - 9:41 AM |

ORDINANCE NO. 2019 -

ORDINANCE for Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District. Fairmount Cemetery and Crematory Association, petitioner. [Ward 1]

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to S-OS Special Open Space District.

The property has the following legal description:

Part of the Southwest Quarter of Section 10, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as follows:

Commencing at the southwest corner of said Section 10; thence north 0 degrees 41 minutes east 30 feet; thence south 89 degrees 52 minutes east 33 feet to the point of beginning; thence north 0 degrees 41 minutes east 150 feet; thence south 89 degrees 52 minutes east 150 feet; thence south 0 degrees 41 minutes west 150 feet; thence north 89 degrees 52 feet 150 feet to the point of beginning.

Section 2. The Plan and Zoning Commission considered case REZ19-08 at its July 1, 2019 meeting and voted to forward the request to City Council with a recommendation for approval, with the following findings and conditions:.

Findings:

1. The rezoning request is consistent with the Comprehensive Plan in that it allows a transitional use on the edge of a RG, Residential General designation.
2. The proposed rezoning will allow for consolidation of cemetery operations, increasing its efficiency.
3. Proposed conditions will negate any potential negative impacts of the facility on surrounding properties.

Conditions:

1. That an agreement not to sever this property from the existing cemetery property is executed prior to any construction.
2. The proposed maintenance building not exceed 32 feet by 48 feet.
3. The proposed maintenance building be located as far north as possible.
4. The proposed maintenance building shall not be constructed of overly bright or reflective colors.
5. Any security lighting be completely shielded from the property to the east.
6. No long term outdoor storage of materials or equipment is allowed.
7. Site plan approval is required prior to any development on the site.

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.

First Consideration:

Second Consideration:

Approved:

\_\_\_\_\_  
Frank Klipsch, Mayor

Attest: \_\_\_\_\_  
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on \_\_\_\_\_

July 2, 2019

Honorable Mayor and City Council  
City Hall  
Davenport IA 52801

Subject: Case REZ19-08

Honorable Mayor and City Council:

At its regular meeting of July 1, 2019, the Davenport Plan and Zoning Commission considered the following case:

Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District. Fairmount Cemetery and Crematory Association, petitioner. [Ward 1]

The Plan and Zoning Commission voted to forward the request to City Council with a recommendation for approval, with the following findings and conditions:

Findings:

1. The rezoning request is consistent with the Comprehensive Plan in that it allows a transitional use on the edge of a RG, Residential General designation.
2. The proposed rezoning will allow for consolidation of cemetery operations, increasing its efficiency.
3. Proposed conditions will negate any potential negative impacts of the facility on surrounding properties.

Conditions:

1. That an agreement not to sever this property from the existing cemetery property is executed prior to any construction.
2. The proposed maintenance building not exceed 32 feet by 48 feet.
3. The proposed maintenance building be located as far north as possible.
4. The proposed maintenance building shall not be constructed of overly bright or reflective colors.
5. Any security lighting be completely shielded from the property to the east.
6. No long term outdoor storage of materials or equipment is allowed.
7. Site plan approval is required prior to any development on the site.

On a unanimous vote of 9-0, the Plan and Zoning Commission forwards Case REZ19-08 to the City Council for approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Inghram', written over a light gray rectangular background.

Robert Inghram, Chairperson  
Davenport Plan and Zoning Commission



Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

**Property Address\***

\*If no property address, please submit a legal description of the property.

**Applicant (Primary Contact) \*\***

Name:  
Company:  
Address:  
City/State/Zip:  
Phone:  
Email:

*Application Form Type:*

**Plan and Zoning Commission**

Zoning Map Amendment (Rezoning)  
Planned Unit Development  
Zoning Ordinance Text Amendment  
Right-of-way or Easement Vacation  
Voluntary Annexation

**Owner** (if different from Applicant)

Name:  
Company:  
Address:  
City/State/Zip  
Phone:  
Email:

**Zoning Board of Adjustment**

Zoning Appeal  
Special Use  
Hardship Variance

**Engineer** (if applicable)

Name:  
Company:  
Address:  
City/State/Zip  
Phone:  
Email:

**Design Review Board**

Design Approval  
Demolition Request in the Downtown  
Demolition Request in the Village of  
East Davenport

**Architect** (if applicable)

Name:  
Company:  
Address:  
City/State/Zip:  
Phone:  
Email:

**Historic Preservation Commission**

Certificate of Appropriateness  
Landmark Nomination  
Demolition Request

**Administrative**

Administrative Exception  
Health Services and Congregate  
Living Permit

**Attorney** (if applicable)

Name:  
Company:  
Address:  
City/State/Zip:  
Phone:  
Email:

**\*\* If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

**Request:**

Existing Zoning:

Proposed Zoning Map Amendment:

Purpose of the Request:

Total Land Area:

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area:      Yes      No

**Submittal Requirements:**

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
  - Zoning Map Amendment is less than 1 acre - \$400.
  - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
  - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
  - \$10.00 per sign; more than one sign may be required depending upon the area of the request.

**Formal Procedure:**

(1) Application:

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

(2) Plan and Zoning Commission public hearing:

- The City shall post notification sign(s) in advance of the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request.
- The applicant shall make a presentation regarding the request at a neighborhood meeting. The purpose of meeting is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process. Planning staff will coordinate meeting date, time, and location and send notices to surrounding property owners.
- The Plan and Zoning Commission will hold a public hearing on the request. Planning staff will send notices to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the request:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request may only be approved by a favorable 3/4 vote of the City Council.

**Formal Procedure (continued):**

(4) City Council's consideration of the request:

- The Committee of the Whole (COW) will hold a public hearing on the request. Planning staff will send a public hearing notice to surrounding property owners.
- If property owners representing 20% or more of the area within 200 feet of the exterior boundaries of the request submit a written protest, the request may only be approved by a favorable 3/4 vote of the City Council. For the purpose of the 20% protest rate, formal protests will be accepted until the public hearing is closed.
- The City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant:

Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:

Date:

Planning staff

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4<sup>th</sup> Street, Davenport, Iowa.

**Authorization to Act as Applicant**

I,  
authorize  
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

\_\_\_\_\_

\_\_\_\_\_

Signature(s)

State of \_\_\_\_\_ ,  
County of \_\_\_\_\_ .  
Sworn and subscribed to before me

This            day of            20

\_\_\_\_\_

Form of Identification

\_\_\_\_\_

Notary Public

My Commission Expires:

## 2019 PLAN & ZONING COMMISSION CALENDAR

| PLAN & ZONING COMMISSION SCHEDULE                            |                                                                   |                                                                         |                                        | CITY COUNCIL SCHEDULE                  |                                             |                         |
|--------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------|----------------------------------------|---------------------------------------------|-------------------------|
| <u>REZONING &amp; ROW<br/>VACATION</u><br>SUBMITTAL DEADLINE | <u>SUBDIVISION PLAT<br/>&amp; DEV. PLAN</u><br>SUBMITTAL DEADLINE | PLAN & ZONING COMMISSION<br>PUBLIC HEARING<br>(Preview for plats/plans) | PLAN & ZONING<br>COMMISSION<br>MEETING | COUNCIL ITEMS<br>SUBMITTAL<br>DEADLINE | COMMITTEE<br>OF THE WHOLE<br>PUBLIC HEARING | CITY COUNCIL<br>MEETING |
| (12:00 PM - Monday)                                          | (12:00 PM - Monday)                                               | (5:00 PM - Tuesday)                                                     | (5:00 PM - Tuesday)                    | (12:00PM - Friday)                     | (5:30 PM - Wednesday)                       | (5:30 PM - Wednesday)   |
| <b>11/13/18</b>                                              | 11/26/18                                                          | 12/04/18                                                                | 12/18/18                               | 12/21/18                               | 01/02/19                                    | 01/09/19                |
| 11/26/18                                                     | 12/10/18                                                          | 12/18/18                                                                | <b>12/31/18</b>                        | 01/04/19                               | 01/16/19                                    | 01/23/19                |
| 12/10/18                                                     | <b>12/21/18</b>                                                   | <b>12/31/18</b>                                                         | 01/15/19                               | 01/25/19                               | 02/06/19                                    | 02/13/19                |
| <b>12/21/18</b>                                              | 01/07/19                                                          | 01/15/19                                                                | 02/05/19                               | 02/08/19                               | 02/20/19                                    | 02/27/19                |
| 01/14/19                                                     | 01/28/19                                                          | 02/05/19                                                                | 02/19/19                               | 02/22/19                               | 03/06/19                                    | 03/13/19                |
| 01/28/19                                                     | 02/11/19                                                          | 02/19/19                                                                | 03/05/19                               | 03/08/19                               | 03/20/19                                    | 03/27/19                |
| 02/11/19                                                     | 02/25/19                                                          | 03/05/19                                                                | 03/19/19                               | 03/22/19                               | 04/03/19                                    | 04/10/19                |
| 02/25/19                                                     | 03/11/19                                                          | 03/19/19                                                                | 04/02/19                               | 04/05/19                               | 04/17/19                                    | 04/24/19                |
| 03/11/19                                                     | 03/25/19                                                          | 04/02/19                                                                | 04/16/19                               | 04/19/19                               | 05/01/19                                    | 05/08/19                |
| 03/25/19                                                     | 04/08/19                                                          | 04/16/19                                                                | 04/30/19                               | 05/03/19                               | 05/15/19                                    | 05/22/19                |
| 04/08/19                                                     | 04/22/19                                                          | 04/30/19                                                                | 05/14/19                               | 05/24/19                               | 06/05/19                                    | 06/12/19                |
| 04/22/19                                                     | 05/06/19                                                          | 05/14/19                                                                | 06/04/19                               | 06/07/19                               | 06/19/19                                    | 06/26/19                |
| 05/13/19                                                     | <b>05/24/19</b>                                                   | 06/04/19                                                                | 06/18/19                               | 06/21/19                               | 07/03/19                                    | 07/10/19                |
| <b>05/24/19</b>                                              | 06/10/19                                                          | 06/18/19                                                                | 07/02/19                               | 07/05/19                               | 07/17/19                                    | 07/24/19                |
| 06/10/19                                                     | 06/24/19                                                          | 07/02/19                                                                | 07/16/19                               | 07/26/19                               | 08/07/19                                    | 08/14/19                |
| 06/24/19                                                     | 07/08/19                                                          | 07/16/19                                                                | 08/06/19                               | 08/09/19                               | 08/21/19                                    | 08/28/19                |
| 07/15/19                                                     | 07/29/19                                                          | 08/06/19                                                                | 08/20/19                               | 08/23/19                               | 09/04/19                                    | 09/11/19                |
| 07/29/19                                                     | 08/12/19                                                          | 08/20/19                                                                | 09/03/19                               | 09/06/19                               | 09/18/19                                    | 09/25/19                |
| 08/12/19                                                     | 08/26/19                                                          | 09/03/19                                                                | 09/17/19                               | 09/20/19                               | 10/02/19                                    | 10/09/19                |
| 08/26/19                                                     | 09/09/19                                                          | 09/17/19                                                                | 10/01/19                               | 10/04/19                               | 10/16/19                                    | 10/23/19                |
| 09/09/19                                                     | 09/23/19                                                          | 10/01/19                                                                | 10/15/19                               | 10/25/19                               | 11/06/19                                    | 11/13/19                |
| 09/23/19                                                     | 10/07/19                                                          | 10/15/19                                                                | 11/05/19                               | 11/08/19                               | 11/20/19                                    | <b>11/27/19</b>         |
| 10/14/19                                                     | 10/28/19                                                          | 11/05/19                                                                | 11/19/19                               | 11/22/19                               | 12/04/19                                    | 12/11/19                |
| 10/28/19                                                     | <b>11/08/19</b>                                                   | 11/19/19                                                                | 12/03/19                               | <b>cancelled due to holiday</b>        |                                             |                         |
| 11/11/19                                                     | 11/25/19                                                          | 12/03/19                                                                | 12/17/19                               | <b>12/13/19</b>                        | <b>01/02/20</b>                             | 01/08/20                |
| 11/25/19                                                     | 12/09/19                                                          | 12/17/19                                                                | 12/31/19                               | 12/27/19                               | 01/15/20                                    | 01/22/20                |
| 12/09/19                                                     | 12/23/19                                                          | 12/31/19                                                                | 01/14/20                               | 01/17/20                               | 02/05/20                                    | 02/12/20                |
| 12/23/19                                                     | 01/06/20                                                          | 01/14/20                                                                | 02/04/20                               | 01/31/20                               | 02/19/20                                    | 02/26/20                |

- SUBMISSION & MEETING DATES MAY BE CHANGED DUE TO HOLIDAY - **MARKED IN RED**
- ORDINANCES REQUIRE THREE CONSIDERATIONS BEFORE CITY COUNCIL
- DATES SUBJECT TO CGHHANE DUE TO HOLIDAYS - **MARKED IN RED**
- DELAYS MAY OCCUR UPON THE PETITION REACHING THE CITY COUNCIL'S AGENDA

# REZ19-08 Existing Zoning



5/30/2019, 2:35:20 PM

--- Platted Lot Lines

■ Parks

□ Parcels

Street Centerline (Labels only)

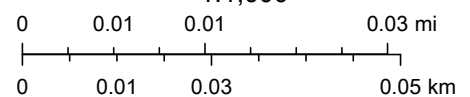
Address Points

Zoning Districts

■ R-1 Single-Family Residential District

■ R-2 Single-Family Residential District

1:1,000



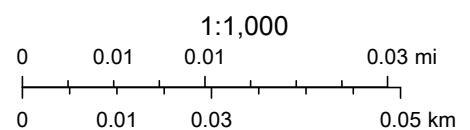
Scott County Iowa, Bi-State Regional Commission

# REZ19-08 2035 Land Use



5/30/2019, 2:32:45 PM

- Platted Lot Lines
- Parks
- Parcels
- Street Centerline (Labels only)
- Address Points
- Land Use+2035
  - Urban Corridor
  - Commercial Node
  - Regional Commercial
  - Commercial Corridor
  - Residential General



Scott County Iowa, Bi-State Regional Commission

Friday, May 31, 2019

Please publish the following public notice in the June 7, 2019 edition of the Quad City Times.

The PO number for this notice is: 1914173

Please provide proof of publication for our records. If you have any questions, please contact us at [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or 563-326-7765. Thank you!

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**NOTICE  
PUBLIC HEARING  
TUESDAY, JUNE 18, 2019 - 5:00 P.M.  
CITY OF DAVENPORT PLAN AND ZONING COMMISSION  
COUNCIL CHAMBERS - DAVENPORT CITY HALL  
226 WEST 4th STREET – DAVENPORT, IOWA**

There is on file in the Community Planning and Economic Development Department (CPED), on behalf of the Plan and Zoning Commission, the following request:

Case REZ19-08: Request of Fairmount Cemetery and Crematory for a zoning map amendment of the property located at 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District. [Ward 1]

The public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday, April 30, 2019 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No. 1914173

Department of Community Planning & Economic Development  
E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) PHONE: 563-326-7765

## Davenport.14628.1.Neighborhood\_Meeting\_and\_Adjacent\_Owner\_Notice\_List.xlsx

| Parcel         | Property Address   | Owner Name                     | Owner Street                                                                     | Owner CityStateZip   |
|----------------|--------------------|--------------------------------|----------------------------------------------------------------------------------|----------------------|
| Petitioner:    | 3870 ROCKINGHAM RD | FAIRMOUNT CEMETERY ASSN        | 3902 ROCKINGHAM RD                                                               | DAVENPORT IA 52802   |
| P&Z Chair:     | Bob Inghram        |                                | <a href="mailto:bingham@activethermal.net">bingham@activethermal.net</a>         |                      |
| Mayor's Clerk: | Nevada Lemke       |                                | <a href="mailto:nlemke@ci.davenport.ia.us">nlemke@ci.davenport.ia.us</a>         |                      |
| Council Clerk: | Tiffany Thorndike  |                                | <a href="mailto:tthorndike@ci.davenport.ia.us">tthorndike@ci.davenport.ia.us</a> |                      |
| Neighborhood:  | none               |                                |                                                                                  |                      |
| Ward/Ald:      | 1st Ward           | Alderman Dunn                  | <a href="mailto:rdunn@ci.davenport.ia.us">rdunn@ci.davenport.ia.us</a>           | 7 Notices Sent       |
| Ward/Ald:      | At-Large           | Alderman Condon                | <a href="mailto:jcondon@ci.davenport.ia.us">jcondon@ci.davenport.ia.us</a>       |                      |
| Ward/Ald:      | At-Large           | Alderman Gripp                 | <a href="mailto:kgripp@ci.davenport.ia.us">kgripp@ci.davenport.ia.us</a>         |                      |
| R3242-01       | 3902 ROCKINGHAM RD | FAIRMOUNT CEMETERY ASSN        | 3902 ROCKINGHAM RD                                                               | DAVENPORT IA 52802   |
| R3255-01A      | 3858 ROCKINGHAM RD | DAVID M BROWN                  | 3858 ROCKINGHAM RD                                                               | DAVENPORT IA 52802   |
| R0507-30A      | 3855 ROCKINGHAM RD | PIGGOTT PROPERTIES LLC         | 2228 ELM ST                                                                      | DAVENPORT IA 52803   |
| R0507-28       | 3865 ROCKINGHAM RD | MICHAEL L SERSIG               | 3865 ROCKINGHAM RD                                                               | DAVENPORT IA 52802   |
| R0507-27A      | 3869 ROCKINGHAM RD | RIPPLE & FRENELL AUTO SALES    | 3911 ROCKINGHAM RD                                                               | DAVENPORT IA 52802   |
| R3258-03       | 3862 ROCKINGHAM RD | DAVID BROWN                    | 3862 ROCKINGHAM RD                                                               | DAVENPORT IA 52802   |
| R3258-01       | 3902 ROCKINGHAM RD | NORTHWESTERN CREMATION SOCIETY | 3902 ROCKINGHAM RD                                                               | DAVENPORT IA 52802   |
| R0507-01A      | 3911 ROCKINGHAM RD | QCA CAR CREDIT                 | 103 W 1ST ST                                                                     | COAL VALLEY IL 61240 |

**NOTICE  
PUBLIC HEARING  
DAVENPORT PLAN AND ZONING COMMISSION  
TUESDAY, JUNE 18, 2019, 5:00 P.M.  
CITY HALL COUNCIL CHAMBERS  
226 WEST FOURTH STREET, DAVENPORT, IOWA 52801**

**Please be aware of possible zoning changes that may impact your property or neighborhood.**

**Case No. REZ19-08: Request of Fairmount Cemetery and Crematory (Fairmount) for a rezoning (map amendment) of the property located at 3870 Rockingham Road from R-4C, Single and Two Family Central Residence District to S-OS, Special Open Space District. [Ward 1] (See map of the affected property on reverse side of this notice).**

**The proposed rezoning, if approved, would allow for construction of a maintenance building for Fairmount.**

**A public hearing will be held at the time and place listed above. As a property owner within 200 feet of the subject property, you have the opportunity to formally protest this request. To do so, please contact the Community Planning Office at the email or mailing address below.**

**Any written protest must be received no later than the close of the public hearing before the Committee of the Whole, tentatively scheduled for July 17, 2019.**

**If you have any questions regarding the proposal, please contact the Community Planning Division.**

**Case No. REZ19-08**

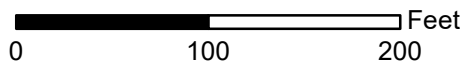
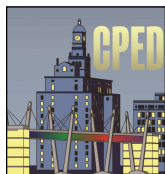
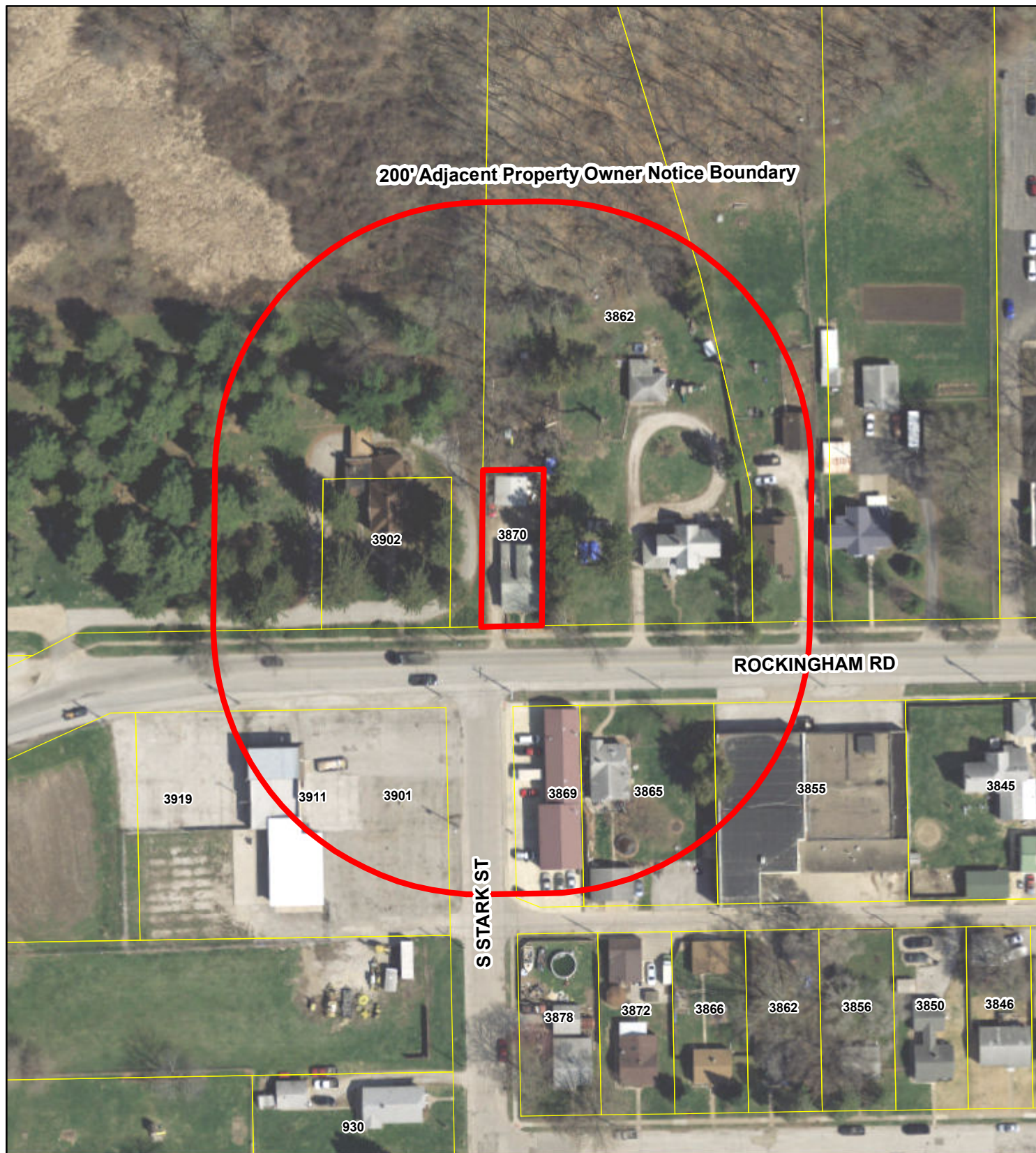
**EMAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)**

**PHONE: (563) 326-7765**

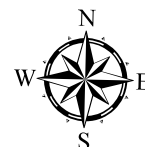
**MAILING ADDRESS: CPED, Community Planning  
City Hall, 226 West Fourth Street  
Davenport, IA 52801**

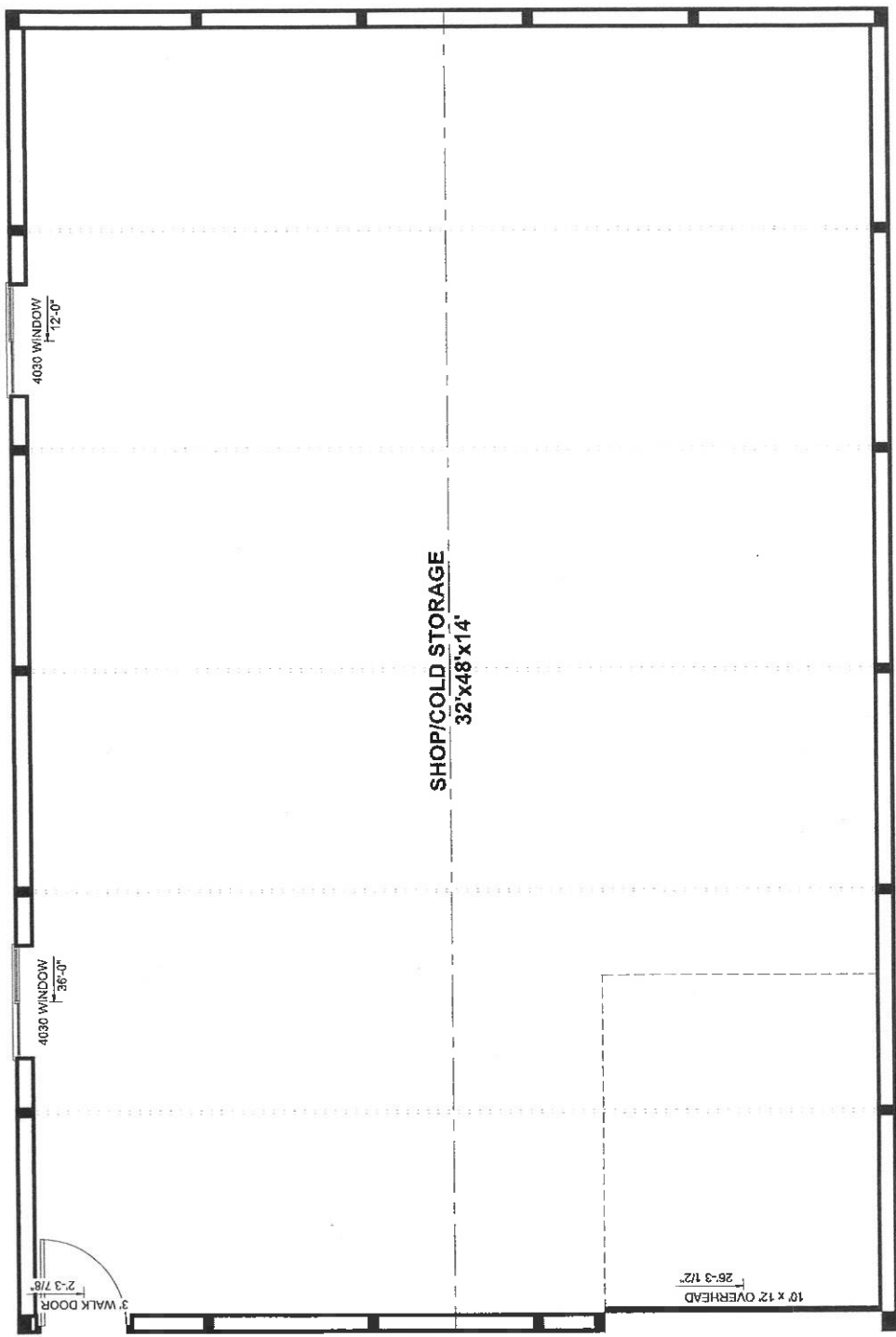
# Request for a Zoning Map Amendment (Rezoning)

## Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.





