

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, JULY 19, 2022; 5:00 PM

CITY HALL | 226 WEST 4TH STREET | COUNCIL CHAMBERS

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

III. Secretary's Report

A. Consideration of the July 5, 2022 meeting minutes.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

- i. Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

VI. Subdivision Activity

A. Old Business

B. New Business

VII. Future Business

VIII. Communications

IX. Other Business

A. Election of Officers

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
5/3/2022

Subject:
Consideration of the July 5, 2022 meeting minutes.

Recommendation:
Staff recommend approval of the July 5, 2022 meeting minutes.

Background:
The July 5, 2022 meeting minutes are attached.

ATTACHMENTS:

Type	Description
▢ Backup Material	Meeting Minutes 7-5-22

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Werderitch, Matt	Approved	7/14/2022 - 2:39 PM

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, JULY 5, 2022; 5:00 PM
CITY HALL, 226 W 4TH ST, COUNCIL CHAMBERS

PUBLIC HEARING AGENDA

I. New Business

- A. Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District.
[Ward 7]

Berkley presented an overview of the proposed rezoning request. The purpose is to allow a change in building function from a funeral home to a reception facility. A formal staff recommendation will be provided at the July 19th Plan & Zoning Commission meeting.

Commissioner Inghram inquired whether the tenants of the adjacent apartment buildings were notified.

The applicant, Travis Rigdon-Market Manager for SCI Iowa Funeral Services Inc., was in attendance to explain the rezoning request. The intention is to utilize the existing building for celebration of life events.

With no additional comments, the public hearing closed.

REGULAR MEETING AGENDA

II. Roll Call

Present: Schneider, Eikleberry, Inghram, Hepner, Stelk, Tallman, Brandsgard, Garrington
Excused: Reinartz, Maness, Johnson
Staff: Berkley

III. Report of the City Council Activity

Berkley provided an update of the City Council activity.

IV. Secretary's Report

- A. Consideration of the June 14, 2022 meeting minutes.

Motion by Tallman, second by Garrington to approve the June 14, 2022 meeting minutes. Motion to approve was unanimous by voice vote (8-0).

V. Report of the Comprehensive Plan Committee

VI. Zoning Activity

A. Old Business

B. New Business

VII. Subdivision Activity

A. Old Business

B. New Business

- i. Case ROW22-04: Request of Shawn Struck to vacate unimproved alley right-of-way located west of 2727 Glaspell Street. [Ward 1]

Berkley provided an overview of the proposed unimproved right-of-way vacation. The alley abuts four single-family homes within a residential neighborhood. The sloping right-of-way contains turf and several large trees. No garages require the alley for access.

The petitioner, Shawn Struck, was in attendance to speak on behalf of the request.

Staff recommended the City Plan and Zoning Commission accept the listed findings to vacate the unimproved alley right-of-way located west of 2727 Glaspell Street in Case ROW22-04 to the City Council with a recommendation for approval.

Finding:

1. The unimproved public right-of-way is not required for city purposes.

Motion by Tallman, second by Schneider, to approve staff recommendation for Case ROW22-04 in accordance with the listed findings. Motion to approve staff recommendation was approved by a roll call vote (8-0).

- ii. Case F22-08: Request of Leveraged Holdings, LLC for a Final Plat of Davenport Industrial Park 6th Addition located at 4701 Rockingham Road. [Ward 1]

Berkley discussed the intent to subdivide the industrial property into two separate lots. A self-storage facility occupies the southern portion of the site. There is a 14,000 square foot industrial building on the northern half of the lot. The purpose of the final plat is to divide the land into two lots, which places each land use on a separate parcel.

The petitioner's representative, Mike Richmond of Townsend Engineering, was in attendance to speak on behalf of the request.

Staff recommended the Plan and Zoning Commission accept the listed findings and forward Case F22-08 to the City Council with a recommendation for approval subject to the listed conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) would achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. Add a note stating, "No access is allowed to Rockingham Road or US Highway 61."
4. Add a note stating, "Stormwater detention and water quality treatment will be required with this subdivision upon development and shall be owned and maintained by the property owner."
5. Ensure sanitary sewer lateral is located within a sanitary sewer easement.