Bay Spacing - 6 @ 8'-0"



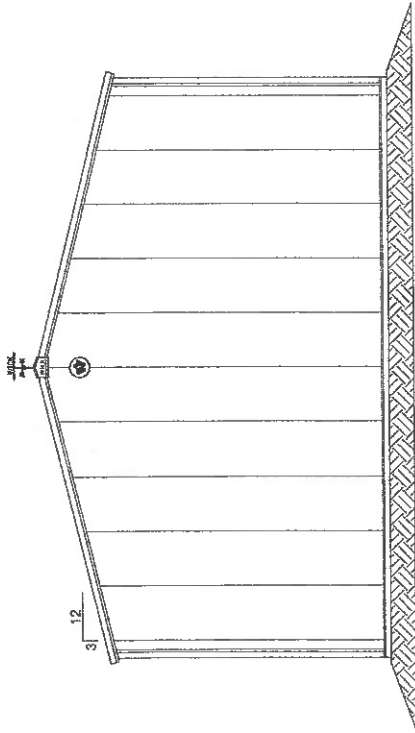
**Raun Construction**  
William Raun  
3905 5th Ave  
Moline, IL 61265

WickBuildings.com  
Date: 5-2-2019  
Time: 1:12 PM  
DO NOT SCALE

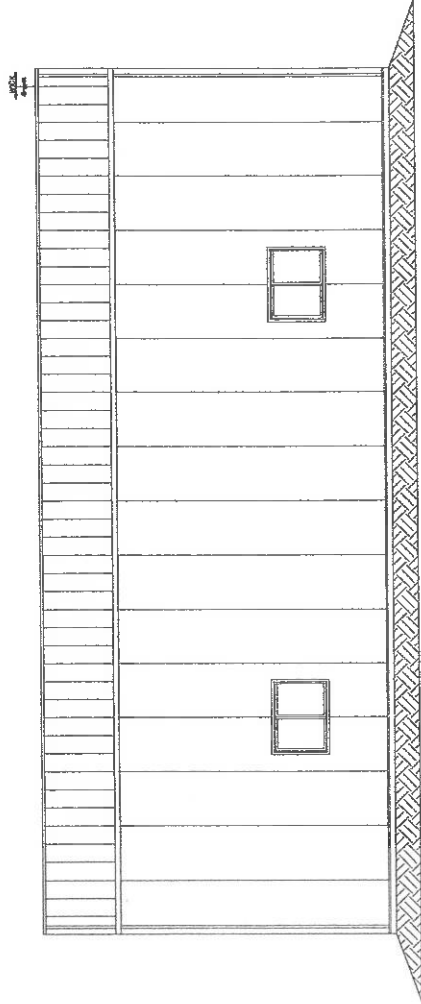
**CarvelMorgan32x48**  
32'-0" x 48'-0" x 14'-4" ICH

Customer Signature

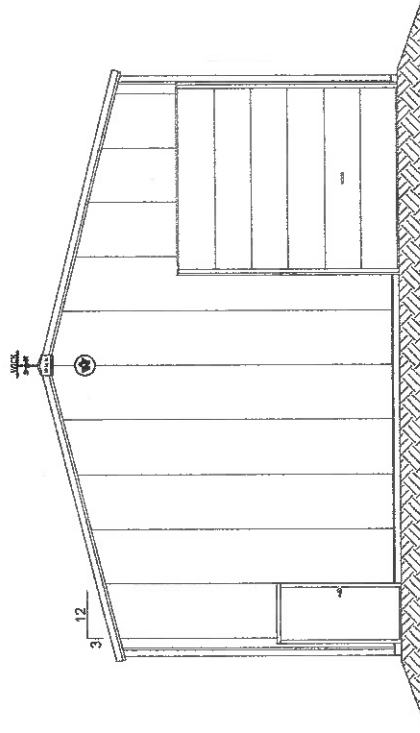
Fairmount Cemetery And Crematory Association  
Carvel Morgan  
3902 Rockingham Road  
Davenport, IA 52802



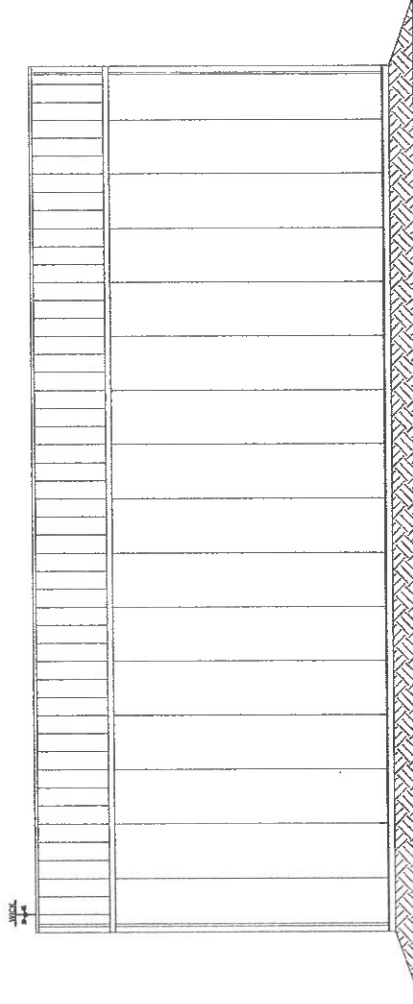
Right Elevation



Top Elevation



Left Elevation



Bottom Elevation



Raun Construction  
William Raun  
3905 5th Ave  
Moline, IL 61265

WickBuildings.com

Date: 5-2-2019

Time: 1:12 PM

DO NOT SCALE

**CarvelMorgan32x48**  
32'-0" x 48'-0" x 14'-4" ICH

Customer Signature

Fairmount Cemetery And Crematory Association  
Carvel Morgan  
3902 Rockingham Road  
Davenport, IA 52802

Tuesday, July 2, 2019

Please publish the following public notice in the July 8, 2019 edition of the Quad City Times.

The PO number for this notice is: 2000101

Please provide proof of publication for our records. If you have any questions, please contact us at [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or 563-326-7765. Thank you!

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**NOTICE  
PUBLIC HEARING  
WEDNESDAY, JULY 17, 2019 - 5:30 P.M.  
CITY OF DAVENPORT COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS - DAVENPORT CITY HALL  
226 WEST 4th STREET – DAVENPORT, IOWA**

There is on file in the Community Planning and Economic Development Department (CPED), on behalf of the Plan and Zoning Commission, the following request:

Case REZ19-08: Request of Fairmount Cemetery and Crematory for a zoning map amendment of the property located at 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District. [Ward 1]

The Legal Description is as follows:

Part of the Southeast Quarter of Section 32, Township 78 North Range 3 East of the 5<sup>th</sup> P.M., more particularly described as follows: Commencing at a point in the South line of said Section 32, 1089.66 feet West of the Southeast corner of said Section 32, being the Southeast corner of said Section 32, being the Southeast corner of land heretofore conveyed to West Davenport Cemetery Association; thence North on the East line of Cemetery land 140 feet; thence East 45 feet; thence South 140 feet; thence West 45 feet to the place of beginning.

At its Monday, July 1, 2019 meeting, the Plan and Zoning Commission recommended approval of this request.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, July 17, 2019, 2019 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No. 2000101

Department of Community Planning & Economic Development  
E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) PHONE: 563-326-7765

City Plan & Zoning Commission Voting Record

Hearing/Meeting Date: 1-Jul-19

Meeting Location: Council Chambers

|    | Name:                            | Public Hearing Roll Call | Regular Meeting Roll Call | Minutes | REZ19-08 | P19-02 | F19-11 |  |
|----|----------------------------------|--------------------------|---------------------------|---------|----------|--------|--------|--|
|    | Motion                           |                          |                           | 11      | 4        | 6      | 6      |  |
|    | Second                           |                          |                           | 8       | 11       | 7      | 8      |  |
| 1  | Connell                          | EXC                      | EX                        |         |          |        |        |  |
| 2  | Hepner                           | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |
| 3  | Inghram                          | ✓                        | ✓                         |         |          |        |        |  |
| 4  | Johnson                          | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |
| 5  | <del>BRANDSCHWAB</del> SCHNEIDER | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |
| 6  | Lammers                          | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |
| 7  | Maness                           | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |
| 8  | Medd                             | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |
| 9  | <del>Quinn</del> BRANDSCHWAB     | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |
| 10 | Reinartz                         | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |
| 11 | Tallman                          | ✓                        | ✓                         | ✓       | ✓        | ✓      | ✓      |  |

10 10 9-0 9-0 9-0 9-0

City of Davenport

Agenda Group:  
Department: Public Safety  
Contact Info: Gary Statz 563-326-7754  
Wards:

**Action / Date**  
**8/14/2019**

Subject:  
Second Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding 12th Street in front of the residence at 2215 E 12th St. [Ward 5]

Recommendation:  
Adopt the Ordinance.

Background:  
Linda Van Fossen of 2215 E 12th has requested one resident parking only space in front of her home. Business traffic from the East Village often parks there and she has no off-street parking. The new zone will be 25 feet long.

ATTACHMENTS:

| Type        | Description |
|-------------|-------------|
| ▢ Ordinance | Ordinance   |

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Admin, Default | Approved | 7/12/2019 - 11:26 AM |

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10.96 ENTITLED SCHEDULES OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY AMENDING SCHEDULE XI RESIDENT PARKING ONLY THERETO BY ADDING 12<sup>TH</sup> STREET IN FRONT OF THE RESIDENCE AT 2215 E 12<sup>TH</sup> STREET.

Section 1. That Schedule XI Resident Parking Only of the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

12<sup>th</sup> Street in front of the residence at 2215 E 12<sup>th</sup> Street.

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.

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

Attest: \_\_\_\_\_

Brian Krup  
Deputy City Clerk

\_\_\_\_\_  
Frank Klipsch  
Mayor

Published in the *QC Times* \_\_\_\_\_

City of Davenport

Agenda Group:

Department: Community Planning & Economic Development

Contact Info: Brian Heyer 563-326-7735

Wards:

**Action / Date**

**7/3/2019**

Subject:

First Consideration: Ordinance vacating the excess right-of-way formerly part of Forest Grove Ct.  
[Ward 6]

Recommendation:

Adopt the Ordinance.

Background:

A Public Hearing was held September 2018 on the vacation of this public right-of-way. The vacation relates to the Veterans Memorial Parkway improvement project. The Ordinance vacating was omitted. It is now being brought forward as the abutting property owners would like to acquire the vacated right-of-way for incorporation into their properties.

ATTACHMENTS:

| Type        | Description |
|-------------|-------------|
| ▣ Ordinance | Ordinance   |

REVIEWERS:

| Department                                | Reviewer       | Action   | Date                |
|-------------------------------------------|----------------|----------|---------------------|
| Community Planning & Economic Development | Admin, Default | Approved | 6/10/2019 - 8:23 AM |

ORDINANCE NO.

AN ORDINANCE VACATING EXCESS RIGHT OF WAY FORMERLY PART OF FOREST GROVE CT

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

Section 1. The following legally described real property, formerly part of Forest Grove Court Public Right of Way, is hereby vacated as public right of way.

Part of the Northwest Quarter and the Southwest Quarter of Section 4, Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Commencing at the southeast corner of the Northwest Quarter of said Section 4;

Thence North 01 degrees 51 minutes 20 seconds West along the east line of the northwest quarter of said Section 4, a distance of 0.08 feet to the centerline of Forest Grove Drive;

Thence South 87 degrees 03 minutes 46 seconds West along said centerline, a distance of 622.25 feet;

Thence westerly 203.72 feet continuing along said centerline and the arc of a curve to the right, having a radius of 5,730.00 feet, a chord bearing of South 87 degrees 54 minutes 09 seconds West, and a chord distance of 203.71 feet;

Thence South 88 degrees 54 minutes 02 seconds West along said centerline, a distance of 0.28 feet to the east line of a parcel conveyed to Virginia L. McCall Trust by Warranty Deed recorded as Document No. 2002-14560 in the Scott County Recorder's Office

Thence continuing South 88 degrees 54 minutes 02 seconds West along said centerline, a distance of 88.89 feet to the Point of Beginning;

Thence northerly 5.01 feet along the arc of a curve to the left having a radius of 50.00 feet, a chord bearing of North 03 degrees 58 minutes 22 seconds West, and a chord distance of 5.01 feet to the north right of way line of Forest Grove Drive;

Thence North 88 degrees 54 minutes 00 seconds East along said north right of way line, a distance of 87.58 feet to the east line of said property so conveyed;

Thence easterly 202.61 feet along the north right of way line of Forest Grove Drive and the arc of a curve to toe left having a radius of 5,817.00 feet, a chord bearing of North 87 degrees 54 minutes 08 seconds East and a chord distance of 202.60 feet;

Thence North 87 degrees 03 minutes 46 seconds East along said right of way line a distance of 417.59 feet to the northerly projection of the west right of way line of Somerset Road;

Thence South 01 degrees 44 minutes 07 seconds East along the west right of way line of Somerset Road a distance of 88.34 feet to the northeasterly line of Lot 1 in Crow Valley View 8<sup>th</sup> Addition;

Thence northwesterly 23.88 feet along said northeasterly line and the arc of a curve to the left, not tangent to the last described course, having a radius of 15.00 feet, a chord bearing of North 47 degrees 20 minutes 10 seconds West, and a chord distance of 21.43 feet to the north line of said Lot 1;

Thence South 87 degrees 03 minutes 46 seconds West along said north line, a distance of 134.22 feet to the northwest corner of said Lot 1 and the northeast corner of Lot 4 in Crow Valley View 7<sup>th</sup> Addition;

Thence South 87 degrees 03 minutes 46 seconds West along the north line of said Lot 4, a distance of 70.56 feet to the northwest corner of Lot 4 in Crow Valley View 7<sup>th</sup> Addition which is also the northeast corner of Lot 3 in Crow Valley 7<sup>th</sup> Addition;

Thence South 87 degrees 03 minutes 46 seconds West along the north line of Lot 3 in Crow Valley 7<sup>th</sup> Addition, a distance of 195.86 feet;

Thence westerly 34.09 feet along said north line and the arc of a curve to the right, having a radius of 5,770.00 feet, a chord bearing of South 87 degrees 03 minutes 14 seconds West, and a chord distance of 34.09 feet to the northwest corner of Lot 3 in Crow Valley 7<sup>th</sup> Addition which is also the northeast corner of Lot 2 in Crow Valley 7<sup>th</sup> Addition;

Thence westerly 50.35 feet along the north line of Lot 2 in Crow Valley 7<sup>th</sup> Addition and the arc of a curve to the right, not tangent to the last described course, having a radius of 5,770.00 feet, a chord bearing of South 87 degrees 28 minutes 23 seconds West, and a chord distance of 50.35 feet to the northwest corner of Lot 2 in Crow Valley 7<sup>th</sup> Addition and the northeast corner of Lot 12 in Fry's 1st Addition;

Thence westerly 120.63 feet along the north line of Lot 12 in Fry's 1st Addition and the arc of a curve to the right having a radius of 5,770.00 feet, a chord bearing of South 88 degrees 19 minutes 19 seconds West, and a chord distance of 120.62 feet;

Thence South 88 degrees 54 minutes 00 seconds West along said north line, a distance of 34.53 feet to the northwest corner of said Lot 12 and the northeast corner of Lot 13 in Fry's 1st Addition;

Thence South 88 degrees 54 minutes 00 seconds West along the north line of Lot 13 in Fry's 1st Addition, a distance of 54.63 feet;

Thence North 01 degrees 06 minutes 00 seconds West, a distance of 40.00 feet to the centerline of Forrest Grove Drive and the Point of Beginning.

The above described parcel contains 51,866 square feet or 1.19 acres, more or less.

For the purpose of this description North is based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (1997 Adjustment).

And,

Part of the Northwest Quarter and the Southwest Quarter of Section 4, Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott, State of Iowa, more particularly described as follows:

Beginning at the at the northeast corner of Outlot A in Crow Valley View 9th Addition;

Thence South 87 degrees 03 minutes 46 seconds West along the north line of said Outlot A, a distance of 140.66 feet to the northwesterly line of said Outlot A;

Thence southwesterly 23.25 feet along said northwesterly line and the arc of a curve to the left having a radius of 15.00 feet, a chord bearing of South 42 degrees 39 minutes 50 seconds West, and a chord distance of 20.99 feet to the east right of way line of Somerset Road;

Thence North 01 degrees 44 minutes 07 seconds West along the east right of way line of Somerset Road a distance of 33.36 feet to the north right of way line of Forest Grove Drive;

Thence North 87 degrees 03 minutes 46 seconds East along said north right of way line, a distance of 155.31 feet to the east line of the northwest quarter of said Section 4;

Thence South 01 degrees 51 minutes 20 seconds East along said east line, a distance of 0.08 feet to the north right of way line of Forest Grove Drive;

Thence North 87 degrees 01 minutes 37 seconds East along said north right of way line, a distance of 12.52 feet;

Thence South 18 degrees 46 minutes 37 seconds West, a distance of 35.53 feet to the east line of the northwest quarter of said Section 4;

Thence South 01 degrees 41 minutes 00 seconds East along the east line of the southwest quarter of said Section 4, a distance of 39.93 feet to the Point of Beginning.

The above described parcel contains 11,594 square feet or 0.266 acres, more or less.

For the purpose of this description North is based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (1997 Adjustment).

Section 2. That the following findings and conditions are hereby imposed upon said right of way vacation:

1. That a utility easement be provided in the vacated area for all existing utilities.

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.

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch  
Mayor

Attest: \_\_\_\_\_  
Brian Krup  
Deputy City Clerk

Published in the *Quad City Times* on \_\_\_\_\_

City of Davenport

Agenda Group:  
Department: Community Planning & Economic Development  
Contact Info: Brandon Melton 563-888-2221  
Wards:

**Action / Date**  
**8/7/2019**

Subject:

First Consideration: Ordinance for Case REZ19-09 being the request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]

Recommendation:  
Adopt the Ordinance.

Background:

**Background:**

Reason for Request: The petitioner is requesting a rezoning to S-AG Agricultural District to accommodate the development of a commercial horse stable and associated facilities including an indoor training facility. The petitioner has expressed interest in creating horse riding trails through the property as well.

**Comprehensive Plan:**

Within Existing Urban Service Area: Partially

Within Urban Service Area 2035: Yes

Future Land Use Designation: Residential General (RG) – Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Agricultural Reserve (AR) - Areas located outside the Urban Service Boundary and unlikely to develop in the foreseeable future. Uses should be limited to agriculture and open space, with only limited residential development needing minimal urban services.

Open Space and Public Land (OS) - Includes undeveloped open space, natural areas, floodplains and wetlands that may be or may not be planned for future park and recreation development.

Relevant Goals to be considered in this Case: Conserve, Protect, and Enhance our Natural Resources

**Zoning:**

The property is currently zoned R-1 and R-2 Single-Family Residential Zoning District.

**Technical Review:**

No specific concerns have been noted by the Technical Review Team.

**Public Input:**

Letters were sent to property owners within 200 feet of the proposed request notifying them of the June 25, 2019 neighborhood meeting and the July 1, 2019 Plan and Zoning Commission Public Hearing.

A neighborhood meeting was held on June 25. Approximately twelve people attended the meeting.

A sign was posted on the property on June 21.

A Public Hearing was held on July 1, 2019. Two people spoke in favor of the petition.

No protests have been received.

**Discussion:**

The new zoning ordinance includes approval standards for rezonings. Staff will be using these standards as part of the evaluation of rezoning requests.

a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Staff Comments:

While portions of the subject area are designated residential general, the majority is designated agricultural reserve or open space. Rezoning to S-AG is in line with the Comprehensive plan and furthers the goal: "Conserve, Protect, and Enhance our Natural Resources"

b. The compatibility with the zoning of nearby property.

Staff Comments:

While there is residential property adjacent there is also other farm land. Overall the area has a very rural character and S-AG is compatible.

c. The compatibility with established neighborhood character.

Staff Comments:

Residential development is rural in nature with minimal urban services. S-AG is in keeping with

the established neighborhood character

d. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

Staff Comments:

The proposed S-AG zoning is consistent with existing vicinity uses.

e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

Staff Comments:

The property is not suited for development of the proposed business under the existing R-1 and R-2 Zoning.

f. The extent to which the proposed amendment creates non-conformities.

Staff Comments:

The amendment will not create any non-conformities.

Conclusion:

Staff's opinion is that zoning this property S-AG is compatible with the existing character of the surrounding area.

### **Plan and Zoning Commission Recommendation:**

The Plan and Zoning Commission accepted findings and forwards Case REZ19-09 to the City Council for approval.

### **Findings:**

1. The subject property is primarily designated as Agricultural Reserve, but also has portions designated Open Space and Residential General.
2. The proposed S-AG zoning adequately protects the adjoining residential property from adverse impacts.
3. The proposed S-AG zoning would maintain the existing rural character of the land.

Vote for approval was unanimous 5-0.

### **ATTACHMENTS:**

| Type              | Description |
|-------------------|-------------|
| ▣ Ordinance       | Ordinance   |
| ▣ Backup Material | Application |
| ▣ Backup Material | P&Z Letter  |

- ▢ Backup Material
- ▢ Backup Material
- ▢ Backup Material
- ▢ Backup Material
- ▢ Backup Material

Zoning Map  
 Land Use Map  
 Aerial Map  
 Legal Notice  
 Public Input

**REVIEWERS:**

| Department | Reviewer      | Action   | Date               |
|------------|---------------|----------|--------------------|
| City Clerk | Berger, Bruce | Approved | 8/1/2019 - 4:34 PM |

ORDINANCE NO.

ORDINANCE for Case REZ19-09 being the request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "S-AG - Agricultural District".

PART OF THE S.W.  $\frac{1}{4}$  OF SECTION 32, IN TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5<sup>TH</sup> P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID S.W.  $\frac{1}{4}$ ; THENCE EAST ON QUARTER SECTION LINE 20 CHAINS TO THE N.E. CORNER OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 32; THENCE SOUTH 15 CHAINS; THENCE W. 20 CHAINS TO THE SECTION LINE BETWEEN SECTIONS 31 AND 32 IN SAID TOWNSHIP AND RANGE; AND THENCE NORTH ON THE SECTION LINE 15 CHAINS TO THE PLACE OF BEGINNING; CONTAINING 30 ACRES.

AND

PART OF THE NORTHWEST QUARTER OF SEC. 32 IN TOWNSHIP 78 N., RANGE 3 EAST OF THE 5<sup>TH</sup> P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE S.W. CORNER OF THE N.W.  $\frac{1}{4}$  OF SAID SECTION 32; THENCE RUNNING E. ALONG THE QUARTER SECTION LINE 1320 FEET; THENCE NORTH 2217 FEET TO THE TELEGRAPH ROAD; THENCE IN A WESTERLY DIRECTION AND IN A SOUTHWESTERLY DIRECTION ALONG THE SOUTH SIDE OF SAID ROAD TO THE DIVISION LINE BETWEEN SECTIONS 32 AND 31 IN SAID TOWNSHIP AND RANGE; AND THENCE SOUTH 1860 FEET ALONG SAID DIVISION LINE TO THE PLACE OF BEGINNING.

EXCEPTING A TRACT OF LAND IN THE N.W. CORNER OF SAID LAST DESCRIBED TRACT OF LAND DESCRIBED AS COMMENCING AT THE AFORESAID NORTHWEST CORNER OF SAID TRACT LAST ABOVE DESCRIBED; RUNNING THENCE SOUTH 34 FEET; THENCE EAST 99 FEET; THENCE NORTH 53 FEET TO SAID TELEGRAPH ROAD; AND THENCE WESTERLY ALONG THE SOUTH SIDE OF SAID TELEGRAPH ROAD TO THE PLACE OF BEGINNING; SAID TRACT BEING GRANTED TO SCHOOL DISTRICT NO. 12 IN DAVENPORT TOWNSHIP IN SCOTT COUNTY, IOWA.

AND

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5<sup>TH</sup> P.M., EXCEPT THAT PART PLATTED AS DEER WOODS SECOND ADDITION TO THE CITY OF DAVENPORT, IOWA.

EXCEPT:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST, IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA. COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 01°38'08" EAST 1231.89 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 88°34'11" WEST 85.11 FEET; THENCE NORTH 74°38'27" WEST 114.56 FEET; THENCE NORTH 73°54'14" WEST 85.06 FEET; THENCE NORTH 53°35'06" WEST 42.40 FEET TO THE NORTHWEST CORNER OF LOT 9 OF DEER WOODS SECOND ADDITION AND THE POINT OF BEGINNING; THENCE SOUTH 57°38'29" WEST 35.17 FEET; THENCE SOUTH 03°48'27" WEST 92.40 FEET; THENCE SOUTH 88°29'14" WEST 143.32 FEET; THENCE SOUTH 06°27'25" EAST 171.96 FEET; THENCE SOUTH 83°32'29" WEST 70.00 FEET; THENCE NORTH 06°27'25" WEST 282.28 FEET TO THE BEGINNING OF A 315.00 FOOT RADIUS TANGENT CURVE CONCAVE WESTERLY WHOSE 49.42 FOOT CHORD BEARS NORTH 10°57'22" WEST; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 49.47 FEET; THENCE NORTH 15°27'18" WEST 91.15 FEET; THENCE NORTH 66°34'18" EAST 70.68 FEET; THENCE SOUTH 15°27'18" EAST 47.45 FEET; THENCE NORTH 74°32'42" EAST 63.67 FEET; THENCE SOUTH 66°07'23" EAST 118.81 FEET; THENCE SOUTH 32°21'31" EAST 88.27 FEET TO THE POINT OF BEGINNING. CONTAINING 1.51 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

AND

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5<sup>TH</sup> P.M., EXCEPT THOSE PARTS PLATTED AS DEER WOODS FIRST AND SECOND ADDITIONS TO THE CITY OF DAVENPORT, IOWA. ALSO, EXCEPTING THOSE PARTS DESIGNATED AS THE RIGHT OF WAY FOR RICKER HILL ROAD AND THE RIGHT OF WAY FOR THE STATE HIGHWAY.

Section 2. That the following findings are hereby associated with said rezoning:

Findings:

1. The subject property is primarily designated as Agricultural Reserve, but also has portions designated Open Space and Residential General.
2. The proposed S-AG zoning adequately protects the adjoining residential property from adverse impacts.
3. The proposed S-AG zoning would maintain the existing rural character of the land.

Section 3. At its July 16, 2019 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation to approve.

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.

First Consideration \_\_\_\_\_

Second Consideration \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Frank Klipsch, Mayor

Attest: \_\_\_\_\_  
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on \_\_\_\_\_



Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

**Property Address\*** Please see attached.

\*If no property address, please submit a legal description of the property.

**Applicant (Primary Contact)\*\***

Name: Mark Cross  
Company: Cross Roads Land Development, L.L.C.  
Address: PO Box 80  
City/State/Zip: Camanche, IA 52730  
Phone: 563-242-6871  
Email: transtar@mchsi.com

**Owner** (if different from Applicant)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Engineer** (if applicable)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Architect** (if applicable)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Attorney** (if applicable)

Name: Michael A. Koury  
Company: Bush, Motto, Green, Koury & Halligan, PLC  
Address: 5505 Victoria Ave. Ste. 100  
City/State/Zip: Davenport, IA 52807  
Phone: 563-344-4900  
Email: makoury@bmcklaw.com

\*\*If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.

*Application Form Type:*

**Plan and Zoning Commission**

Zoning Map Amendment (Rezoning) ☒  
Planned Unit Development ☐  
Zoning Ordinance Text Amendment ☐  
Right-of-way or Easement Vacation ☐  
Voluntary Annexation ☐

**Zoning Board of Adjustment**

Zoning Appeal ☐  
Special Use ☐  
Hardship Variance ☐

**Design Review Board**

Design Approval ☐  
Demolition Request in the Downtown ☐  
Demolition Request in the Village of East Davenport ☐

**Historic Preservation Commission**

Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

**Administrative**

Administrative Exception ☒  
Health Services and Congregate Living Permit ☐

**Request:**

Existing Zoning:

Proposed Zoning Map Amendment:

Purpose of the Request:

Please see attached.

Total Land Area:

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

**Submittal Requirements:**

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
  - Zoning Map Amendment is less than 1 acre - \$400.
  - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
  - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
  - \$10.00 per sign; more than one sign may be required depending upon the area of the request.

**Formal Procedure:****(1) Application:**

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

**(2) Plan and Zoning Commission public hearing:**

- The City shall post notification sign(s) in advance of the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request.
- The applicant shall make a presentation regarding the request at a neighborhood meeting. The purpose of meeting is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process. Planning staff will coordinate meeting date, time, and location and send notices to surrounding property owners.
- The Plan and Zoning Commission will hold a public hearing on the request. Planning staff will send notices to surrounding property owners.

**(3) Plan and Zoning Commission's consideration of the request:**

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request may only be approved by a favorable 3/4 vote of the City Council.

**Formal Procedure (continued):**

(4) City Council's consideration of the request:

- The Committee of the Whole (COW) will hold a public hearing on the request. Planning staff will send a public hearing notice to surrounding property owners.
- If property owners representing 20% or more of the area within 200 feet of the exterior boundaries of the request submit a written protest, the request may only be approved by a favorable 3/4 vote of the City Council. For the purpose of the 20% protest rate, formal protests will be accepted until the public hearing is closed.
- The City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant:

Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:

Planning staff

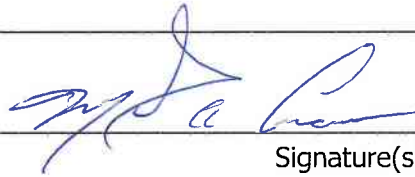
Date:

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4<sup>th</sup> Street, Davenport, Iowa.

**Authorization to Act as Applicant**

I, Mark Cross, as Manager of Owner  
authorize Michael A. Koury of Bush, Motto, Creen, Koury & Halligan, P.L.C.  
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

  
Signature(s)

State of Iowa,  
County of Scott.  
Sworn and subscribed to before me

This 5<sup>th</sup> day of June 2014

Form of Identification

  
Notary Public

My Commission Expires: 5-10-20



## 2019 PLAN & ZONING COMMISSION CALENDAR

| PLAN & ZONING COMMISSION SCHEDULE                            |                                                                   |                                                                         |                                        | CITY COUNCIL SCHEDULE                  |                                             |                         |
|--------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------|----------------------------------------|----------------------------------------|---------------------------------------------|-------------------------|
| <u>REZONING &amp; ROW<br/>VACATION</u><br>SUBMITTAL DEADLINE | <u>SUBDIVISION PLAT<br/>&amp; DEV. PLAN</u><br>SUBMITTAL DEADLINE | PLAN & ZONING COMMISSION<br>PUBLIC HEARING<br>(Preview for plats/plans) | PLAN & ZONING<br>COMMISSION<br>MEETING | COUNCIL ITEMS<br>SUBMITTAL<br>DEADLINE | COMMITTEE<br>OF THE WHOLE<br>PUBLIC HEARING | CITY COUNCIL<br>MEETING |
| (12:00 PM - Monday)                                          | (12:00 PM - Monday)                                               | (5:00 PM - Tuesday)                                                     | (5:00 PM - Tuesday)                    | (12:00PM - Friday)                     | (5:30 PM - Wednesday)                       | (5:30 PM - Wednesday)   |
| 11/13/18                                                     | 11/26/18                                                          | 12/04/18                                                                | 12/18/18                               | 12/21/18                               | 01/02/19                                    | 01/09/19                |
| 11/26/18                                                     | 12/10/18                                                          | 12/18/18                                                                | 12/31/18                               | 01/04/19                               | 01/16/19                                    | 01/23/19                |
| 12/10/18                                                     | 12/21/18                                                          | 12/31/18                                                                | 01/15/19                               | 01/25/19                               | 02/06/19                                    | 02/13/19                |
| 12/21/18                                                     | 01/07/19                                                          | 01/15/19                                                                | 02/05/19                               | 02/08/19                               | 02/20/19                                    | 02/27/19                |
| 01/14/19                                                     | 01/28/19                                                          | 02/05/19                                                                | 02/19/19                               | 02/22/19                               | 03/06/19                                    | 03/13/19                |
| 01/28/19                                                     | 02/11/19                                                          | 02/19/19                                                                | 03/05/19                               | 03/08/19                               | 03/20/19                                    | 03/27/19                |
| 02/11/19                                                     | 02/25/19                                                          | 03/05/19                                                                | 03/19/19                               | 03/22/19                               | 04/03/19                                    | 04/10/19                |
| 02/25/19                                                     | 03/11/19                                                          | 03/19/19                                                                | 04/02/19                               | 04/05/19                               | 04/17/19                                    | 04/24/19                |
| 03/11/19                                                     | 03/25/19                                                          | 04/02/19                                                                | 04/16/19                               | 04/19/19                               | 05/01/19                                    | 05/08/19                |
| 03/25/19                                                     | 04/08/19                                                          | 04/16/19                                                                | 04/30/19                               | 05/03/19                               | 05/15/19                                    | 05/22/19                |
| 04/08/19                                                     | 04/22/19                                                          | 04/30/19                                                                | 05/14/19                               | 05/24/19                               | 06/05/19                                    | 06/12/19                |
| 04/22/19                                                     | 05/06/19                                                          | 05/14/19                                                                | 06/04/19                               | 06/07/19                               | 06/19/19                                    | 06/26/19                |
| 05/13/19                                                     | 05/24/19                                                          | 06/04/19                                                                | 06/18/19                               | 06/21/19                               | 07/03/19                                    | 07/10/19                |
| 05/24/19                                                     | 06/10/19                                                          | 06/18/19                                                                | 07/02/19                               | 07/05/19                               | 07/17/19                                    | 07/24/19                |
| 06/10/19                                                     | 06/24/19                                                          | 07/02/19                                                                | 07/16/19                               | 07/26/19                               | 08/07/19                                    | 08/14/19                |
| 06/24/19                                                     | 07/08/19                                                          | 07/16/19                                                                | 08/06/19                               | 08/09/19                               | 08/21/19                                    | 08/28/19                |
| 07/15/19                                                     | 07/29/19                                                          | 08/06/19                                                                | 08/20/19                               | 08/23/19                               | 09/04/19                                    | 09/11/19                |
| 07/29/19                                                     | 08/12/19                                                          | 08/20/19                                                                | 09/03/19                               | 09/06/19                               | 09/18/19                                    | 09/25/19                |
| 08/12/19                                                     | 08/26/19                                                          | 09/03/19                                                                | 09/17/19                               | 09/20/19                               | 10/02/19                                    | 10/09/19                |
| 08/26/19                                                     | 09/09/19                                                          | 09/17/19                                                                | 10/01/19                               | 10/04/19                               | 10/16/19                                    | 10/23/19                |
| 09/09/19                                                     | 09/23/19                                                          | 10/01/19                                                                | 10/15/19                               | 10/25/19                               | 11/06/19                                    | 11/13/19                |
| 09/23/19                                                     | 10/07/19                                                          | 10/15/19                                                                | 11/05/19                               | 11/08/19                               | 11/20/19                                    | 11/27/19                |
| 10/14/19                                                     | 10/28/19                                                          | 11/05/19                                                                | 11/19/19                               | 11/22/19                               | 12/04/19                                    | 12/11/19                |
| 10/28/19                                                     | 11/08/19                                                          | 11/19/19                                                                | 12/03/19                               | cancelled due to holiday               |                                             |                         |
| 11/11/19                                                     | 11/25/19                                                          | 12/03/19                                                                | 12/17/19                               | 12/13/19                               | 01/02/20                                    | 01/08/20                |
| 11/25/19                                                     | 12/09/19                                                          | 12/17/19                                                                | 12/31/19                               | 12/27/19                               | 01/15/20                                    | 01/22/20                |
| 12/09/19                                                     | 12/23/19                                                          | 12/31/19                                                                | 01/14/20                               | 01/17/20                               | 02/05/20                                    | 02/12/20                |
| 12/23/19                                                     | 01/06/20                                                          | 01/14/20                                                                | 02/04/20                               | 01/31/20                               | 02/19/20                                    | 02/26/20                |

- SUBMISSION & MEETING DATES MAY BE CHANGED DUE TO HOLIDAY - MARKED IN RED
- ORDINANCES REQUIRE THREE CONSIDERATIONS BEFORE CITY COUNCIL
- DATES SUBJECT TO CCHANE DUE TO HOLIDAYS - MARKED IN RED
- DELAYS MAY OCCUR UPON THE PETITION REACHING THE CITY COUNCIL'S AGENDA

| <b>Parcel Number</b> | <b>Number of Acres</b> | <b>Existing Zoning</b> |
|----------------------|------------------------|------------------------|
| 23137-20B            | 22.93 acres            | R-2                    |
| 23137-19B            | 36.30 acres            | R-1                    |
| 23233-01             | 30 acres               | R-1                    |
| S3217-07             | 40 acres               | R-1                    |
| S3201-08             | 17.75 acres            | R-1                    |

#### **Purpose of Request**

The purpose of this rezoning request is to accommodate the following activities, uses, and improvements: two or more equine stables that will be used by and rented out to the public; one or more equine training facilities/arenas that will be used by and rented out to the public; office with bathrooms; grain storage; the sale of equines to the public; available trails for equine riding; the sale of bag feed, shampoo, supplies, etc. to tenants that are utilizing the stables and/or training facilities; and any and all related or ancillary uses and activities.

July 17, 2019

Honorable Mayor and City Council  
City Hall  
226 West 4<sup>th</sup> Street  
Davenport, Iowa 52801

Dear Mayor and Council:

At its regular meeting of July 16, 2019, the Plan and Zoning Commission considered Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]

The Commission voted 5-0 to forward the case to the City Council for its approval, with the following findings:

Findings:

1. The subject property is primarily designated as Agricultural Reserve, but also has portions designated Open Space and Residential General.
2. The proposed S-AG zoning adequately protects the adjoining residential property from adverse impacts.
3. The proposed S-AG zoning would maintain the existing rural character of the land.

Respectfully submitted,



Robert Inghram, Chairperson  
City Plan and Zoning Commission

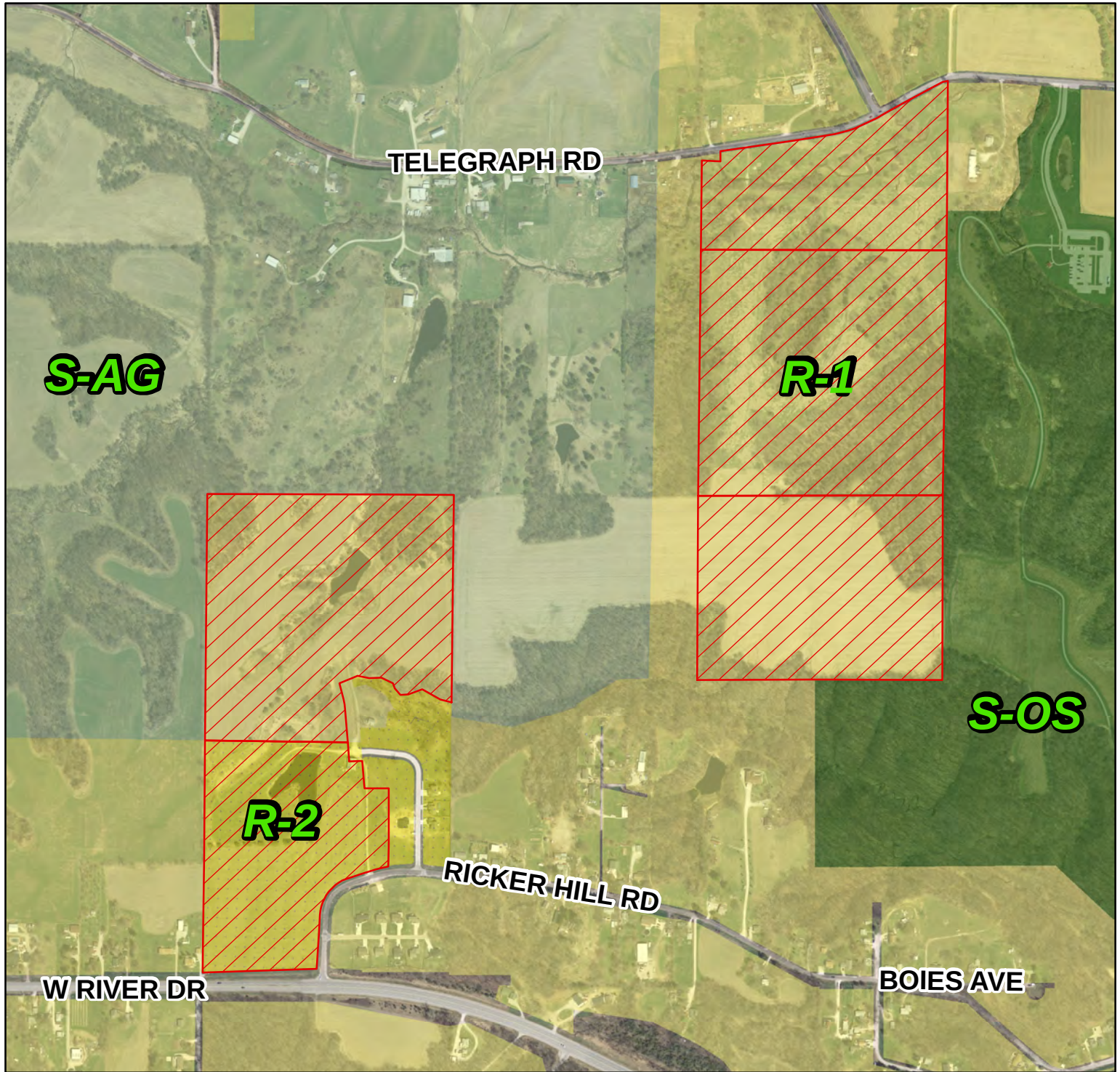
**City Plan & Zoning Commission Voting Record**  
**Meeting Date: 7-16-19**  
**Meeting Location: Council Chambers-City Hall**

| No. | Name:      | Public Hearing<br>Roll Call | Regular<br>Meeting<br>Roll Call | 7-1-19<br>Minutes | M | S | REZ19-09 | M | S | ORD19-02 | M | S |  |  |  |  |  |  |  |  |
|-----|------------|-----------------------------|---------------------------------|-------------------|---|---|----------|---|---|----------|---|---|--|--|--|--|--|--|--|--|
| 1   | Schneider  | -                           | EXC                             | -                 |   |   | -        |   |   | -        |   |   |  |  |  |  |  |  |  |  |
| 2   | Lammers    | -                           | EXC                             | -                 |   |   | -        |   |   | -        |   |   |  |  |  |  |  |  |  |  |
| 3   | Medd       | -                           | Y                               | Y                 |   | X | Y        |   |   | Y        |   |   |  |  |  |  |  |  |  |  |
| 4   | Johnson    | -                           | Y                               | Y                 |   |   | Y        |   |   | Y        |   | X |  |  |  |  |  |  |  |  |
| 5   | Tallman    | -                           | Y                               | Y                 | X |   | Y        | X |   | Y        | X |   |  |  |  |  |  |  |  |  |
| 6   | Inghram    | -                           | Y                               | Y                 |   |   | -        |   |   | -        |   |   |  |  |  |  |  |  |  |  |
| 7   | Connell    | -                           | EXC                             | -                 |   |   | -        |   |   | -        |   |   |  |  |  |  |  |  |  |  |
| 8   | Hepner     | -                           | EXC                             | -                 |   |   | -        |   |   | -        |   |   |  |  |  |  |  |  |  |  |
| 9   | Brandsgard | -                           | EXC                             | -                 |   |   | -        |   |   | -        |   |   |  |  |  |  |  |  |  |  |
| 10  | Reinartz   | -                           | Y                               | Y                 |   |   | Y        |   |   | Y        |   |   |  |  |  |  |  |  |  |  |
| 11  | Maness     | -                           | Y                               | Y                 |   |   | Y        |   | X | Y        |   |   |  |  |  |  |  |  |  |  |
|     | Result     |                             |                                 |                   |   |   |          |   |   |          |   |   |  |  |  |  |  |  |  |  |

No Public Hearing

# Request for a Zoning Map Amendment (Rezoning)

## REZ19-09 - Mark Cross Stables R-1(2) - S-AG



### Legend

 Subject\_Properties

0 300 600 1,200 1,800 Feet  
1 inch = 750 feet

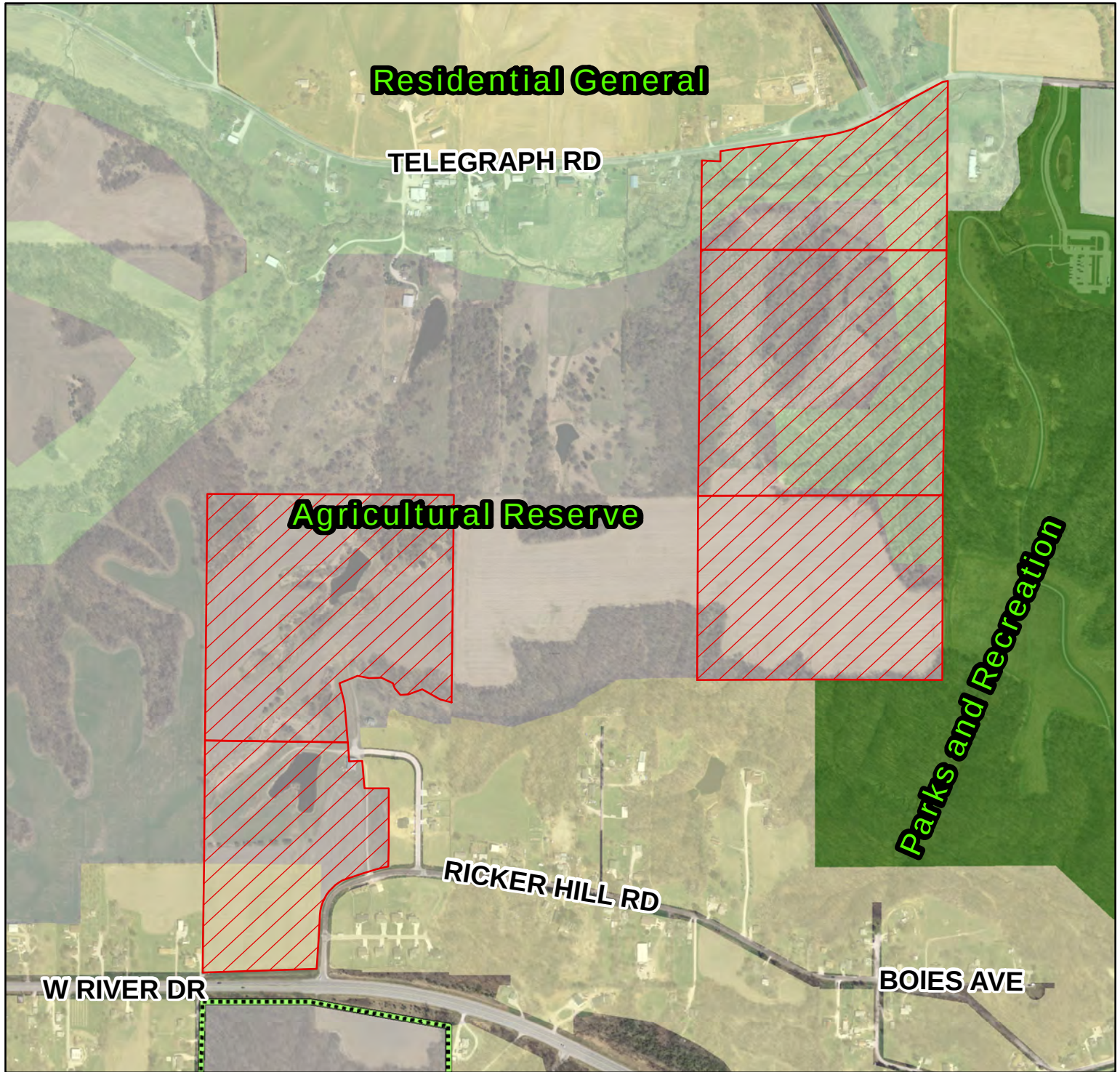


Private parties utilizing City GIS data do so at their own risk.  
The City of Davenport will not be responsible for any costs or  
liabilities incurred due to any differences between information  
provided and actual physical conditions.