Motion by Tallman, second by Hepner, to approve staff recommendation for Case F22-08 in accordance with the listed findings and conditions. Motion to approve staff recommendation and conditions was approved by a roll call vote (8-0).

VIII. Future Business

IX. Communications

X. Other Business

XI. Adjourn

Motion by Tallman, second by Garrington to adjourn the meeting. Motion to adjourn was unanimous by voice vote (8-0).

The meeting adjourned at 5:24 pm.

City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
7/19/2022

Subject:

Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

Recommendation:

Staff recommend Case REZ22-04 be forwarded to the City Council with a recommendation for denial.

Findings:

1. The proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.
2. The petition is not compatible with the zoning and land uses of nearby property.
3. The rezoning request is not compatible with the established neighborhood character, which includes cemeteries and multi-family residential dwellings.
4. The proposed amendment may be detrimental to the public health, safety, and welfare of the City.
5. Rezoning the property to C-1 Neighborhood Commercial District does not create any nonconformities.

-

Background:

Background:

The purpose of the rezoning request is to allow a change in building function from a funeral home to a reception facility. Cunnick-Collins Mortuary & Cremation Service currently operates a funeral home at 1200 East 39th Street. The owners intend to expand the business beyond funeral services by renting the gathering spaces for other reception activities.

Why is a Zoning Map Amendment Required?

A 'Reception Facility' is a prohibited use in the S-OS Open Space District. A rezoning to C-1 Neighborhood Commercial District is the least intensive non-residential zoning classification that allows a 'Reception Facility'. Should the rezoning request be approved by City Council, then a Special Use Permit must be granted by the Zoning Board of Adjustment to operate a 'Reception Facility' within the existing building.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designations:

The property is designated as Parks and Recreation in the Davenport +2035 Land Use Plan.

1. **Parks and Recreation (PR)** – Designates major developed parks, recreation areas, golf courses, cemeteries, etc. Park or recreation properties can be located in any zoning district. Smaller parks may not appear on the map because of the more general nature and scale of the map. But, it is implied in Residential General (RG) that small neighborhood parks are included.

Zoning:

The applicant is proposing a rezoning from S-OS Open Space District to C-1 Neighborhood Commercial District.

1. **S-OS Open Space District** - This 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.
2. **C-1 Neighborhood Commercial District** - This district is intended to provide for commercial uses that predominantly serve the needs of nearby residential neighborhoods, and that are compatible in scale and character with the surrounding residential area. Low intensity mixed-use is encouraged.

Zoning Ordinance Use Definitions

1. **Funeral Home** - An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.
2. **Reception Facility** - A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Technical Review:

1. **Legal Department:** It is the Legal Department's opinion that this rezoning request does involve spot zoning. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding properties. Spot zoning is not appropriate if it is for the financial benefit of the individual property, but detrimental to the surrounding properties. The primary question is whether the subject property has a peculiar adaptability to the new classification compared to the surrounding properties. In this instance, staff believe the answer is no. Finally, it appears this request may conflict with the comprehensive plan and, if so, absent compelling evidence of the benefits that treating this property differently offer, it would constitute unreasonable spot zoning.

Approval Standards for Map Amendments (Chapter 17.14.040):

The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

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

land use policies.

Staff Response: The property is designated Parks and Recreation (PR) in the Davenport +2035 Land Use Plan. This land use category is intended to retain public open space, including cemeteries.

The Future Land Use Map identifies the area bounded by East 46th Street, the railroad right-of-way, East 39th Street, and Brady Street as Parks and Recreation. The approximately 218 acre area includes Mt. Calvary Cemetery, Davenport Memorial Park, Pine Hill Cemetery, Mt. Nebo Cemetery, and Cunnick-Collins Mortuary & Cremation Service. In addition, the natural topography includes Goose Creek.