# Request for a Zoning Map Amendment (Rezoning)

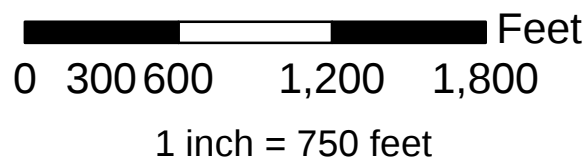
REZ19-09 - Mark Cross Stables R-1(2) - S-AG

## Future Land Use Map (Davenport +2035)



**Legend**

 Subject\_Properties



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

# REZ-19-09 - Mark Cross Stables

Legend



Thursday, July 25, 2019

Please publish the following public notice in the July 30, 2019 edition of the Quad City Times.

The PO number for this notice is: 2000632

Please provide proof of publication for our records. If you have any questions, please contact us at [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or 563-326-7765. Thank you!

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**NOTICE  
PUBLIC HEARING  
WEDNESDAY, AUGUST 7, 2019 - 5:30 P.M.  
CITY OF DAVENPORT COMMITTEE OF THE WHOLE  
COUNCIL CHAMBERS - DAVENPORT CITY HALL  
226 WEST 4th STREET – DAVENPORT, IOWA**

There is on file in the Community Planning and Economic Development Department (CPED), on behalf of the Plan and Zoning Commission, the following requests:

Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]

The Legal Description is as follows:

PART OF THE S.W.  $\frac{1}{4}$  OF SECTION 32, IN TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5<sup>TH</sup> P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID S.W.  $\frac{1}{4}$ ; THENCE EAST ON QUARTER SECTION LINE 20 CHAINS TO THE N.E. CORNER OF THE N.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SAID SECTION 32; THENCE SOUTH 15 CHAINS; THENCE W. 20 CHAINS TO THE SECTION LINE BETWEEN SECTIONS 31 AND 32 IN SAID TOWNSHIP AND RANGE; AND THENCE NORTH ON THE SECTION LINE 15 CHAINS TO THE PLACE OF BEGINNING; CONTAINING 30 ACRES.

AND

PART OF THE NORTHWEST QUARTER OF SEC. 32 IN TOWNSHIP 78 N., RANGE 3 EAST OF THE 5<sup>TH</sup> P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE S.W. CORNER OF THE N.W.  $\frac{1}{4}$  OF SAID SECTION 32; THENCE RUNNING E. ALONG THE QUARTER SECTION LINE 1320 FEET; THENCE NORTH 2217 FEET TO THE TELEGRAPH ROAD; THENCE IN A WESTERLY DIRECTION AND IN A SOUTHWESTERLY DIRECTION ALONG THE SOUTH SIDE OF SAID ROAD TO THE DIVISION LINE BETWEEN SECTIONS 32 AND 31 IN SAID TOWNSHIP AND RANGE; AND THENCE SOUTH 1860 FEET ALONG SAID DIVISION LINE TO THE PLACE OF BEGINNING.

EXCEPTING A TRACT OF LAND IN THE N.W. CORNER OF SAID LAST DESCRIBED TRACT OF LAND DESCRIBED AS COMMENCING AT THE AFORESAID NORTHWEST CORNER OF SAID TRACT LAST ABOVE DESCRIBED; RUNNING THENCE SOUTH 34 FEET; THENCE EAST 99 FEET;

THENCE NORTH 53 FEET TO SAID TELEGRAPH ROAD; AND THENCE WESTERLY ALONG THE SOUTH SIDE OF SAID TELEGRAPH ROAD TO THE PLACE OF BEGINNING; SAID TRACT BEING GRANTED TO SCHOOL DISTRICT NO. 12 IN DAVENPORT TOWNSHIP IN SCOTT COUNTY, IOWA.

AND

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5<sup>TH</sup> P.M., EXCEPT THAT PART PLATTED AS DEER WOODS SECOND ADDITION TO THE CITY OF DAVENPORT, IOWA.

EXCEPT:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST, IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA. COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 01°38'08" EAST 1231.89 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 88°34'11" WEST 85.11 FEET; THENCE NORTH 74°38'27" WEST 114.56 FEET; THENCE NORTH 73°54'14" WEST 85.06 FEET; THENCE NORTH 53°35'06" WEST 42.40 FEET TO THE NORTHWEST CORNER OF LOT 9 OF DEER WOODS SECOND ADDITION AND THE POINT OF BEGINNING; THENCE SOUTH 57°38'29" WEST 35.17 FEET; THENCE SOUTH 03°48'27" WEST 92.40 FEET; THENCE SOUTH 88°29'14" WEST 143.32 FEET; THENCE SOUTH 06°27'25" EAST 171.96 FEET; THENCE SOUTH 83°32'29" WEST 70.00 FEET; THENCE NORTH 06°27'25" WEST 282.28 FEET TO THE BEGINNING OF A 315.00 FOOT RADIUS TANGENT CURVE CONCAVE WESTERLY WHOSE 49.42 FOOT CHORD BEARS NORTH 10°57'22" WEST; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 49.47 FEET; THENCE NORTH 15°27'18" WEST 91.15 FEET; THENCE NORTH 66°34'18" EAST 70.68 FEET; THENCE SOUTH 15°27'18" EAST 47.45 FEET; THENCE NORTH 74°32'42" EAST 63.67 FEET; THENCE SOUTH 66°07'23" EAST 118.81 FEET; THENCE SOUTH 32°21'31" EAST 88.27 FEET TO THE POINT OF BEGINNING. CONTAINING 1.51 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

AND

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5<sup>TH</sup> P.M., EXCEPT THOSE PARTS PLATTED AS DEER WOODS FIRST AND SECOND ADDITIONS TO THE CITY OF DAVENPORT, IOWA. ALSO, EXCEPTING THOSE PARTS DESIGNATED AS THE RIGHT OF WAY FOR RICKER HILL ROAD AND THE RIGHT OF WAY FOR THE STATE HIGHWAY.

Case ORD19-02: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code (hereto referred to as DMC), entitled "Zoning", by amending Section 17.02.010 of the DMC, entitled "Rules of Interpretation" by adding and defining the term "should" and by reordering the subsequent rules, by amending Section 17.02.030 of the DMC, entitled "Definition of General Terms" by adding and defining the terms "Adjacent" and "Façade" to the existing list of Definition and General Terms and by revising the definitions of the terms "Sign, Freestanding" by correcting a term inconsistency, "Stoop" by adding a maximum dimension and "Substantial Repair/Rehabilitation" by revising unclear language, by amending Section 17.04.010 of the DMC, entitled "Purpose Statements" by modifying Section 17.04.010.G by replacing single-family dwellings with semi-detached dwellings in the purpose statement, by amending Section 17.04.030 of the DMC, entitled "Dimensional Standards" by modifying Table 17.04-1 by deleting "SF" and related standards and adding a five foot interior side

setback for "2F" and "SF-SD" within the "R-MF" District, by amending Section 17.04.050 of the DMC, entitled "R-3C and R-4C District Design Standards" by deleting language and a diagram related to garages, carports and alley access, by amending Section 17.05.010 of the DMC, entitled "Purpose Statement" by revising the locational intent, by amending Section 17.05.040 of the DMC entitled "Design Standards" by modifying Table 17.05-2 by replacing the term "abut" with "face" and the term "abutting" with "facing", by clarifying unclear language, by deleting overly restrictive transparency requirements for outlot buildings and by revising reduced setback language for commercial centers so that it is permissive and not mandatory (the diagram for Multi-Tenant Commercial Center Site Design Standards is also modified), by amending Section 17.05.050 of the DMC, entitled "C-D District Standards" by modifying Section 17.05.050.C by correcting a scrivener's error, by amending Section 17.05.060 of the DMC, entitled "C-V District Standards" by modifying Section 17.05.060.C by correcting a scrivener's error, by amending Section 17.05.070 of the DMC, entitled "C-E District Standards" by modifying Section 17.05.070.C by correcting a scrivener's error, by amending Section 17.06.030 of the DMC, entitled "Dimensional Standards" by modifying Table 17.06-1 by reducing the minimum interior side setback from five feet to none in certain circumstances, by amending Section 17.07.020 of the DMC, entitled "S-OS Open Space District" by modifying Section 17.07.020.A by adding additional uses to the purpose statement, by amending Section 17.080.020 of the DMC, entitled "Use Matrix" by modifying Table 17.08.020 by adding "Amusement Facility – Indoor", "Animal Care Facility – Small Animal" and "Parking Lot (Principal Use)" to the list of permitted uses in the I-1 District, by adding "Dwelling – Multi-Family" and "Dwelling – Townhouse" to the list of permitted uses in the I-MU District, by adding "Government Office/Facility", "Public Safety Facility" and "Restaurant" to the list of permitted uses in the S-OS District, by adding the use "Equine, Keeping of/Equestrian Facility" to the list of permitted uses in the R-1 and S-AG Districts, by revising the "Use Standard" section for "Dwelling – Townhouse" and by reordering the "Use Standard" subsections subsequent to Section 17.08.030.P, by amending Section 17.080.030 of the DMC, entitled "Principal Use Standards" by modifying Section 17.080.030.D, entitled "Billboard" by deleting reference to the same side of the street, by modifying Section 17.08.030.N, entitled "Dwelling – Multi-Family or Townhouse" by deleting reference and standards related to a townhouse and by deleting "Aluminum, steel or other metal siding" and "Vinyl" from the listed of prohibited building materials, by modifying Section 17.080.O, entitled "Dwelling - Single-Family, Single-Family Semi-Detached, and Two-Family" by adding reference to and standards related to a townhouse, by creating a point system for front façade design, by revising certain language and a diagram to support this point system, by deleting the "Transition Rule for Section 17.080.030.O.3" provision, by adding Section 17.08.030.P, entitled "Equine, Keeping of/Equestrian Facility" and related principal use standards, by reordering subsections subsequent to Section 17.08.030.P and by deleting language in Section 17.08.030.DD (being revised to Section 17.08.030.EE) regarding distributed antenna systems in the right-of-way, by amending Section 17.08.050 of the DMC, entitled "Use Definitions" by revising the definition of the uses "Lodge/Meeting Hall" and "Place of Worship" by including language regarding the service and/or sale of food and drinks as an ancillary use, by revising the definition of the use "Public Safety Facility" by deleting reference to canine and equine units and by revising the definition of the use "Restaurant" to include language regarding alcoholic beverages, by amending Section 17.090.030 of the DMC, entitled "Accessory Structures and Uses" by modifying Section 17.090.030.A, entitled "General Regulations for

Accessory Structures” by adding a material standard and a prohibition on the use of shipping containers, by modifying Section 17.090.030.H.1, entitled “General Requirements for All Fences” by deleting reference to walls and by revising and deleting certain language regarding the finished side of all fences, by modifying Section 17.09.030.K, entitled “Garage, Detached and Carports”, by adding language and a diagram requiring access from the alley or rear service drive, by creating design standards for detached garages, by deleting the “Sunset for Section 17.09.030.K.4.d” provision, by deleting language regarding temporary tent structures, by modifying Section 17.09.030.L, entitled “Home Occupation” by adding language to prohibit any business that provides physical good, products, or merchandise directly to the consumer, by deleting Section 17.09.030.M, entitled “Keeping of Equines”, by reordering subsections subsequent to Section 17.09.030.M and by modifying Table 17.09-1 by deleting the phrase “Prohibited in the front yard” from the encroachment term “Deck”, by amending Section 17.10.030 of the DMC, entitled “Off-Street Parking Design Standards” by revising certain off-street parking space minimum dimensions and aisle width in Figure 17.10-1, by amending Section 17.10.040 of the DMC, entitled “Required Off-Street Vehicle and Bicycle Parking Spaces” by modifying Section 17.10.040.C by correcting a term inconsistency and Section 17.10.040.E by deleting a definition contained elsewhere in Title 17, by amending Section 17.10.070 of the DMC, entitled “Required Off-Street Loading Spaces” by modifying Section 17.10.070.B by correcting a term inconsistency, by amending Section 17.11.050 of the DMC, entitled “Parking Lot Perimeter Landscape Yard” by requiring a perimeter landscape yard when a parking lot is adjacent to streets, alleys and public spaces and by revising the width of the perimeter parking lot landscape area in certain circumstances, by amending Section 17.11.070 of the DMC, entitled “Site Landscape” by replacing the term “abuts” with the phrase “is adjacent to”, by amending Section 17.11.080 of the DMC, entitled “Buffer Yards” by modifying Section 17.11.080.C.6 by including vinyl as a permitted fence material, by amending Section 17.14.020 of the DMC, entitled “Notice” by deleting “required” in certain subsections and by revising certain mandatory language to permissive language in certain subsections, by amending Section 17.14.040 of the DMC, entitled “Zoning Text and Map Amendment” by modifying Section 17.14.040.D by revising mandatory language to permissive language, by amending Section 17.14.090 of the DMC, entitled “Site Plan Review” by adding Section 17.14.090.F, entitled “Minor Adjustments to Certain Design Standards” and subsection standards, by reordering subsections subsequent to Section 17.14.090.F and by correcting a scrivener’s error in Section 17.14.090.G (revised to Section 17.14.090.H) and by amending Section 17.14.100, entitled “Design Review” by modifying Section 17.14.100.D.2 by adding “and/or National Register of Historic Places”. [Ward All]

At its Tuesday, July 16, 2019 meeting, the Plan and Zoning Commission recommended approval of these requests.

The public hearing on the above matter is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, August 7, 2019 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Any written comments to be reported at the public hearing should be received in the Department of Community Planning & Economic Development, at the above address, no later than 12:00 noon on the day of the public hearing(s). PO No. 2000632

Department of Community Planning & Economic Development  
E-MAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) PHONE: 563-326-7765

**NOTICE  
PUBLIC HEARING  
CITY OF DAVENPORT COMMITTEE OF THE WHOLE  
WEDNESDAY, AUGUST 7, 2019, 5:30 PM  
CITY HALL, 226 WEST 4<sup>TH</sup> STREET, DAVENPORT, IOWA**

Please be aware of possible zoning changes that may impact your property or neighborhood.

Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1] (See map of the affected property on reverse side of this notice).

The Plan and Zoning Commission has recommended approval of the proposed rezoning.

The proposed rezoning, if successful, could result in the establishment of commercial horse stable and associated facilities including an indoor training facility. The petitioner has expressed interest in creating horse riding trails through the property as well.

A formal public hearing will be held on the matter by the City of Davenport Committee of the Whole, Wednesday August 7, 2019, 5:30 pm at Davenport City Hall.

As a property owner within 200 feet of the area proposed for rezoning, you have the right to formally protest this request. Any protest must be made in writing and mailed, emailed or delivered to our office. Protests must be filed prior to the close of the Public Hearing on August 7, 2019.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ19-09

EMAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765



**PUBLIC HEARING NOTICE  
PLAN AND ZONING COMMISSION  
CITY OF DAVENPORT**



**Public Hearing Details:**

Date: 7/1/2019 Ward: **1st**  
Time: 5:00 PM  
Location: Council Chambers, Davenport City Hall, 226 W 4<sup>th</sup> St., Davenport, IA 52803 Davenport, Iowa  
Subject: Public hearing for a rezoning request before the Plan and Zoning Commission  
Case #: REZ19-09

To: All property owners within 200 feet of the subject property located at **between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively.**

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request Description

**Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]**

**What are the Next Steps after the Public Hearing?**

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

**Would You Like to Submit an Official Comment?**

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or CPED, 226 W 4th St, Davenport IA 52801.

**Do You Have Any Questions?**

If you have any questions on this request, or if you need accommodations for any reason, please contact Brandon Melton, the case planner assigned to this project at [brandon.melton@ci.davenport.ia.us](mailto:brandon.melton@ci.davenport.ia.us) or 563-326-6172. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) for updates.

**NOTICE  
PUBLIC MEETING  
Tuesday, June 25, 2019 5:30 PM  
Roosevelt Community Center  
1220 Minnie Ave, Davenport, IA 52802  
Gymnasium**

Please be aware of possible zoning changes that may impact your property or neighborhood.

**Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]**

(See map of the affected property on reverse side of this notice).

If successful, this rezoning could result in the establishment of a commercial horse stable, training facility, and other ancillary uses.

A public meeting will be held to discuss the proposal at the time and place listed above. A formal public hearing will be held on the matter by the Plan and Zoning Commission on Monday July 1, 2019, 5:00 pm at Davenport City Hall. You will receive an additional notice prior to this meeting.

If you have any questions regarding the proposal, please contact the Community Planning Division.

Case No. REZ19-09

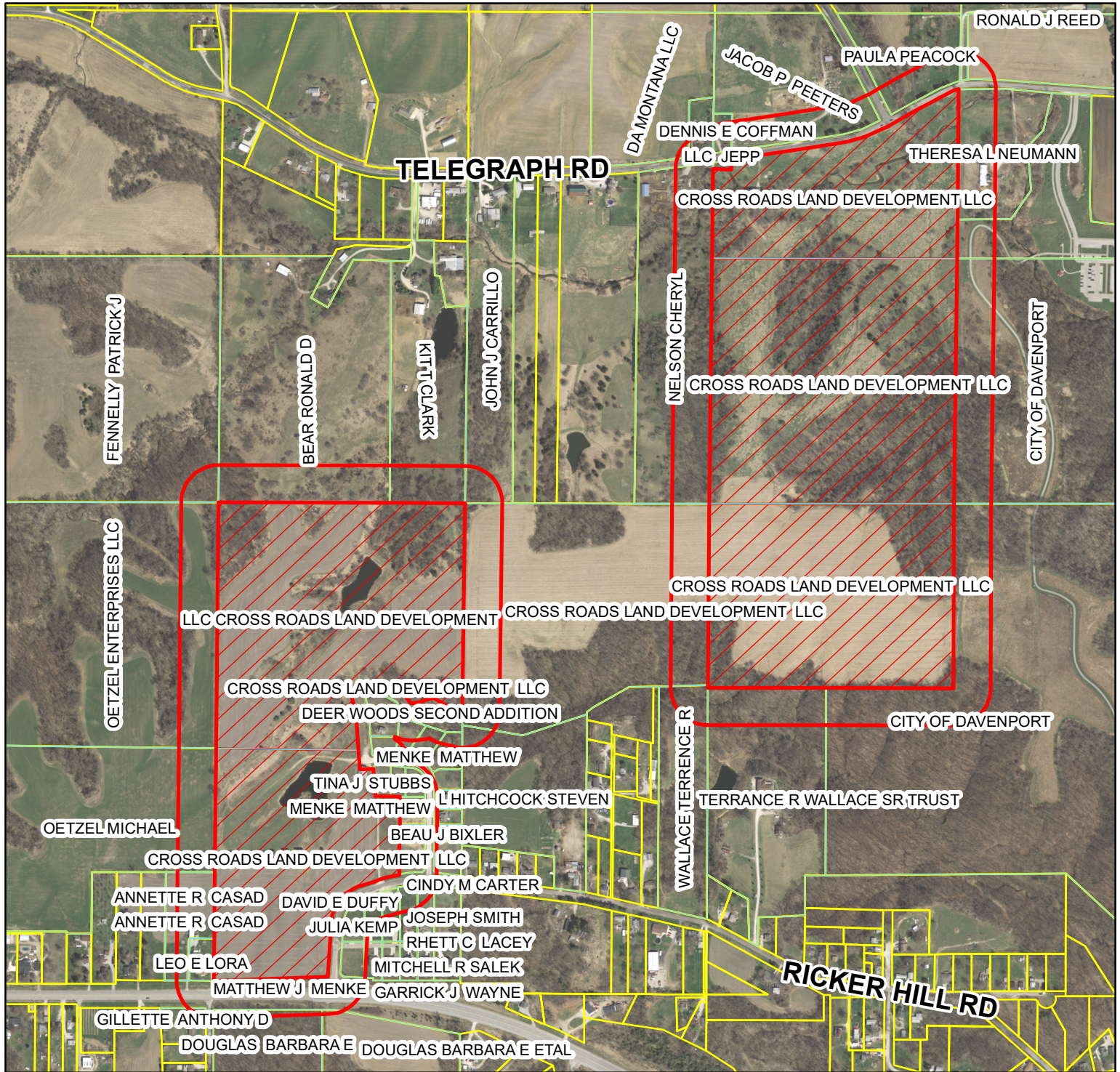
EMAIL: [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

Phone: (563) 326-7765

# Request for a Zoning Map Amendment (Rezoning)

REZ19-09 - Mark Cross Stables R-1(2) - S-AG

## Adjacent Property Owner Notice Area



### Legend

- 200' Notice Area
- Adjacent Properties
- Subject Properties
- ParcelsALL

0 300 600 1,200 1,800 Feet  
1 inch = 750 feet



Private parties utilizing City GIS data do so at their own risk.  
The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

**Properties Notified**

| <b>PARCEL #</b> | <b>PROPERTY ADDRESS</b> | <b>Owner Name</b>                   | <b>OWNER ADDRESS</b> | <b>OWNERCITY/STATE/ZIP</b> |
|-----------------|-------------------------|-------------------------------------|----------------------|----------------------------|
| 20603-14        |                         | GILLETTE ANTHONY D                  | PO BOX 1544          | BETTENDORF IA 52722        |
| 20605-03        |                         | DOUGLAS BARBARA E                   | 4555 41ST ST         | DES MOINES IA 50310        |
| 20605-04        |                         | DOUGLAS BARBARA E<br>ETAL           | ATTN: CAL WERNER     | DAVENPORT IA 52801         |
| 23135-01        |                         | OETZEL ENTERPRISES                  | 6132 W RIVER DR      | DAVENPORT IA 52802         |
| 23139-33        |                         | CROSS ROADS LAND<br>DEVELOPMENT LLC | PO BOX 80            | CAMANCHE IA 52730          |
| 23151-11        | 5908 W RIVER DR         | LEO E LORA                          | 5908 W RIVER DR      | DAVENPORT IA 52802         |
| 23153-01A       | 5642 BUCKHORN LN        | JULIA KEMP                          | 5642 BUCKHORN LN     | DAVENPORT IA 52802-2309    |
| 23153-02A       | 5636 BUCKHORN LN        | ROBERT A KENT                       | 5636 BUCKHORN LN     | DAVENPORT IA 52802         |
| 23153-03A       | 5630 BUCKHORN LN        | DAVID E DUFFY                       | 5630 BUCKHORN LN     | DAVENPORT IA 52802         |
| 23153-04A       | 5624 BUCKHORN LN        | RHETT C LACEY                       | 5624 BUCKHORN LN     | DAVENPORT IA 52802-2309    |
| 23153-05A       | 5618 BUCKHORN LN        | JOSEPH SMITH                        | 5618 BUCKHORN LN     | DAVENPORT IA               |
| 23153-06A       |                         | DEER WOODS<br>HOMEOWNER"S ASSN      | 5625 BUCKHORN LN     | DAVENPORT IA 52802-2309    |
| 23155-24        |                         | WALLACE TERRENCE R                  | 5128 RICKER HILL RD  | DAVENPORT IA 52802         |
| S2951-01A       | 4826 TELEGRAPH RD       | RONALD J REED                       | 4826 TELEGRAPH RD    | DAVENPORT IA 52804         |
| S3107-01B       |                         | NELSON CHERYL                       | 1105 W 4TH ST        | DAVENPORT IA 52802-3512    |
| S3107-02        |                         | DA MONTANA LLC                      | 9108 113TH ST        | BLUE GRASS IA 52726        |
| S3107-05        | 5208 TELEGRAPH RD       | DENNIS E COFFMAN                    | 5208 TELEGRAPH RD    | DAVENPORT IA 52804-4719    |
| S3119-05        |                         | FENNELLY PATRICK J                  | 2313 W LOMBARD ST    | DAVENPORT IA 52804         |
| S3121-12D       | 5605 TELEGRAPH RD       | KIT T CLARK                         | 5605 TELEGRAPH RD    | DAVENPORT IA 52804         |
| S3121-12E       |                         | BEAR RONALD D                       | 5609 TELEGRAPH RD    | DAVENPORT IA 52804         |
| S3123-03A       | 5505 TELEGRAPH RD       | JOHN J CARRILLO                     | 5505 TELEGRAPH RD    | DAVENPORT IA 52804         |
| S3201-01A       | 5010 TELEGRAPH RD       | JACOB P PEETERS                     | 9075 160TH ST        | DAVENPORT IA 52804         |
| S3201-02        | 4916 TELEGRAPH RD       | PAUL A PEACOCK                      | 4916 TELEGRAPH RD    | DAVENPORT IA 52804         |
| S3203-04C       | 4528 TELEGRAPH RD       | RICHARD J COUSSENS<br>REVOCABLE T   | 4528 TELEGRAPH RD    | DAVENPORT IA 52804         |
| S3203-05A       | 4723 TELEGRAPH RD       | THERESA L NEUMANN                   | 4723 TELEGRAPH RD    | DAVENPORT IA 52804-4707    |
| 23137-01A       |                         | MENKE MATTHEW                       | 15516 108TH AV PL    | DAVENPORT IA 52804         |
| 23137-02A       | 723 DEER WOODS DR       | BARRY L WALSH JR                    | 723 DEER WOODS DR    | DAVENPORT IA 52802-2335    |
| 23137-03A       | 717 DEER WOODS DR       | BEAU J BIXLER                       | 717 DEER WOODS DR    | DAVENPORT IA 52802-2335    |
| 23137-04A       | 711 DEER WOODS DR       | CHRISTOPHER                         | 711 DEER WOODS DR    | DAVENPORT IA 52802         |
| 23137-05A       | 703 DEER WOODS DR       | ERIC S CURTIS                       | 1533 HUNTINGTON DR   | DUARTE CA 91010-2532       |
| 23137-06A       | 647 DEER WOODS DR       | TINA J STUBBS                       | 647 DEER WOODS DR    | DAVENPORT IA 52802-2303    |
| 23137-07A       |                         | MENKE MATTHEW                       | 15516 108TH AV       | DAVENPORT IA 52804         |
| 23137-16A       | 714 DEER WOODS DR       | CHAD J PRATZ                        | 714 DEER WOODS DR    | DAVENPORT IA 52802-2319    |
| 23137-18A       | 726 DEER WOODS DR       | CINDY M CARTER                      | 726 DEERWOODS DR     | DAVENPORT IA 52802         |
| 23137-21A       |                         | DEER WOODS SECOND<br>ADDITION       | 1500 S HOUSER ST     | MUSCATINE IA 52761         |
| 23153-11A       | 5635 BUCKHORN LN        | PAULA K MEYERMANN                   | 5635 BUCKHORN LANE   | DAVENPORT IA 52802         |
| 23153-12A       | 5643 BUCKHORN LN        | MATTHEW J MENKE                     | 5643 BUCKHORN LN     | DAVENPORT IA 52802-2309    |
| 23155-06A       | 5408 RICKER HILL RD     | L HITCHCOCK STEVEN                  | 5408 RICKER HILL RD  | DAVENPORT IA 52802-2231    |
| 23151-10        | 5920 W RIVER DR         | ANNETTE R CASAD                     | 5920 W RIVER DR      | DAVENPORT IA 52802         |

City of Davenport

Agenda Group:  
Department: Public Safety  
Contact Info: Tiffany Thorndike x2066  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution establishing the dates and times for the Halloween Parade and Trick-or-Treating as Saturday, October 26, 2019 2:00 p.m. and Thursday, October 31, 2019 5:30 p.m. to 7:30 p.m., respectively. [All Wards]

Recommendation:  
Adopt the Resolution.

Background:  
An early declaration of the Halloween Parade assists the parade coordinator, public safety staff, parade entries, and volunteers to plan and schedule.

ATTACHMENTS:

| Type         | Description |
|--------------|-------------|
| ▣ Cover Memo | Resolution  |

REVIEWERS:

| Department     | Reviewer       | Action   | Date               |
|----------------|----------------|----------|--------------------|
| Administration | Admin, Default | Approved | 8/1/2019 - 3:13 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Gripp

RESOLVED by the City Council of the City of Davenport.

RESOLUTION establishing the dates and times for the Halloween Parade and Trick-or-Treating.

WHEREAS, an early declaration of the Halloween Parade assists the parade coordinator, public safety staff, entries and volunteers to plan and schedule;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that:

1. The City's Annual Halloween Parade will begin at 2 PM on Saturday, October 26, 2019;
2. That the City's Trick-or-Treat hours will be from 5:30 PM to 7:30 PM on Thursday, October 31, 2019;

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:  
Department: Public Safety  
Contact Info: Brian Krup 563-326-6163  
Wards:

**Action / Date**  
**8/14/2019**

**Subject:**

Resolution closing various streets, lanes, or public grounds on the listed dates to hold outdoor events.

Anissa Quinn; Neighborhood block party; 1831 Grand Ave; Saturday, August 17, 2019 12:00 p.m. - 6:00 p.m.; **Closure:** Grand Ave from E Locust St to Kirkwood Blvd. [Ward 5]

Jimmie O's Saloon; Jimmie O's Streetfest; 2735 Telegraph Rd; Saturday, August 17, 2019 3:00 p.m. - midnight; **Closure:** S Rolff St from Telegraph Rd south to the alley. [Ward 1]

John De Taeye; AugustFest Neighborhood Block Party; 1000 block of Ash St; Thursday, August 22, 2019 3:00 p.m. - 8:00 p.m.; **Closure:** Ash St from W 6th St northwest to the alley. [Ward 3]

Bobby Stansberry; Mary's On 2nd 19th Anniversary Party; 832 W 2nd St; Saturday, August 31, 2019 7:00 a.m. - 12:00 a.m.; **Closure:** 2nd St from Warren St to Brown St, Warren St from the alley south of 2nd St to the alley south of 3rd St. [Ward 3]

**Recommendation:**

Adopt the Resolution.

**Background:**

Per the City's Special Events Policy, City Council will approve street/lane/public grounds closures based on the recommendation of the Special Events Committee.

**ATTACHMENTS:**

| Type                                       | Description                                            |
|--------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Resolution Letter | Resolution                                             |
| <input type="checkbox"/> Backup Material   | Quinn Neighborhood Block Party Map                     |
| <input type="checkbox"/> Backup Material   | Quinn Neighborhood Block Party Street Closure Petition |
| <input type="checkbox"/> Backup Material   | Jimmie Os Map                                          |
| <input type="checkbox"/> Backup Material   | Jimmie Os Street Closure Petition                      |
| <input type="checkbox"/> Backup Material   | AugustFest Map                                         |
| <input type="checkbox"/> Backup Material   | AugustFest Street Closure Petition                     |
| <input type="checkbox"/> Backup Material   | Mary's Anniversary Map                                 |

**REVIEWERS:**

| Department | Reviewer       | Action   | Date               |
|------------|----------------|----------|--------------------|
| City Clerk | Admin, Default | Approved | 7/8/2019 - 9:39 AM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Gripp

Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor event(s).

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the City through its Special Events Policy has accepted the following application(s) to hold outdoor event(s) on the following date(s), and

WHEREAS, upon review of the application(s) it has been determined that the street(s), lane(s), or public grounds on the date(s) listed below will need to be closed, and

NOW, THEREFORE, BE IT RESOLVED that the City Council approves and directs the staff to proceed with the temporary closure of the following street(s), lane(s), or public grounds on the following date(s) and time(s):

*Anissa Quinn; Neighborhood block party; 1831 Grand Ave; Saturday, August 17, 2019 12:00 p.m. - 6:00 p.m.; **Closure:** Grand Ave from E Locust St to Kirkwood Blvd. [Ward 5]*

*Jimmie O's Saloon; Jimmie O's Streetfest; 2735 Telegraph Rd; Saturday, August 17, 2019 3:00 p.m. - midnight; **Closure:** S Rolff St from Telegraph Rd south to the alley. [Ward 1]*

*John De Taeye; AugustFest Neighborhood Block Party; 1000 block of Ash St; Thursday, August 22, 2019 3:00 p.m. - 8:00 p.m.; **Closure:** Ash St from W 6th St northwest to the alley. [Ward 3]*

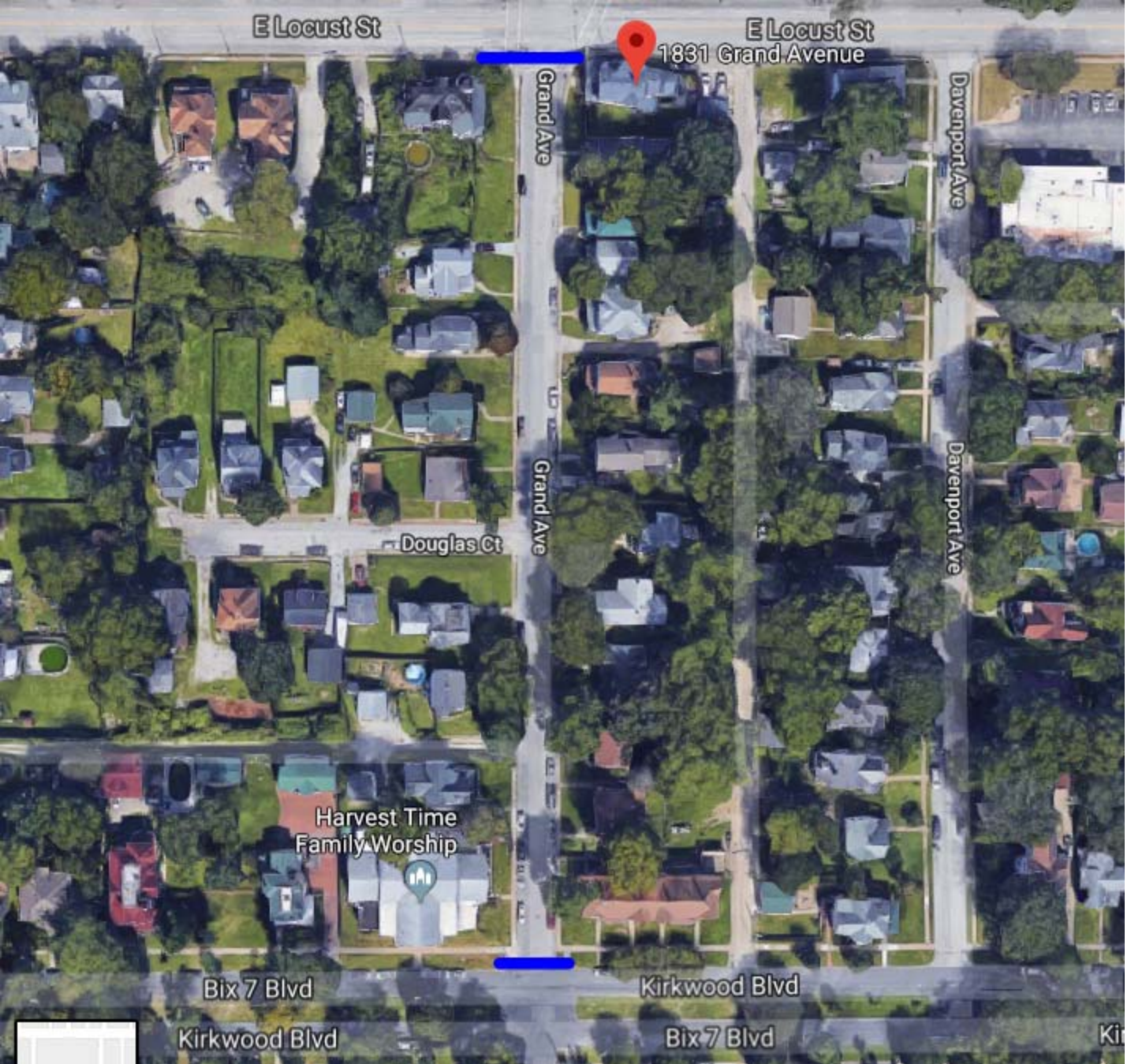
*Bobby Stansberry; Mary's On 2nd 19th Anniversary Party; 832 W 2nd St; Saturday, August 31, 2019 7:00 a.m. - 12:00 a.m.; **Closure:** 2nd St from Warren St to Brown St, Warren St from the alley south of 2nd St to the alley south of 3rd St. [Ward 3]*

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Brian Krup, Deputy City Clerk



CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 17<sup>th</sup> day of Aug, 20 19, there is proposed a street closing, requested by Anissa Quinn, which will require the closing of Grand Ave between Douglas and Kirkwood, during the hours of 1pm to 6pm.

\*\* Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

| NAME AND ADDRESS            | FAVOR | OPPOSED | NOT CONCERNED |
|-----------------------------|-------|---------|---------------|
| Emily Gortts 1615 Grand Ave | X     |         |               |
| Laciada Teece 621 Grand     | X     |         |               |
| Penelope Brooks             | X     |         |               |
| <del>Paula Brooks</del>     | X     |         |               |
| Paula Brooks                | X     |         |               |
| <del>Paula Brooks</del>     | X     |         |               |
| Chadwick 629 Douglas        | X     |         |               |
| B3 RPR 1715 Grand Ave       | X     |         |               |
| Latie Harvey 1704 Grand Ave | X     |         |               |
| Anthony Pail                | X     |         |               |
| <del>Anthony Pail</del>     | X     |         |               |
| Chad Pette                  | X     |         |               |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

Gonzalo Trevino

Favor

James Atwater

JERRY LEWIS

X

X

1821 Grand

Address where no one answered  
went by 3 time 6-24-19, 6-25-19  
6-26-19

1611 Grand Ave

1705 Grand Ave

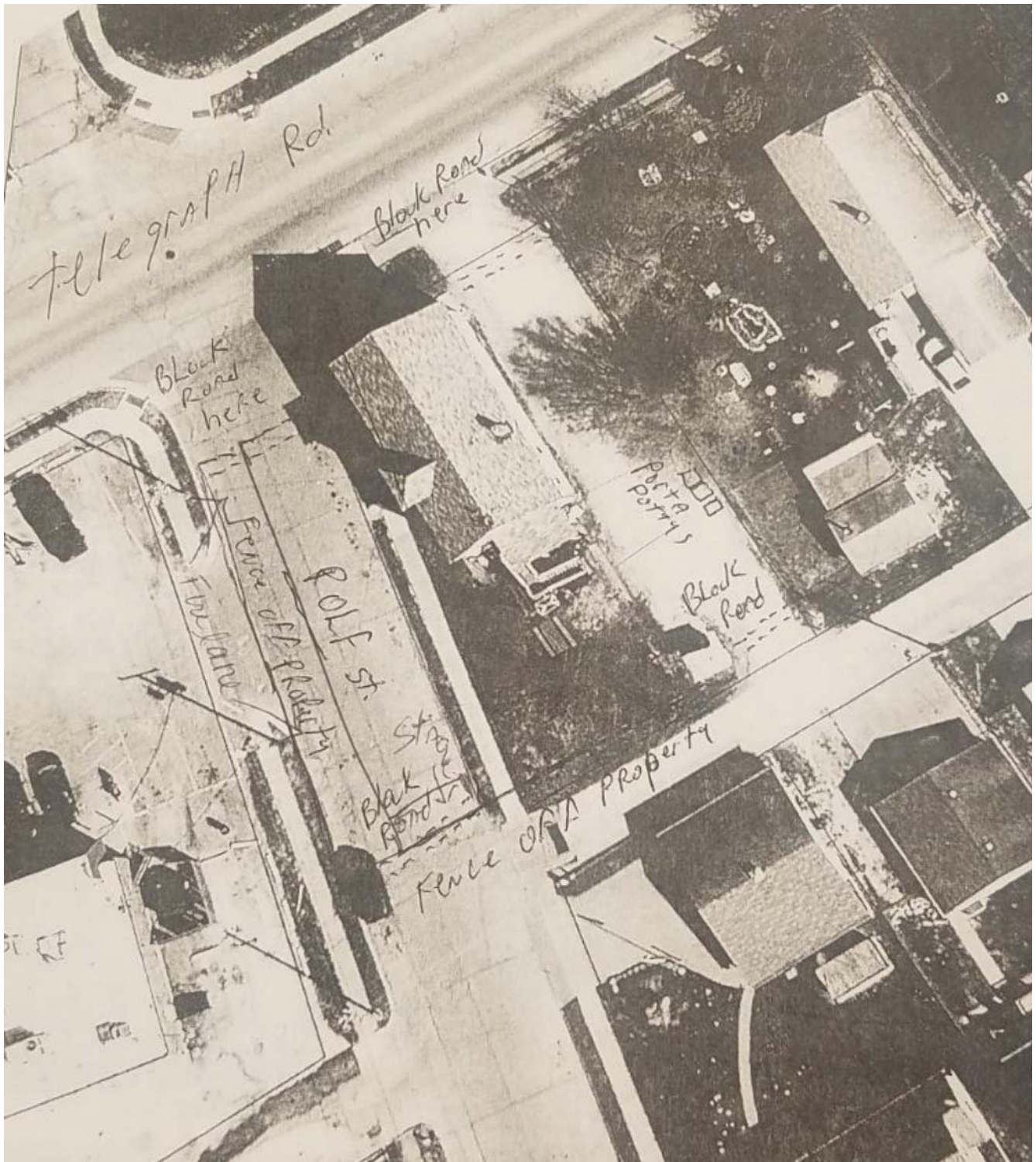
1802 Grand Ave

621 1/2 Douglas

622 Douglas

1806 Grand Ave

1812 Grand Ave



CITY OF DAVENPORT

STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 17th day of August, 2019, there is proposed a street closing, requested by Jimmie O'saloon, which will require the closing of ROIFF between telegraph rd and \_\_\_\_\_, during the hours of noon - midnight.

\*\* Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

| NAME AND ADDRESS                 | FAVOR    | OPPOSED | NOT CONCERNED |
|----------------------------------|----------|---------|---------------|
| <u>Robbi Foel 2805 telegraph</u> | <u>X</u> | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |
| _____                            | _____    | _____   | _____         |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

Signature of Applicant

Date

Office of the City Clerk  
563-326-6163

226 West Fourth Street  
Davenport, Iowa 52801

Email: bkrup@ci.davenport.ia.us



# CITY OF DAVENPORT

## STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 22<sup>nd</sup> day of August, 20 19, there is proposed a street closing, requested by Humility Homes Services, which will require the closing of Ash St between the Circle (Myrtle) and Ash, during the hours of 3:00 p.m. - 8:00 p.m.

\*\* Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

| NAME AND ADDRESS                                                         | FAVOR    | OPPOSED | NOT CONCERNED |
|--------------------------------------------------------------------------|----------|---------|---------------|
| <u>n p c 1013 W 7<sup>th</sup> St DAV. IA</u>                            | <u>X</u> |         |               |
| <u>Theresa Reyes (Cleviston 52802) 1013 W. 7<sup>th</sup> St DAV. IA</u> | <u>X</u> |         |               |
| <u>John 1014 W 5<sup>th</sup> St</u>                                     | <u>X</u> |         |               |
| <u>Charlene Madrid 1033 W. 7<sup>th</sup> St</u>                         | <u>X</u> |         |               |
| <u>Victor Madrid 1033 W. 7<sup>th</sup> St</u>                           | <u>X</u> |         |               |
| <u>Krista Martinez 1025 W 7<sup>th</sup> St</u>                          | <u>X</u> |         |               |
| <u>Deborah Jones 630 Warren St</u>                                       | <u>X</u> |         |               |
| <u>Andrew Harris 416 N. Harrison St DAVENPORT POLICE</u>                 | <u>X</u> |         |               |
| <u>Lupe Serrano 929 W 6<sup>th</sup> St DAV</u>                          | <u>X</u> |         |               |
| <u>Janet Reyes 919 W 6<sup>th</sup> St</u>                               | <u>X</u> |         |               |
| <u>Ebony Wells 1016 West 7<sup>th</sup> St #13</u>                       | <u>X</u> |         |               |
| <u>Alex Householder Apt. #7 1016 W. 7<sup>th</sup> St</u>                | <u>X</u> |         |               |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

# CITY OF DAVENPORT

## STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 22nd day of August, 20 19, there is proposed a street closing, requested by Humility Homes & Services, which will require the closing of 1000 Block of Ash St between \_\_\_\_\_ and \_\_\_\_\_, during the hours of 3p to 8p.

\*\* Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

| NAME AND ADDRESS                                                      | FAVOR                               | OPPOSED                  | NOT CONCERNED            |
|-----------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| <u>Michael Smith</u> <u>932 W. 6th Apt. 1</u><br><u>Davenport, Ia</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>David D. Butler</u> <u>530 Vine St</u><br><u>#2 Davenport</u>      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>William Morris</u> <u>1003 Mayfield</u><br><u>Apt 3 Davenport</u>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Donald Brown</u> <u>Davenport</u>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

# CITY OF DAVENPORT

## STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 22<sup>nd</sup> day of August, 20 19, there is proposed a street closing, requested by Humility Homes & Services, which will require the closing of 1000 Block of Ash St between \_\_\_\_\_ and \_\_\_\_\_, during the hours of 3p to 8p.

\*\* Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

| NAME AND ADDRESS                    | FAVOR                               | OPPOSED                  | NOT CONCERNED            |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| <u>Walter Steele 530 Vine St #3</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>Christina Omer 601 Myrtle St</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| _____                               | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

## CITY OF DAVENPORT

## STREET CLOSING PETITION FOR SPECIAL EVENTS

On the 22<sup>nd</sup> day of August, 2017, there is proposed a street closing, requested by Humility Homes Services, which will require the closing of Ash St between the Circle (Myrtle) and Ash, during the hours of 3:00 p.m. - 8:00 p.m.

\*\* Please sign your name and print address below and indicate whether you are in favor of the closing, opposed to the closing, or are not concerned (CHECK ONE, PLEASE).

| NAME AND ADDRESS                              | FAVOR        | OPPOSED      | NOT CONCERNED |
|-----------------------------------------------|--------------|--------------|---------------|
| <u>Billie Greenwood 626 Vine St Dav 52802</u> | <u>X</u>     | <u>_____</u> | <u>_____</u>  |
| <u>Paul J. Allen 626 Vine St Dav 52802</u>    | <u>_____</u> | <u>_____</u> | <u>_____</u>  |
| <u>Mary Ann Vogel 626 Vine St Dav</u>         | <u>X</u>     | <u>_____</u> | <u>_____</u>  |
| <u>Lynn Mousel 626 Vine St Dav</u>            | <u>X</u>     | <u>_____</u> | <u>_____</u>  |
| <u>Nancy Schwieters 626 Vine St</u>           | <u>X</u>     | <u>_____</u> | <u>_____</u>  |
| <u>Miriam Anstey 626 Vine St Dav</u>          | <u>X</u>     | <u>_____</u> | <u>_____</u>  |
| <u>Joe Pearse 629 Vine St</u>                 | <u>X</u>     | <u>_____</u> | <u>_____</u>  |
| <u>_____</u>                                  | <u>_____</u> | <u>_____</u> | <u>_____</u>  |
| <u>_____</u>                                  | <u>_____</u> | <u>_____</u> | <u>_____</u>  |
| <u>_____</u>                                  | <u>_____</u> | <u>_____</u> | <u>_____</u>  |
| <u>_____</u>                                  | <u>_____</u> | <u>_____</u> | <u>_____</u>  |
| <u>_____</u>                                  | <u>_____</u> | <u>_____</u> | <u>_____</u>  |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s) / time(s) you attempted.

Alley

Marion  
St.

Mary's on 2nd

Block Birthday Party!

Aug. 31st 4-MIDNIGHT, 2019

2ND + WAREHOUSE, DANCEHALL

POST  
OFFICE

2nd St.

ENTRY  
EXIT

POST

ST.  
DT

"CORNER  
OF  
BUILDING"

Mary's  
2nd

POST

ENTRY  
EXIT

V = VENDORS MERCHANT / FOOD  
DT = BACKSTAGE / DRESS TENT  
B = BATHROOMS  
W = WASTE  
--- = FENCING

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Clay Merritt 563-888-3055  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution approving the contract for the FY20 Threshold Street Resurfacing project to Hawkeye Paving Company of Davenport, IA in the amount of \$746,731, CIP #35037. [All Wards]

Recommendation:  
Adopt the Resolution.

Background:  
On July 2, 2019, an invitation to bid was issued and sent to contractors. On July 24, 2019, the Purchasing Division opened and read three responsive and responsible bids. See Bid Tab Attached.

This project is to resurface up to six street locations as part of the City's pavement management program. Work consists of roto milling, HMA overlay, curb removal and replacement, pavement patching, and traffic control.

Funding for this work is from CIP #70057675 530350 35037. This money is from the sale of General Obligation Bonds.

ATTACHMENTS:

| Type         | Description                                 |
|--------------|---------------------------------------------|
| ▣ Cover Memo | PW_RES_FY2020 IDOT Threshold St Resurfacing |
| ▣ Cover Memo | Bid Tab for Greensheet                      |

REVIEWERS:

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 7/31/2019 - 10:49 AM |
| Public Works Committee | Lechvar, Gina  | Approved | 8/1/2019 - 1:35 PM   |
| City Clerk             | Admin, Default | Approved | 8/1/2019 - 2:53 PM   |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the FY2020 IDOT Threshold Street Resurfacing project to Hawkeye Paving Corporation of Bettendorf IA, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the FY2020 IDOT Threshold Street Resurfacing project; and

WHEREAS, Hawkeye Paving Corporation of Bettendorf IA was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the FY2020 IDOT Threshold Street Resurfacing project to Hawkeye Paving Corporation of Bettendorf IA; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

\_\_\_\_\_  
Frank Klipsch  
Mayor

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: FY2020 IDOT THRESHOLD STREET RESURFACING

BID NUMBER: BID #20-1

OPENING DATE: JULY 24, 2019

GL ACCOUNT NUMBER: CIP 35036

RECOMMENDATION: AWARD THE CONTRACT TO HAWKEYE PAVING  
CORPORATION OF BETTENDORF IA

| <u>VENDOR NAME</u>                          | <u>BID AMOUNT</u> |
|---------------------------------------------|-------------------|
| Hawkeye Paving Corporation of Bettendorf IA | \$746,731.00      |
| Langman Construction Inc. of Rock Island IL | \$762,764.50      |
| McCarthy Improvement Co. of Davenport       | \$1,164,269.15    |

Approved By Kristi Keller 7/25/19  
Purchasing

Approved By Nicole Measem 7/25/19  
PW Director

Approved By Brauli Coey 7-25-19  
Budget/CIP

Approved By [Signature] 7-25-2019  
Chief Financial Officer

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Mike Atchley 563-327-5149  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution authorizing the Mayor to execute the necessary documents to grant an overhead electric easement to MidAmerican Energy. [Ward 8]

Recommendation:  
Adopt the Resolution.

Background:  
The E 53rd St Reconstruction and Widening Project includes a sidewalk along the north side of E 53rd west of Eastern Ave that will require the relocation of MidAmerican Energy electric poles. The 15 foot overhead electric easement will make this possible.

**ATTACHMENTS:**

| Type                | Description                                                  |
|---------------------|--------------------------------------------------------------|
| ▣ Resolution Letter | Resolution - Overhead Electric Easement - MidAmerican Energy |
| ▣ Cover Memo        | Overhead Electric Easement Agreement                         |
| ▣ Cover Memo        | Exhibit Plat                                                 |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                |
|----------------------------|----------------|----------|---------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 7/31/2019 - 1:31 PM |
| Public Works Committee     | Lechvar, Gina  | Approved | 8/1/2019 - 12:09 PM |
| City Clerk                 | Admin, Default | Approved | 8/1/2019 - 12:12 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Matson.

RESOLUTION authorizing the Mayor to execute the necessary documents to grant MidAmerican Energy an overhead electric easement on city property along the south side of parcels X1223-03 and X1221-25A (1300-1400 Blocks of East 53<sup>rd</sup> Street).

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the East 53<sup>rd</sup> Street Reconstruction and Widening Project includes a sidewalk along the north side of East 53<sup>rd</sup> Street.

WHEREAS, said sidewalk will require the relocation of existing electric power poles.

WHEREAS, the additional 15 foot overhead electric easement will make it possible to relocate the electric power poles.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Mayor is authorized to execute the necessary documents to grant MidAmerican Energy an overhead electric easement on city property along the south side of parcels X1223-03 and X1221-25A (1300-1400 Blocks of East 53<sup>rd</sup> Street).

Passed and approved this 14<sup>nd</sup> day of August, 2019.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Brian J. Krup, Deputy City Clerk

Prepared by and return to: Dawn M. Carlson 563.333.8150  
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES PO Box 4350-DV10, Davenport, IA 52808

**MIDAMERICAN ENERGY COMPANY  
OVERHEAD ELECTRIC EASEMENT**

|               |                  |           |              |                                  |
|---------------|------------------|-----------|--------------|----------------------------------|
| Folder No.    | <u>7683</u>      | State of  | <u>Iowa</u>  |                                  |
| Work Req. No. | <u>DR2743450</u> | County of | <u>Scott</u> |                                  |
| Project No.   | <u>A1114</u>     | Section   | <u>12</u>    |                                  |
|               |                  | Township  | <u>78</u>    | North                            |
|               |                  | Range     | <u>3</u>     | East of the 5 <sup>th</sup> P.M. |

1. For and in consideration of the sum of One and no/100-----Dollar (\$1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owner(s) **City of Davenport, Iowa**, its successors and assigns ("Grantor"), does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, non- exclusive easement to construct, reconstruct, operate, maintain, replace or remove electric supply line(s) for the transmission and distribution of electric energy and for communication and electrical controls, including other necessary poles, wires, guys, guy stubs, anchors, including other reasonably necessary equipment incident thereto (collectively "Facilities") upon, over, along, and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

**DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:**

Part of the NE ¼ of Section 12, Township 78 North, Range 3 East of the 5<sup>th</sup> Principal Meridian; City of Davenport, Scott County, Iowa. (Parcel No's. X1223-03 & X1221-25A)

**EASEMENT AREA:**

An overhead electric easement described as follows:

The South Fifteen (15) feet of Parcel No. X1223-03 and X1221-25A, as shown on Exhibit A, attached, as shown hereto and made a part thereof.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants, undergrowth, buildings, fences and structures that interfere with the proper maintenance of said Facilities and equipment.

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants, or other objects on the easement area described above, or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's right to operate and maintain its Facilities, and that no act shall be performed which violates the clearance requirements of the National Electrical Safety Code and/or the rules of the state utility regulatory authority where the Facilities are located.

4. In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences, or other property, real or personal, of the Grantor by the construction, reconstruction, maintenance, operation, replacement or removal of the Facilities (except for damage to property placed subsequent to the granting of this easement) that Grantee determines interferes with the operation and maintenance of the Facilities and associated equipment. The cutting, recutting, trimming and removal of trees, branches, saplings, brush or other vegetation on or adjacent to the Easement Area is expected and not considered damage to the Grantor.

5. Grantor each certifies that it is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly on behalf of, any such person, group, entity or nation. Grantor hereby agrees to defend, indemnify and hold harmless the Grantee from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification.

6. Each of the provisions of this easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any matter or dispute arising out of or related to this easement, it is agreed between the parties that the law of the jurisdiction and location where this easement is recorded (including statute of limitation provisions) will govern the interpretation, validity and effect of this easement without regard to the place of execution or place of performance thereof, or any conflicts or law provisions. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.

7. Grantor hereby relinquishes all rights of dower, homestead and distributive share in and to the property and waives all rights of exemption as to any of the property. Grantor understands that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this easement, voluntarily gives up any right to this protection for this property with respect to claims based upon this easement.

8. Grantor warrants to Grantee that Grantor holds title to the Easement Area in fee simple and Grantor has good and lawful authority to grant the rights provided in this easement.

(Signatures and Acknowledgments on following page)

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

**City of Davenport, Iowa**

By: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss

This record was acknowledged before me on \_\_\_\_\_, 2019,

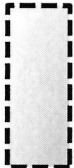
by \_\_\_\_\_ as \_\_\_\_\_

of City of Davenport, Iowa.

\_\_\_\_\_  
Signature of Notary Public

# EXHIBIT "A"

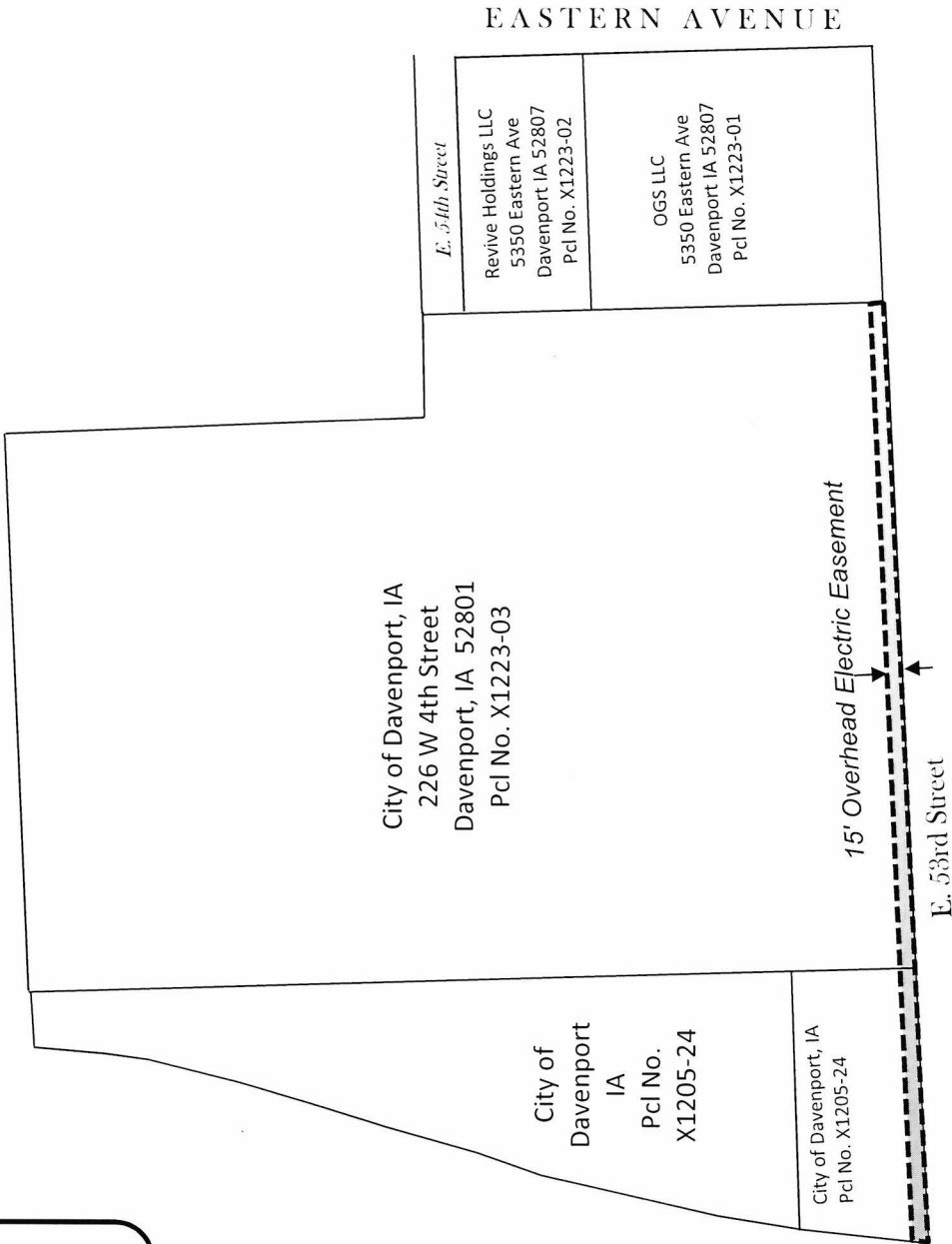
Legend:



- Easement Area

**DESCRIPTION OF PROPERTY**  
**CONTAINING EASEMENT AREA:**  
 Part of the NE 1/4 of Section 12,  
 Township 78 North, Range 3 East of  
 the 5th Principal Meridian; City of  
 Davenport, Scott County, Iowa.

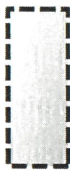
**EASEMENT DESCRIPTION:**  
 The South Fifteen (15) feet of  
 Parcel No. X1223-03 and X1221-  
 25A.



|                                                                                                                            |                                   |                     |                           |                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------|---------------------------|-------------------------------------------------------------------------------------|
|  <b>MIDAMERICAN</b><br>ENERGY COMPANY | Customer: City of Davenport, Iowa | DR # 2743450        |                           |  |
|                                                                                                                            | Address: 1200 E. 46th Street      | Date: June 25, 2019 |                           |                                                                                     |
| ROW Agent: DMC                                                                                                             | City: Davenport, Iowa 52807       | Scale: Not to Scale | NE1/4 S12 T78N R3E 5th PM |                                                                                     |
| Job Desc: Overhead Electric Distribution Easement                                                                          |                                   | Folder #: 7683      |                           |                                                                                     |

# EXHIBIT "A"

Legend:



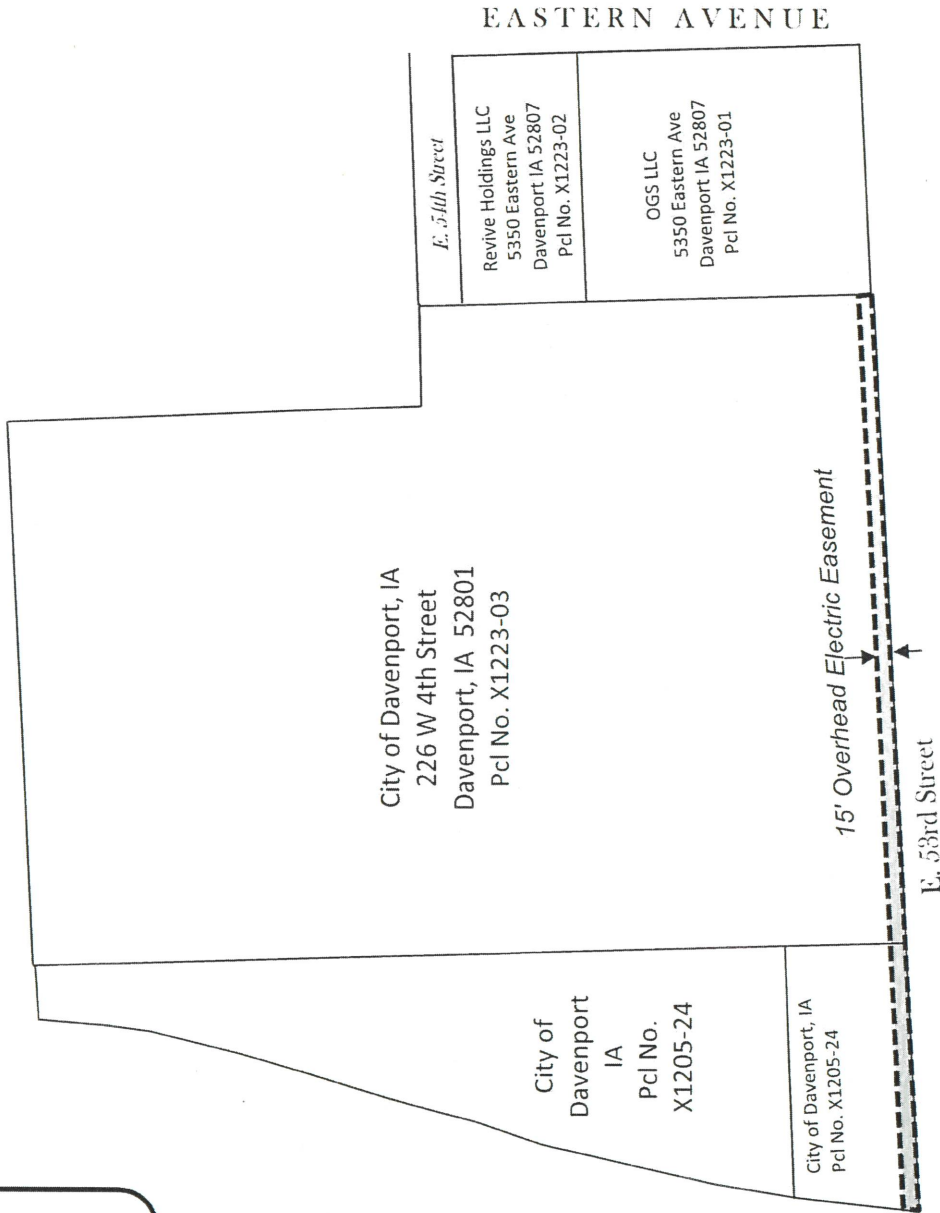
## DESCRIPTION OF PROPERTY

### CONTAINING EASEMENT AREA:

Part of the NE 1/4 of Section 12,  
Township 78 North, Range 3 East of  
the 5th Principal Meridian; City of  
Davenport, Scott County, Iowa.

### EASEMENT DESCRIPTION:

The South Fifteen (15) feet of  
Parcel No. X1223-03 and X1221-  
25A.



|                                                                                                                     |                                   |                           |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------|
|  MIDAMERICAN<br>ENERGY COMPANY | Customer: City of Davenport, Iowa | DR # 2743450              |
|                                                                                                                     | Address: 1200 E. 46th Street      |                           |
|                                                                                                                     | City: Davenport, Iowa 52807       |                           |
| ROW Agent: DMC                                                                                                      | Scale: Not to Scale               | Date: June 25, 2019       |
|                                                                                                                     | Folder #: 7683                    | NE1/4 S12 T78N R3E 5th PM |
| Job Desc: Overhead Electric Distribution Easement                                                                   |                                   |                           |

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Nick Schmuecker 563-327-5162  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Kimberly Road Patching Project, CIP #35042. [Ward 6]

Recommendation:  
Adopt the Resolution.

Background:  
The stretch of Kimberly Rd from E 32nd St to the bridge over Duck Creek was selected for patching and rehabilitation by the City's pavement management program based on a system wide comparison of benefit to cost ratios. This project will patch joints and failed panels to extend the overall life of the pavement. This project will also remove and replace the deteriorated asphalt overlay south of E 32nd St.

Funding for the Kimberly Road Patching Project is established within CIP #35042. The current estimate is \$725,000.

**ATTACHMENTS:**

| Type                | Description |
|---------------------|-------------|
| ▣ Resolution Letter | PW Pg 2     |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 7/31/2019 - 11:03 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 8/1/2019 - 1:36 PM   |
| City Clerk                 | Admin, Default | Approved | 8/1/2019 - 2:54 PM   |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn

Resolution approving the plans, specifications, forms of contract, and estimate of cost for the Kimberly Road Patching Project, CIP #35042.

WHEREAS, on the 26<sup>th</sup> day of July, 2019, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Kimberly Road Patching Project, CIP #35042.

WHEREAS, Notice of Hearing on plans, specifications and form of contract was published as required by law:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for said Kimberly Road Patching Project.

Passed and approved this 14<sup>th</sup> day of August, 2019.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Ron Hocker 563-327-5169  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution approving the plans, specifications, forms of contract, and estimate of cost for the FY20 Root Control Program. [All Wards]

Recommendation:  
Adopt the Resolution

Background:

The purpose of this program is to apply a chemical root control agent to sanitary sewers in order to kill the root growth present in the main lines and the first several feet of the sewer laterals. Tree root intrusion into sewer systems is a primary cause of blockages and can also lead to structural deterioration and failures of the pipes. Chemical applied root control measures also inhibit re-growth without permanently damaging the existing trees.

The term of the initial contract will be for one year, with the City maintaining separate options for a second and third year. The program will be managed by the Sewers Division in conjunction with Engineering Division staff. Funds for the FY20 Root Control Program are budgeted in the Sanitary Sewer Operational Fund at \$100,000.

ATTACHMENTS:

| Type         | Description |
|--------------|-------------|
| ▣ Cover Memo | Resolution  |

REVIEWERS:

| Department             | Reviewer       | Action   | Date                |
|------------------------|----------------|----------|---------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 7/31/2019 - 1:35 PM |
| Public Works Committee | Lechvar, Gina  | Approved | 8/1/2019 - 1:36 PM  |
| City Clerk             | Admin, Default | Approved | 8/1/2019 - 2:54 PM  |

Resolution No. \_\_\_\_\_

RESOLUTION offered by Alderman Dunn

RESOLVED by the City Council of the City of Davenport

RESOLUTION approving the specifications, form of contract and estimated cost for the Fiscal Year 2020 Root Control Program

WHEREAS, on the 12<sup>th</sup> day of July, 2019, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa for the Fiscal Year 2020 Root Control Program within the City of Davenport, Iowa; and

WHEREAS, Notice of Hearing on specifications and form of contract was published as required by law:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said specifications, form of contract and estimate of cost are hereby approved as the specifications, form of contract and estimate of cost for said Fiscal Year 2020 Root Control Program.

Passed and approved the 14<sup>th</sup> day of August, 2019.

Approved:

Attest:

\_\_\_\_\_  
Frank Klipsch, Mayor

\_\_\_\_\_  
Brian Krup, Deputy City Clerk

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Jen Walker 563-326-6168  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution approving the contract for the Main St and 16th St Streetscaping project to Emery Construction Group Inc of Moline, IL in the amount of \$319,399.10, BG250. [Ward 5]

Recommendation:  
Adopt the Resolution.

Background:  
On June 25, 2019, an invitation to bid was issued and sent to contractors. On July 23, 2019, the Purchasing Division opened and read one (1) responsive and responsible bid.

Emery Construction Group Inc. was the only bidder. Emery Construction Group Inc. has successfully completed streetscaping projects for the city in the past.

This project involves streetscape improvements along the east side of the 1600 and 1700 blocks of Main Street and the north side of the 100 block of 16th Street. The work includes removal of existing concrete curb and gutter, pavement, sidewalk, driveway approaches, existing light poles, and tree stumps. Work will also include construction of a widened concrete curb and gutter, grassed boulevard, concrete sidewalks, ADA accessible ramps, pavement patching, adjustment of storm sewer intakes and manholes, and installation of new conduit, wiring, and decorative lights.

Funding for this project is from CPED HUD BG250 account and 70057698-530350-35035.

**ATTACHMENTS:**

| Type                | Description            |
|---------------------|------------------------|
| ▣ Resolution Letter | Resolution             |
| ▣ Cover Memo        | Bid Tab for Greensheet |

**REVIEWERS:**

| Department             | Reviewer       | Action   | Date                 |
|------------------------|----------------|----------|----------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 7/31/2019 - 10:52 AM |
| Public Works Committee | Lechvar, Gina  | Approved | 8/1/2019 - 1:34 PM   |
| City Clerk             | Admin, Default | Approved | 8/1/2019 - 2:51 PM   |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Main St & 16th St Streetscaping project to Emery Construction Group Inc of Moline, IL and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the Main St & 16th St Streetscaping project; and

WHEREAS, Emery Construction Group Inc of Moline, IL was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the Main St & 16th St Streetscaping project to Emery Construction Group Inc of Moline, IL; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

\_\_\_\_\_  
Frank Klipsch  
Mayor

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: 16<sup>TH</sup> St & MAIN ST STREETSCAPING

BID NUMBER: BID #19-132

OPENING DATE: JULY 23, 2019

GL ACCOUNT NUMBER: 54551044 520258 BG250

RECOMMENDATION: AWARD THE CONTRACT TO EMERY CONSTRUCTION  
GROUP INC OF MOLINE IL.

| <u>VENDOR NAME</u>                        | <u>BID AMOUNT</u> |
|-------------------------------------------|-------------------|
| Emery Construction Group Inc of Moline IL | \$319,399.10      |

Approved By Krista Keeler 7/25/19  
Purchasing

Approved By Nicole Measom 7/25/19 Bruce Buge  
PW Director CPED Director

Approved By Bradi Coz 7-25-19  
Budget/CIP

Approved By [Signature] 7-25-2019  
Chief Financial Officer

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Nick Schmuecker 563-327-5162  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution awarding the Eastern Avenue Reconstruction project to Langman Construction, Inc of Rock Island, IL in the amount of \$466,421.65, CIP #35035. [Wards 6 & 7]

Recommendation:  
Adopt the Resolution.

Background:  
An Invitation to Bid was issued on July 11, 2019 and was sent to 325 vendors. On August 2, 2019, the Purchasing Division opened and received four responsive and responsible bids.

This project is intended to remove existing Portland Cement Concrete (PCC) pavement on Eastern Avenue from north of E 39th St south of E 43rd St and replace with new PCC pavement.

Funding for this project is from CIP #35035, the high volume street repair program fund.

ATTACHMENTS:

| Type                | Description                                          |
|---------------------|------------------------------------------------------|
| ▣ Resolution Letter | PW_RES_Eastern Avenue Reconstruction                 |
| ▣ Backup Material   | Bid Tab for Greensheet Eastern Avenue Reconstruction |

REVIEWERS:

| Department           | Reviewer       | Action   | Date               |
|----------------------|----------------|----------|--------------------|
| Public Works - Admin | Admin, Default | Approved | 8/2/2019 - 1:35 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the contract for the Eastern Avenue Reconstruction project to Langman Construction Inc. of Rock Island, IL, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needs to contract for the Eastern Avenue Reconstruction project;  
and

WHEREAS, Langman Construction Inc. of Rock Island, IL, was the lowest responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the contract for the Eastern Avenue Construction project to Langman Construction Inc. of Rock Island, IL; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

\_\_\_\_\_  
Frank Klipsch  
Mayor

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: EASTERN AVENUE RECONSTRUCTION

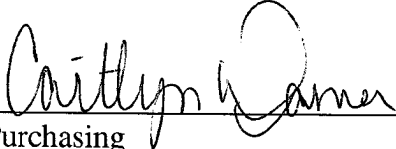
BID NUMBER: 20-4

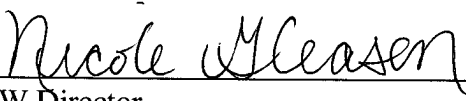
OPENING DATE: JULY 11, 2019

GL ACCOUNT NUMBER: 70057699 530350 35035

RECOMMENDATION: AWARD THE CONTRACT TO LANGMAN  
CONSTRUCTION INC OF ROCK ISLAND, IL

| <u>VENDOR NAME</u>                              | <u>PRICE</u> |
|-------------------------------------------------|--------------|
| Langman Construction Inc of Rock Island, IL     | \$466,421.65 |
| CDMI Concrete Contractors Inc of Port Byron, IL | \$577,612.00 |
| Valley Construction Company of Rock Island, IL  | \$657,593.75 |
| McCarthy Improvement Company of Davenport, IA   | \$660,807.20 |

Approved By  8/2/19  
Purchasing Date

Approved By  8/2/19  
PW Director Date

Approved By  8-2-19  
Budget/CIP Date

Approved By  8-2-2019  
Chief Financial Officer Date

City of Davenport

Agenda Group:  
Department: Finance  
Contact Info: Chad Dyson 563-326-7817  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution directing the Parks and Recreation Department to proceed with a State of Iowa REAP (Resource Enhancement and Protection) grant application in the amount of \$300,000 for Veterans Memorial Park. [Ward 3]

Recommendation:  
Adopt the Resolution.

Background:  
Located on 43 acres off Marquette Street west of downtown Davenport, Veterans Memorial Park honors the 46,000 Quad Citizens who served in the military, while improving access to and the aesthetics of the riverfront as part of the regional vision to create a "cool, creative, connected" community.

In 2012, Davenport invested nearly \$500,000 to install signage, flag poles, landscaping, and lighting in the park. The memorial currently consumes about 2 acres; while the overall vision expands the memorial to encompass the entire 43 acres in the park. The City of Davenport Parks and Recreation Department, working with the Levee Improvement Commission and the Friends of Veterans Memorial Park, are seeking grant funding for the next phase of park development. Specifically, funds are being requested from the Iowa Department of Natural Resources Resource Enhancement and Protection (REAP) grant program to begin this phase of the project that will:

1. Provide site grading upon which proposed plaza areas and river overlook will be constructed;
2. Enhance the panoramic viewsheds between the park and the Mississippi River by removing scrub trees and undesired plant material and establishing native wildflower prairie on site; and
3. Provide an overlook area for park and trail users to enjoy the Mississippi River connected with ADA accessible walking paths.

These improvements will enhance the overall experience of park and trail users, provide places where visitors can sit to reflect upon the memorial or the river, or just relax in the midst of nature. All totaled, these improvements move the project one step closer to the goal of creating a place to honor the service of our veterans while converting this former city landfill into an amenity of pride along the majestic Mississippi River. The ultimate plan places the memorial as part of a river overlook with views from the river and downtown Davenport and Rock Island.

The total amount requested from REAP is \$300,000.

ATTACHMENTS:

| Type                | Description     |
|---------------------|-----------------|
| □ Resolution Letter | REAP Resolution |

**REVIEWERS:**

| Department        | Reviewer        | Action   | Date               |
|-------------------|-----------------|----------|--------------------|
| Finance           | Wright, Brandon | Approved | 8/1/2019 - 3:14 PM |
| Finance Committee | Wright, Brandon | Approved | 8/1/2019 - 3:14 PM |
| City Clerk        | Admin, Default  | Approved | 8/1/2019 - 3:44 PM |

Resolution No.

Resolution offered by Alderman Matson

RESOLVED by the City Council of the City of Davenport.

RESOLUTION directing the Parks and Recreation Department to proceed with a State of Iowa REAP (Resource Enhancement and Protection) Grant application in the amount of \$300,000 for Veterans Memorial Park.

WHEREAS, because of strong public support, further River Vision-related riverfront development continues, and together with River Heritage Park to the east, Veterans Memorial Park provides a bookend to the west.

AND WHEREAS, Veterans Memorial Park honors the 46,000 Quad Citizens who served in the military, while improving access to and the aesthetics of the riverfront as part of the regional vision to create a "cool, creative, connected" community;

AND WHEREAS, in 2012, Davenport invested nearly \$500,000 to install signage, flag poles, landscaping, and lighting in the park. The memorial currently consumes about 2 acres; our overall vision expands the memorial to encompass the entire 43 acres in the park.

Davenport Parks, working with the Levee Riverfront Improvement Commission and the Friends of Veterans Memorial Park, now are seeking grant funding for the next phase of park development. Specifically, seeking funds from the Iowa Department of Natural Resources Resource Enhancement and Protection (REAP) grant program to begin the River Overlook phase of the project that will: (1) Create a special connection between the current park and the Mississippi River; (2) Enhance the panoramic viewsheds between the park and the Mississippi River by removing scrub trees and undesired plant material and establishing native wildflower prairie on site; and (3) Provide an overlook area for park and trail users to enjoy the Mississippi River connected with ADA accessible walking paths.

AND WHEREAS, These improvements will enhance the overall experience of park and trail users, provide places where visitors can sit to reflect upon the memorial or the river, or just relax in the midst of nature. All totaled, these improvements will move the project one step closer to the goal of creating a place to honor the service of our veterans while converting this former city landfill into an amenity of pride along the majestic Mississippi River. The ultimate plan places the memorial as part of a river overlook with views from the river and downtown Davenport and Rock Island.

AND WHEREAS: The City of Davenport is now seeking \$300,000 in State of Iowa REAP Grant funding for the next phase of park development.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Parks and Recreation Department proceed with a State of Iowa REAP (Resource Enhancement and Protection) grant application toward supplemental monies to further develop Veterans Memorial Park.

Attest:

Approved:

---

Brian Krup  
Deputy City Clerk

---

Frank Klipsch  
Mayor

City of Davenport

Agenda Group:  
Department: Finance  
Contact Info: Brandon Wright 563-326-7750  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Resolution approving and ratifying payment for flood cleanup at Union Station to Perfection Property Restoration Inc of East Dundee, IL in the amount of \$225,000. [Ward 3]

Recommendation:  
Adopt the Resolution.

**Background:**

On May 1, 2019, the temporary flood wall barrier surrounding Union Station failed. The ground under the wall at the southwest corner of Union Station became so saturated the ground gave way, allowing approximately two feet of water to enter the structure. On May 11, 2019, the City was able to gain access to the building. Werner Restoration currently holds an emergency cleanup contract with the City. Their sub-contractor Perfection Property Restoration Inc. of East Dundee, IL was brought on site. From May 11 to May 24, Perfection worked to clean, dry, disinfect, and remove total loss inventory from the building. After receiving higher than expected moisture readings, Perfection returned at no cost to continue drying until acceptable readings were met.

Normally flooded buildings are dried by removing the lower four feet of drywall, extracting moisture with dehumidifiers, and utilizing fans to dry the property; all of which can be moved by hand. The process goes rather quickly because the affected areas are exposed. Given Union Station's unusual and historical construction methods of both the interior and exterior, there were no wall coverings to easily remove without destroying architectural features of the structure. The dehumidifiers and fans used for the drying process arrived as very large machines with industrial sized desiccant filters on flatbed semis.

To save Union Station, a City-owned building on the National Register of Historic Places, it took immediate and extraordinary efforts. As a result, no historical aspects of the property were lost.

Funding for this work is from the Risk Division's account #50470460 520236, Claims and Judgements.

**ATTACHMENTS:**

| Type         | Description                         |
|--------------|-------------------------------------|
| ▣ Cover Memo | FIN_RES_Union Station Flood Cleanup |

**REVIEWERS:**

| Department        | Reviewer        | Action   | Date               |
|-------------------|-----------------|----------|--------------------|
| Finance           | Wright, Brandon | Approved | 8/1/2019 - 3:20 PM |
| Finance Committee | Wright, Brandon | Approved | 8/1/2019 - 3:21 PM |
| City Clerk        | Admin, Default  | Approved | 8/1/2019 - 3:45 PM |

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Matson.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving the payment for the Union Station Flood Cleanup to Perfection Property Restoration Inc. of East Dundee, IL, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the City needed to save historic Union Station from flood damage; and

WHEREAS, Perfection Property Restoration Inc was sub-contracted by Werner Restoration, our current emergency clean up contractor;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that:

1. Approving the payment for the Union Station Flood Clean Up to Perfection Property Restoration Inc. of East Dundee IL.; and
2. Mayor Frank Klipsch or designee is authorized to sign and manage any related agreements;

Attest:

Approved:

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

\_\_\_\_\_  
Frank Klipsch  
Mayor

## City of Davenport

Agenda Group:  
Department: Finance  
Contact Info: Chief Mike Carlsten 563-326-7942  
Wards:

**Action / Date**  
**8/14/2019**

Subject:  
Resolution approving a contract for the purchase of one 100 ft. aerial ladder truck from Sutphen Corp of Amlin, OH in the amount of approximately \$1,225,000, CIP #63006. [All Wards]

Recommendation:  
Adopt the Resolution.

### Background:

Truck 1 is the Fire Department's primary 100 foot aerial ladder truck. The truck is a Sutphen brand and has been very reliable for the department. The current Truck 1 is a 1996 model and is well past its useful life as a front line emergency response vehicle. The department also owns a 1990 Sutphen 100 foot aerial truck (Truck 4) that was purchased used from a town in Florida. The current 1996 Truck 1 will become the reserve rig and the 1990 model Truck 4 will be sold. The 1990 Sutphen should still have substantial resale value.

The Fire Department did an evaluation of the major manufacturers that make an aerial apparatus that will meet the department's needs and fit under the railroad bridges on Brady St and Harrison St. The Sutphen brand rose to the top considering price, functionality, and long-term durability. The department has the opportunity to take another municipality's spot in the ordering process. If the order is placed by August 28th with Sutphen, Davenport will receive the new truck in April 2020 as opposed to September 2020. The normal lead time for any manufacturer is 12-15 months. The purchase of a Sutphen aerial truck also maintains an all Sutphen aerial fleet for the Davenport Fire Department. The entire fleet being the same brand saves money, time, and is advantageous for fire ground operations. Several manufacturers are predicting a 25% price increase due to tariffs being placed on items.

At no cost, the City of Davenport joined the Houston-Galveston Area Council (HGAC) in 2018, a cooperative group that bids public safety items for members. Because of the volume created by purchases from several communities, the advantage is lower contracted prices. Sutphen was awarded the contract for aerial apparatus vehicles.

The approximate total for this purchase is \$1,225,000. Funding for this purchase is from CIP #63006 for Fire Apparatus & Equipment Replacement, with a budgeted amount of \$1,225,000. These funds are from the sale of General Obligation Bonds.

### ATTACHMENTS:

| Type         | Description                              |
|--------------|------------------------------------------|
| ▯ Cover Memo | FIN_RES_100 ft. Tall Aerial Ladder Truck |

### REVIEWERS:

| Department        | Reviewer        | Action   | Date               |
|-------------------|-----------------|----------|--------------------|
| Finance           | Wright, Brandon | Approved | 8/1/2019 - 3:12 PM |
| Finance Committee | Wright, Brandon | Approved | 8/1/2019 - 3:13 PM |

City Clerk

Admin, Default

Approved

8/1/2019 - 4:02 PM

Resolution No. \_\_\_\_\_

Resolution offered by Alderman Matson.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving a contract and conditionally approving the contract and bond for the fabrication of one 100 ft. tall aerial ladder truck to Sutphen Corp. of Amlin OH, and authorizing Mayor Frank Klipsch or designee to sign and manage any related agreements.

WHEREAS, the Fire Department needs to replace the current 1996 aerial ladder truck; and

WHEREAS, Sutphen Corp. of Amlin OH was awarded a contract by HGAC,

WHEREAS, the applicable purchasing process was followed by HGAC resulting in a contract to Sutphen Corp. of Amlin OH, the recommendation to award to Sutphen Corp., as a responsive and responsible bidder;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa, that the contract for the above said procurement be awarded to Sutphen Corp. of Amlin, OH.

BE IT FURTHER RESOLVED: that expenditures of the full budgeted amount of \$1,225,000 is hereby authorized: and

BE IT FURTHER RESOLVED: that the mayor is hereby authorized and directed to sign said contract for and on behalf of the City of Davenport, Iowa; and

BE IT FURTHER RESOLVED: that, upon approval by City staff, the executed contract and bond are hereby approved.

Attest:

Approved:

\_\_\_\_\_  
Brian Krup  
Deputy City Clerk

\_\_\_\_\_  
Frank Klipsch  
Mayor

City of Davenport

Agenda Group:  
Department: Public Safety  
Contact Info: Brian Krup 563-326-6163  
Wards:

**Action / Date**  
**8/14/2019**

Subject:  
Motion approving noise variance request(s) for various events on the listed dates and times.

Anissa Quinn; Neighborhood block party; 1831 Grand Ave; Saturday, August 17, 2019 12:00 p.m. - 6:00 p.m.; Outdoor music, over 50 dBa. [Ward 5]

Amie Berumen; Birthday party; 411 W 8th St; Saturday, August 17, 2019 4:00 p.m. - 11:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

Jimmie O's Saloon; Jimmie O's Streetfest; 2735 Telegraph Rd; Saturday, August 17, 2019 3:00 p.m. - 9:00 p.m.; Outdoor music/band, over 50 dBa. [Ward 1]

John De Taeye; AugustFest Neighborhood Block Party; 1000 block of Ash St; Thursday, August 22, 2019 4:00 p.m. - 7:00 p.m.; Outdoor performances, over 50 dBa. [Ward 3]

Bobby Stansberry; Mary's On 2nd 19th Anniversary Party; 832 W 2nd St; Saturday, August 31, 2019 4:00 p.m. - 12:00 a.m.; Outdoor music/performances, over 50 dBa. [Ward 3]

Recommendation:  
Pass the Motion.

Background:  
The following requests for noise variances have been received pursuant to the Davenport Municipal Code Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

ATTACHMENTS:

| Type              | Description                         |
|-------------------|-------------------------------------|
| ▣ Backup Material | Delta Sigma Chi Noise Petition      |
| ▣ Backup Material | Berumen Noise Variance Petition     |
| ▣ Cover Memo      | Jimmie Os StreetFest Noise Petition |

REVIEWERS:

| Department | Reviewer       | Action   | Date                |
|------------|----------------|----------|---------------------|
| City Clerk | Admin, Default | Approved | 7/8/2019 - 10:12 AM |

## CITY OF DAVENPORT

## NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 8-10<sup>th</sup> day of August, 20 19, there is proposed an event which will include outdoor music or band, requested by Delta Sigma Chi, during the hours of 8-12 a.m.

**\*\* Please sign your name and print address below and indicate whether you are in favor of the noise variance, opposed to the noise variance, or are not concerned (CHECK ONE, PLEASE).**

| NAME AND ADDRESS                                                    | FAVOR | OPPOSED | NOT CONCERNED |
|---------------------------------------------------------------------|-------|---------|---------------|
| Hunter Allen 1224 N Main, S2803<br>Spartan hunter@gmail.com         | X     |         |               |
| Timothy Love 124 W 12th                                             | X     |         |               |
| Courtney Paulson<br>130 W 12th                                      | ✓     |         |               |
| 133 W 13th St. Resident said noise was fine but didn't want to sign | X     |         |               |
| 1220 N Main No Answer 7/25 6pm<br>or 7/30 6pm                       |       |         |               |
|                                                                     |       |         |               |
|                                                                     |       |         |               |
|                                                                     |       |         |               |
|                                                                     |       |         |               |
|                                                                     |       |         |               |
|                                                                     |       |         |               |
|                                                                     |       |         |               |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

[Signature]  
Signature of Applicant

7/30/19  
Date

## CITY OF DAVENPORT

## NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 17 day of August, 20 19, there is proposed an event which will include outdoor music or band, requested by Amie Beumen, during the hours of 4-10:30.

**\*\* Please sign your name and print address below and indicate whether you are in favor of the noise variance, opposed to the noise variance, or are not concerned (CHECK ONE, PLEASE).**

| NAME AND ADDRESS                   | FAVOR    | OPPOSED       | NOT CONCERNED |
|------------------------------------|----------|---------------|---------------|
| <u>Patricia Peters 423 8th St</u>  | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>J. Woods 435 W 8th</u>          | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>Roberto Martin W 425 8th St</u> | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>P VIRGIL Velez 425</u>          | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>owner of 425 Rd Burton</u>      | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>Tasha Martinez 423 W 8th</u>    | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>Justus Martinez 423 W 8th</u>   | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>MARK Wallace 416 W 8th</u>      | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>Gady Smith</u>                  | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>Lawrence 716 Ripley St</u>      | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>Karen Trawick</u>               | <u>X</u> | <u>      </u> | <u>      </u> |
| <u>Harold Trawick</u>              | <u>X</u> | <u>      </u> | <u>      </u> |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

## CITY OF DAVENPORT

## NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 17 day of August, 2019 there is proposed an event which will include outdoor music or band, requested by \_\_\_\_\_,

during the hours of 4pm-midnight

**\*\* Please sign your name and print address below and indicate whether you are in favor of the noise variance, opposed to the noise variance, or are not concerned (CHECK ONE, PLEASE).**

| NAME AND ADDRESS                    | FAVOR | OPPOSED | NOT CONCERNED |
|-------------------------------------|-------|---------|---------------|
| Matt Devlin 222 S R-1ff             | X     |         |               |
| RIK L. KELLER 116 HAZ.              | X     |         |               |
| DAN T. KELLER 116 HAZ.              | X     |         |               |
| Josh Starr 118 S Hazelwood          | X     |         |               |
| Becky Holland 2735 Westwood         | X     |         |               |
| John R. Rysinger 4702 Blue Grass Rd | X     |         |               |
| Mark Spang 3720 Parkway             | X     |         |               |
| Wendy Helmer                        | X     |         |               |
| Tommy Devlin 1303 Zenith            | X     |         |               |
| Andrew Devlin 232 S R-1ff           | X     |         |               |
| Jennifer Maas                       | X     |         |               |
| Steve Holland 2735 Westwood         | X     |         |               |

\* If additional space is needed, please attach sheets with additional signatures.

\* If you are unable to make contact with a resident/business, please indicate the date(s)/time(s) you attempted.

Signature of Applicant

Date

Office of the City Clerk  
563-326-6163

226 West Fourth Street  
Davenport, Iowa 52801

Email: bkrup@ci.davenport.ia.us

City of Davenport

Agenda Group:  
Department: Public Safety  
Contact Info: Sherry Eastman 563-326-7795  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Motion approving beer and liquor license applications.

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

**Ward 1**

Jimmie O's Saloon (Oldham Enterprises LLC) - 2735 Telegraph Rd - Extended Outdoor Area  
August 17, 2019 "Jimmie O's Streetfest" - License Type: C Liquor

**Ward 3**

Mary's on 2nd (Birdland, Inc) - 832 W 2nd St from Brown St to Warren St - Outdoor Area August  
31 - September 1, 2019 "19th Anniversary Party" - License Type: C Liquor

Moti's Food (QC Diner LLC) - 1717 W 3rd St - New License - License Type: E Liquor / B Wine /  
C Beer *\*200' notification letters mailed 7/31/19*

**Ward 6**

Flavors of India (Kita LLC) - 2660 E 53rd St, Suite 8 - New License - License Type: Beer / Wine

B. Annual license renewals (with outdoor area renewals as noted):

**Ward 2**

Casey's General Store #2092 (Casey's Marketing Company) - 6278 North Pine St - License  
Type: C Beer

**Ward 4**

Hy-Vee Gas (Hy-Vee, Inc) - 2353 W Locust St - License Type: C Beer

Hy-Vee #5 (Hy-Vee, Inc) - 2351 W Locust St - License Type: E Liquor / C Beer / B Wine

Recommendation:  
Pass the Motion.

Background:  
The following applications have been reviewed by the Police, Fire, and Zoning Departments.

REVIEWERS:

| Department        | Reviewer        | Action   | Date               |
|-------------------|-----------------|----------|--------------------|
| Finance           | Wright, Brandon | Approved | 8/1/2019 - 3:24 PM |
| Finance Committee | Wright, Brandon | Approved | 8/1/2019 - 3:25 PM |
| City Clerk        | Admin, Default  | Approved | 8/1/2019 - 3:37 PM |

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Mike Kramer 563-327-5141  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Motion of acceptance for the construction of brick street repair in various locations, CIP #35027.  
These repairs were completed by Centennial Contractors of the Quad Cities. [Wards 3, 5, & 7]

Recommendation:  
Pass the Motion.

Background:  
These locations had brick previously replaced with asphalt or non-matching brick. The asphalt and non-matching brick was removed and replaced with rock base and brick to match the street.

- 7th St at Iowa St
- Iowa St at Kirkwood Blvd
- 8th St at Iowa St
- 16th St at Main St
- 30th St at Harrison St

Two locations were added. These locations both had no brick and/or loose brick.

- 16th St at Brady St
- Arlington Ave at 13th St

REVIEWERS:

| Department                 | Reviewer       | Action   | Date                 |
|----------------------------|----------------|----------|----------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 7/31/2019 - 11:06 AM |
| Public Works Committee     | Lechvar, Gina  | Approved | 8/1/2019 - 12:14 PM  |
| City Clerk                 | Admin, Default | Approved | 8/1/2019 - 12:19 PM  |

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Thomas Vesalga 563-326-7783  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Motion approving a 10-year land lease agreement renewal with Civil Air Patrol for FY20 - FY29 at the Davenport Municipal Airport. [Ward 8]

Recommendation:  
Pass the Motion.

Background:  
The Airport has negotiated a land lease renewal with the Civil Air Patrol for the use of the airport owned hangar located at 8991 Harrison Street for 10 years beginning July 1, 2019 and ending June 30, 2029. The leased property is used for Civil Air Patrol purposes.

This land lease renewal is a continuation of the current lease agreement which expired on June 30, 2019. The Civil Air Patrol renewal is valued at \$1,031.15 per year. This lease renewal adjusts the land lease rate consisting of a Fair Market Value base reduced as per Federal Aviation Regulation for aviation related entities. This land lease renewal satisfies the requirements of the Federal Aviation Administration Regulations for Land Lease Agreements for Airports.

ATTACHMENTS:

| Type         | Description              |
|--------------|--------------------------|
| ▣ Cover Memo | CAP Land Lease Agreement |

REVIEWERS:

| Department             | Reviewer       | Action   | Date                |
|------------------------|----------------|----------|---------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 8/1/2019 - 12:11 PM |
| Public Works Committee | Lechvar, Gina  | Approved | 8/1/2019 - 12:12 PM |
| City Clerk             | Admin, Default | Approved | 8/1/2019 - 12:17 PM |

# **DAVENPORT MUNICIPAL AIRPORT**



## **DAVENPORT MUNICIPAL AIRPORT PROPERTY LEASE AGREEMENT**

**BETWEEN**

**DAVENPORT MUNICIPAL AIRPORT**

**AND**

**CIVIL AIR PATROL, INC.**

**July 1, 2019 through June 30, 2029**

**DAVENPORT MUNICIPAL AIRPORT  
PROPERTY LEASE AGREEMENT  
BETWEEN  
DAVENPORT MUNICIPAL AIRPORT  
AND  
CIVIL AIR PATROL, INC.  
July 1, 2019 through June 30, 2029**

THIS LEASE AND AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the Davenport Municipal Airport, hereinafter referred to as the "Airport", and the Civil Air Patrol, Inc., a federally chartered non-profit corporation hereinafter referred to as "CAP".

**WITNESSETH:**

WHEREAS, the City of Davenport, Iowa, a municipal corporation, hereinafter referred to as the "City", owns the Davenport Municipal Airport; and,

WHEREAS, the Davenport Municipal Airport possesses the authority to administer all operations, policies, and procedures of the airport on behalf of the City in accordance with Federal Aviation Administration (FAA) policies, procedures, and regulations; and,

WHEREAS, the Davenport Composite Squadron NCR-IA-041 is an active unit of the Civil Air Patrol performing the following missions and services to the community, state, and nation: Homeland Security operations, Counter Drug operations, Disaster Relief operations, Air and Ground Search and Rescue operations, Aerospace Education, a cadet program that enhances youth leadership skills through an interest in aviation, and simultaneously provides service to the United States Air Force and the local community, and is in need of the occupancy and use of an appropriate facility for its programs; and,

WHEREAS, the Airport has a building that can be used to meet the needs of CAP and its unit(s); and,

WHEREAS, the City and the Airport recognize the valuable contribution CAP makes to the community and the nation, and deems it advantageous to itself and to its operation of the airport in making this lease,

NOW THEREFORE, the City, the Airport, and CAP agree as follows:

1. **GRANT.** For and in consideration of the terms, conditions, and covenants of this lease to be performed by CAP, all of which CAP accepts, the Airport hereby grants to CAP and CAP hereby takes from the Airport certain space with address 8992 Harrison Street herein referred to as the "Premises", in the western portion of the building and certain attendant privileges, uses, and rights as hereinafter specifically set out. The eastern portion of the building with address 8990 Harrison Street is a hangar leased to a separate tenant.

The premises conveyed by this Lease and shown on Exhibit A attached hereto and made part of this Lease, shall be as follows:

2,365 square feet of ground level floor space in the western portion of the building and  
2,400 square feet of attic space above ground level. CAP may share use of the ramp on

the airside of the south end of the building, as long as it does not interfere, impede, or disrupt the operations and/or access to the hangar or flight/ground operations of aircraft.

2. **TERM.** The term of this agreement shall be for ten years (10) years beginning of July 1, 2019 and ending on June 30, 2029. This Lease may be renewed for another term of ten (10) years providing CAP gives the Airport written notice thirty (30) days prior to the end of the current term. This agreement shall immediately terminate upon the execution of a subsequent agreement.

3. **COMPENSATION.** CAP agrees to pay the Airport for the exclusive use of the square footage described above for the sum of \$85.93 per month as described below:

|                                        |               |
|----------------------------------------|---------------|
| \$0.2164 per sq.ft. x 2365 sq.ft. = \$ | 511.79        |
| \$0.2164 per sq.ft. x 2400 sq.ft. = \$ | <u>519.36</u> |
| Annual Payment                         | \$1,031.15    |
| Monthly Payment                        | \$ 85.93      |

Due to the support CAP provides to the community, the state of Iowa, and the United States of America, the Fair Market Value for the square footage in this building has been reduced from its current value of \$0.8654 per square foot to \$0.2164 per square foot.

Monthly rent shall be billed one month in advance and shall be paid within thirty (30) days of the invoice date.

4. **USE.** The Premises shall be used as a Civil Air Patrol Squadron Headquarters, and for the aforementioned missions and services provided therein. CAP shall not allow the assembly of CAP cadets on the Airport without supervision by adult officers of CAP. CAP shall not use other areas of the Airport for CAP activities without permission of the Airport Manager.

5. **SUBLETTING.** CAP shall not assign or sublease any portion of the premises without the written consent of the Airport and the concurrence of the FAA. CAP may from time to time, at its discretion, sublet its interest in the Premises to the Quad City Airshow. Such subletting between CAP and the Quad City Airshow need only require a verbal notification to the Airport Manager.

6. **UTILITIES.** CAP agrees that it will pay all charges and expenses for utilities used on the Premises during the term of this lease, with the following exception/allowances:

A portion of the electricity and gas cost will pay for hot water for the tenant in the hangar in the eastern portion of the building as well as pay for warm air for the tenant's small room identified as R2 on Exhibit A.

The water and sewer utility usage costs for the Premises shall be paid by the tenant in the hangar.

CAP further agrees that it will not permit liens to be incurred or placed upon the premises due to the non-payment of any such utility charges or improvements or repairs made to the Premises.

7. **MAINTENANCE AND REPAIRS.** CAP, at its own expense shall keep and maintain the Premises neat and orderly at all times, shall remove snow and ice from the sidewalk from the Premises to the parking lot, perform such minor or incidental repairs to the Premises as may be necessary to keep it in proper condition, and shall repair any damage to the Premises which may be caused by CAP with the following exceptions:

The Airport shall be responsible for the maintenance, repair, and/or replacement of the roof, cold water supply pipe from the Iowa-American water main to the water meter in room R1, the cold and hot water pipes in room R1 to the east face of the dividing wall and north face of the south wall of room R2, and the sanitary sewer to rooms R3 and R4.

The tenant of the hangar shall be responsible for maintenance, repair, and/or replacement of the sanitary sewer servicing rooms R1 and R2, and the dividing wall when damaged by the tenant.

8. **ALTERATIONS.** With the prior written permission of the Airport Manager, CAP may make such alterations and improvements to the Premises that are reasonably necessary for the purpose of CAP. All improvements and/or alterations shall be done per the building code of the City and when necessary, with City building permits. It shall be the responsibility of CAP to acquire the appropriate City building permit, and to present a copy of the City building permit to the Airport Manager for verification before alterations begin. If during alterations CAP finds unknown and/or additional structural damage, it shall be the responsibility of the City to make repairs.

9. **SIGNAGE.** CAP shall be allowed to post signage announcing the Squadron, both permanently affixed to the Premises, and temporary as necessary for special events sponsored by CAP. Two permanent signs are allowed presenting unit insignia; one permanently affixed to the west exterior wall, and one permanently affixed to the northwest corner of the Premises permanently affixed to the exterior wall facing north. No other permanently affixed signs shall be installed without written permission of the Airport Manager. Airport Manager written permission shall be required for all temporary signage regardless of the event reason. When Airport signage showing buildings and tenant locations is updated, CAP shall be included in the listing.

10. **AIRPORT AND AIRSPACE USEAGE.** The Airport, for the use and benefit of the public, shall take any action necessary to protect a free and unrestricted right of flight for the passage of aircraft in the airspace above the surface of the Premises herein conveyed, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in the air, using said airspace or landing at, or taking off from, or operating on or about the airport.

The Airport reserves the right to take any action necessary to protect the aerial approaches and aerial flight paths of the Airport against obstruction, and the right to prevent the CAP from erecting, or permitting to be erected, any building or other structure on the Airport which in the opinion of the Airport or the FAA, would limit the usefulness of the Airport or constitute a hazard to aircraft. The Airport shall have the right to inspect any part of the Premises at any time in accordance with the requirements of Paragraph 14 of this lease. The CAP facilities, structures, and/or apparatuses shall not exceed heights allowed by the FAA.

The Airport reserves the right to further maintain, develop, and/or improve the landing area and all publicly owned air navigation facilities of the airport as it sees fit, regardless of the desires or views of the CAP without interference or hindrance.

CAP shall receive permission in writing from the Airport Manager prior to the commencement of any improvement project(s) on or to the Premises.

11. **INDEMNIFICATION.** CAP agrees to indemnify Airport and/or City and hold Airport and/or City harmless against any and all liability for injuries to persons or damage to property caused by CAP's negligent use of or occupancy of the Premises or caused by the negligence of any CAP's employees,

officers, agents, guests or invitees; provided, however, that CAP shall not be liable for any injury, damage, or loss occasioned by the negligence of Airport and/or City or its agents or employees and provided further that Airport and/or City shall give to CAP prompt and timely notice of any claim made or suit instituted which in any way directly or indirectly, contingent or otherwise, affects or might affect CAP, and CAP shall have the right to compromise and defend the suit to the extent of its own interest, and CAP shall do the same regarding prompt and timely notice. The Airport and/or City shall not be responsible for any loss to CAP property or alteration as a result of loss under this paragraph.

12. **INSURANCE.** CAP agrees to maintain Comprehensive Liability Insurance during the period of this lease and any extensions thereof, in an amount not less than \$1 million for any one occurrence and shall furnish the Airport and the City with a certificate of such coverage adding the Airport and the City as additionally insured and provide the Airport with a thirty (30) day notice of cancellation of coverage.

13. **TERMINATION.** This lease and any extension thereof may not be terminated by either party except by mutual agreement, or for non-compliance with the provisions thereof. CAP shall remove all CAP property from the Premises within thirty (30) days of termination.

14. **RIGHT TO ACCESS.** CAP agrees to observe and obey all pertinent laws, ordinances, and regulations pertinent to the occupancy of the Premises during the term of this lease and/or any extensions thereof. CAP shall grant the Airport access to the Premises at all times by providing keys and/or codes to the Airport Manager. As the Official Auxiliary of the US Air Force, CAP may have on premises information and/or documents of a sensitive nature concerning Homeland Security, Counter Drug, Air Operations, and or privileged information on search and rescue operations, therefore CAP requests that the Airport announce its intentions to enter the Premises beforehand, except as needed for emergencies.

15. **NONDISCRIMINATION.** It is Civil Air Patrol policy that no member shall be excluded from participation in, denied the benefits of, or subjected to discrimination in any CAP program or activity on the basis of race, sex, age, color, religion, national origin, or disability. It is Civil Air Patrol policy that no applicant meeting CAP's minimum age requirement will be denied membership if CAP on the basis of race, sex, age, color, religion, national origin, or disability. This Program implements provisions of Title VI of the Civil Rights Act of 1964 (PL 88-352), Title III of the Age Discrimination Act of 1975 (PL 94-135), Department of Defense (DOD) Directive 5500.11, *Nondiscrimination in Federally Assisted Programs*, DOD Directive 1020.1, *Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense*, and Air Force Instruction (AFI) 36-2707, *Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Air Force*, and other statutes and directives governing nondiscrimination.

CAP, its officers and/or members shall not, on the grounds of race, color, national origin, sex, or handicap, discriminate or permit discrimination against any person or group of persons in any manner prohibited by 49 CFR Part 21, *Nondiscrimination in Federally Assisted Programs of the Department of Transportation*, and as said regulation may be amended.

16. **MOVE OUT.** Upon termination of this lease, CAP shall return the Premises to the Airport in the same condition as received, ordinary wear and tear and any approved alterations excepted.

17. **SUBORDINATION.** This Lease Agreement shall be subordinate to the provisions of any existing or future Lease Agreement(s) between Airport and the United States and/or the State of Iowa relative to the operation, maintenance, or improvement of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal or state funds for the development of the airport. The Airport is free to negotiate and enter into such agreements without hindrance from CAP.

18. **APPROVAL.** This Lease Agreement shall supersede all previous leases with the Airport and is subject to the approval of the Federal Aviation Administration.

IN WITNESS WHEREOF, the parties hereto have caused this Lease Agreement to be executed in duplicate on this 23rd day of July, 2019.

Civil Air Patrol

By: John A. Salvador

Title: Chief Operating Officer

Address: 105 S Hansell Street, Bldg 714

City: Montgomery

State: Alabama

Zip: 36112-5937

Signature: John A. Salvador

Davenport Municipal Airport

By: Thomas I. Ryabka

Airport Manager

1200 E. 46<sup>th</sup> Street

Davenport, IA 52807

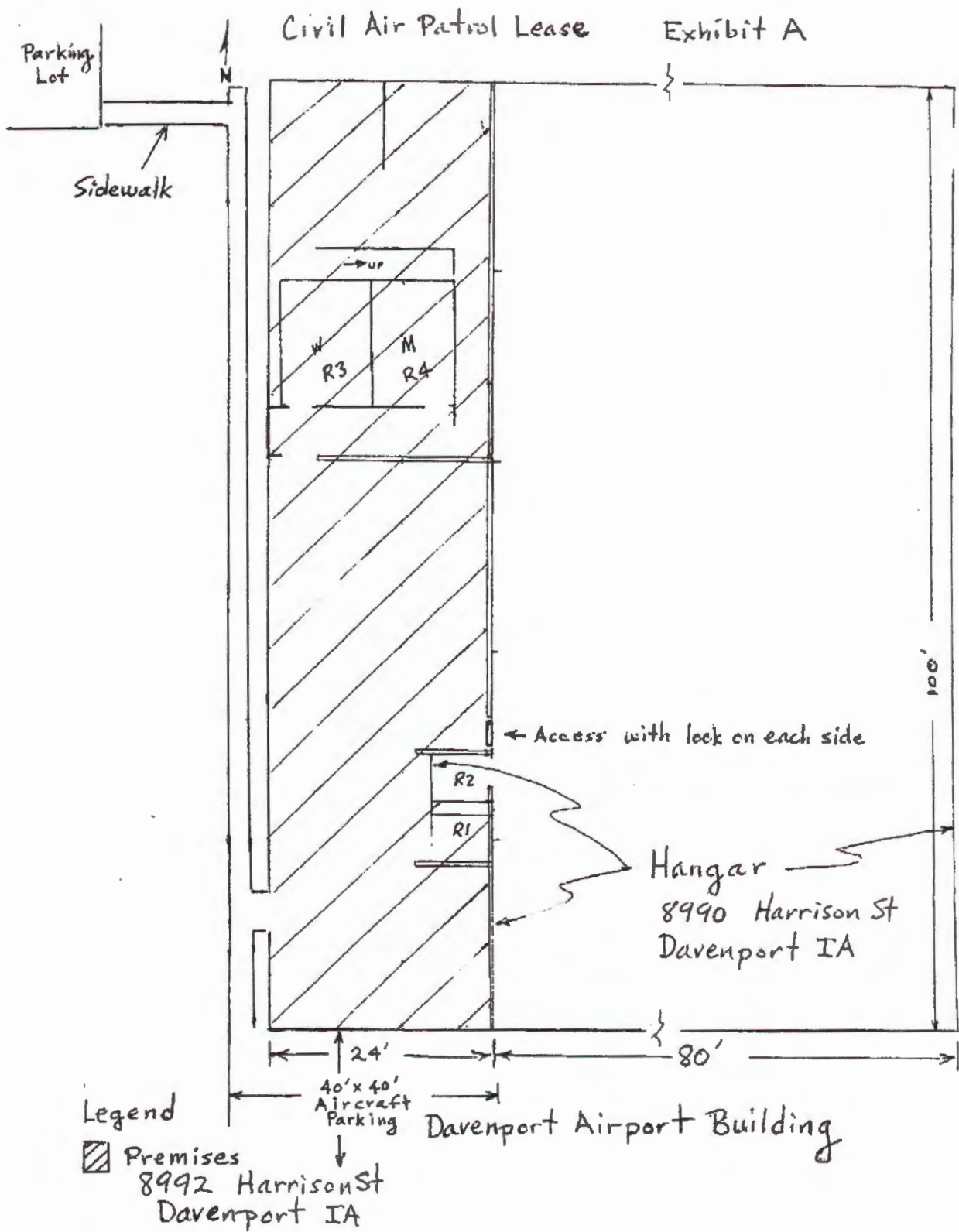
City of Davenport, Iowa

By: \_\_\_\_\_

Mayor

226 W. 4<sup>th</sup> Street

Davenport, IA 52804



City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Eric Gravert 563-327-5125  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Motion to approve change order #1 to Terracon Consultants, Inc in the amount of \$18,896.59 for the Davenport Municipal Airport Runway 15/33 Reconstruction Project, CIP #20010. [Ward 8]

Recommendation:  
Pass the Motion.

Background:  
Change order #1 approves the amount to be added to the contract for additional construction testing and observation services.

The project is being managed by the City of Davenport and is 90% funded by the Federal Aviation Administration grant. The project is funded through CIP #20010.

This change order approves the additional contract amount to be used for additional testing and observation services performed by Terracon Consulting, Inc.

**SUMMARY OF CONTRACT AMOUNT:**

|                         |                    |
|-------------------------|--------------------|
| Original Contract       | \$36,991.40        |
| Previous Change Orders  | \$0.00             |
| <u>Change Order #1</u>  | <u>\$18,896.59</u> |
| Amended Contract Amount | \$55,887.99        |

**REVIEWERS:**

| Department                 | Reviewer       | Action   | Date               |
|----------------------------|----------------|----------|--------------------|
| Public Works - Engineering | Lechvar, Gina  | Approved | 8/1/2019 - 1:37 PM |
| Public Works Committee     | Lechvar, Gina  | Approved | 8/1/2019 - 1:37 PM |
| City Clerk                 | Admin, Default | Approved | 8/1/2019 - 2:55 PM |

City of Davenport

Agenda Group:  
Department: Public Works Committee  
Contact Info: Eric Longlett 563-327-5153  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Motion approving construction for Sterilite drainage improvements to be performed by Legacy Corporation of IL of East Moline, IL in the amount of \$55,580, CIP #33043. [Ward 8]

Recommendation:  
Pass the Motion.

Background:  
An invitation to bid was issued on July 11, 2019 and was sent to 544 vendors. On July 30, 2019, the Purchasing Division received and opened seven responsive and responsible bids.

Drainage improvement work includes construction of approximately 364 LF of storm sewer pipe, one area intakes, 1,828 CY of earth excavation, and seeding.

Funding for this project is from CIP #33043.

ATTACHMENTS:

| Type         | Description                            |
|--------------|----------------------------------------|
| ▢ Cover Memo | PW_MOT_Sterilite_Drainage_Improvements |

REVIEWERS:

| Department             | Reviewer       | Action   | Date                |
|------------------------|----------------|----------|---------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 8/1/2019 - 12:13 PM |
| Public Works Committee | Lechvar, Gina  | Approved | 8/1/2019 - 12:13 PM |
| City Clerk             | Admin, Default | Approved | 8/1/2019 - 12:18 PM |

CITY OF DAVENPORT, IOWA  
BID TABULATION

DESCRIPTION: STERILITE DRAINAGE IMPROVEMENTS

BID NUMBER: 20-5

OPENING DATE: JULY 11, 2019

GL ACCOUNT NUMBER: 71572698 530350 33043

RECOMMENDATION: AWARD THE CONTRACT TO LEGACY CORPORATION  
OF IL OF EAST MOLINE, IL

| <u>VENDOR NAME</u>                             | <u>PRICE</u> |
|------------------------------------------------|--------------|
| Legacy Corporation of IL of East Moline, IL    | \$55,580.00  |
| Langman Construction, Inc. of Rock Island, IL  | \$75,270.80  |
| Hawkeye Paving Corporation of Bettendorf, IA   | \$91,712.50  |
| Needham Excavating Inc. of Walcott, IA         | \$99,751.50  |
| Valley Construction Company of Rock Island, IL | \$113,626.50 |
| Miller Trucking & Excavating of Silvis, IL     | \$114,127.50 |
| McClintock Trucking & Excavating of Colona, IL | \$170,440.00 |

Approved By Caitlyn James 7/31/19  
Purchasing Date

Approved By Nicole Elias 7/31/19  
PW Director Date

Approved By Bradh Coy 7-31-19  
Budget/CIP Date

Approved By BW 7-31-2019  
Chief Financial Officer Date

City of Davenport

Agenda Group:  
Department: Finance  
Contact Info: Cory Smith 563-888-2162  
Wards:

**Action / Date**  
**8/7/2019**

Subject:  
Motion approving the payment to Insight Public Sector of Tempe, AZ for Pure Storage support and service in the amount of \$95,820. [All Wards]

Recommendation:  
Pass the Motion.

Background:  
The City purchased a new Pure Storage upgrade called FlashBlade on April 27, 2017, on Council action 2017-188. This payment is for the support and service contract for the second and third year of the contract, 24 months of coverage; last year and this year.

Funding for this payment is from the Maintenance Machine & Equipment account #50450530 520226, with a current balance of \$1,012,241.88. These funds are General Operating funds.

REVIEWERS:

| Department        | Reviewer        | Action   | Date               |
|-------------------|-----------------|----------|--------------------|
| Finance           | Wright, Brandon | Approved | 8/1/2019 - 3:07 PM |
| Finance Committee | Wright, Brandon | Approved | 8/1/2019 - 3:07 PM |
| City Clerk        | Admin, Default  | Approved | 8/1/2019 - 4:03 PM |

City of Davenport

Agenda Group:  
Department: Finance  
Contact Info: Clay Merritt (563) 888-3055  
Wards:

**Action / Date**  
**8/14/2019**

Subject:  
Motion approving a professional services contract for federal grant consultant work with Keller Partners and Company of Washington, DC in the amount of \$78,000, CIP #60015. [All Wards]

Recommendation:  
Pass the Motion.

Background:

In an effort to better identify grant opportunities and strategically market projects at the federal level, the City of Davenport entered into a twelve month contract with Keller Partners and Company in 2018. Since that time, Keller Partners and Company have been an excellent partner in assisting City staff with grant applications and arranging meetings with key federal departments in order to promote City-wide goals. This contract will be for twelve months, beginning August 15, 2019 and ending on August 15, 2020. During this time period, Keller Partners and Company will perform the following:

- Plan and implement government relations strategies designed to accomplish the City's federal funding objectives;
- Assist in the identification of grants and other funding streams;
- Arrange meetings with members of Congress, congressional staff, and federal agency decision-makers to advance funding efforts;
- Strategically market the City's need to federal decision-makers;
- Serve as the liaison to federal agencies relevant to projects.

REVIEWERS:

| Department             | Reviewer       | Action   | Date               |
|------------------------|----------------|----------|--------------------|
| Public Works - Admin   | Lechvar, Gina  | Approved | 8/1/2019 - 1:40 PM |
| Public Works Committee | Lechvar, Gina  | Approved | 8/1/2019 - 1:40 PM |
| City Clerk             | Admin, Default | Approved | 8/1/2019 - 4:07 PM |