Properties zoned C-1 Neighborhood Commercial District are generally designated as Residential General on the Davenport +2035 Land Use Plan. There currently is no Residential General land uses north of 39th Street and south of Goose Creek.

In considering spot-zoning, courts generally determine whether the zoning relates to the compatibility of the surrounding uses. One of the most important criteria is the extent to which the requested zoning is consistent with the comprehensive plan. Spot zoning is rebutted when the challenged zoning is found to be consistent with present surrounding uses or the comprehensive plan. Given the existing S-OS Open Space Districts in relation to the nearest C-1 zoning in the area, similar land use, and consistency with the comprehensive plan, it is staff's opinion this is spot zoning.

It is staff's opinion that the proposed rezoning to C-1 Neighborhood Commercial District is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Parks and Recreation. Amending the property to a commercial zoning district is considered spot zoning.

b. The compatibility with the zoning of nearby property.

Staff Response: The surrounding zoning is S-OS Open Space District north of East 39th Street. The south side of 39th Street is predominantly R-MF Multi-Family Residential District. The neighborhood bounded by East Kimberly Road, Eastern Avenue, and East 39th Street contains a mix of C-2 Corridor Commercial, C-T Commercial Transitional, and I-1 Light Industrial District. However, commercial uses are focused along Kimberly Road as East 39th Street is more residential and open space in character.

The following zoning districts abut the subject property:

- North: S-OS Open Space District
- South: R-MF Multi-Family Residential District
- East: S-OS Open Space District
- West: S-OS Open Space District

The following principal uses abut the 1.93 acre property:

- North: Cemetery (Davenport Memorial Park)
- South: Dwelling-Multi-Family (Oak Valley Apartments)
- East: Cemetery (Pine Hill Cemetery)
- West: Cemetery (Davenport Memorial Park)

It is staff's opinion that the proposed amendment is not compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The existing S-OS Open Space zoning classification protects larger open space for public recreational activities as well as cemeteries. 'Cemetery' is an established principal use north of 39th Street. This has also included ancillary uses, such as funeral homes. In addition, the properties immediately south of 39th Street are zoned R-MF Multi-Family Residential District. This district also prohibits 'Reception Facilities'. Large events and live entertainment may create conflicts between the low intensity cemeteries to the north, east, and west, and the apartment complex to the south.

It is staff's opinion that the proposed amendment is not compatible with the established neighborhood character.

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

Staff Response: While the applicant is proposing to develop the property as a 'Reception Facility', approval of the request should take into consideration all permitted and special uses within the C-1 Neighborhood Commercial District. Commercial districts allow for a variety of retail establishments, day care centers, dwellings, gas stations, offices, restaurants, and other higher intensity uses. Development of the property for a commercial use increases the likelihood for noise, traffic, light, or other nuisances that may negatively impact the surrounding residential neighborhood.

It is staff's opinion that the proposed zoning map amendment will not develop in a manner that promotes the public health, safety, and welfare of the City.

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 Response: The property is presently zoned S-OS Open Space District. This district allows for a variety of principal uses, including campground, cemetery, community center, community garden, conservation area, country club, cultural facility, fairground, golf course/driving range, government office/facility, public park, public safety facility, RV park, and restaurant. These development opportunities ensure consistency with the surrounding neighborhood while mitigating incompatible development.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner inconsistent with the surrounding neighborhood.

f. The extent to which the proposed amendment creates nonconformities.

Staff Response: If rezoned to C-1 Neighborhood Commercial District, the 1.93 acre property will be conforming to the minimum lot area and width requirements. The existing structure

conforms to the interior and rear yard setbacks.

It is important to note that the existing use of the building as a 'Funeral Home' is currently nonconforming as a standalone lot. However the funeral home and the cemetery are owned by the same entity. The funeral home functions as an ancillary use to the cemetery. A 'Funeral Home' and a 'Reception Facility' are both considered a special use in the C-1 Neighborhood Commercial District. The Zoning Board of Adjustment reviews and approves Special Use Permits.

It is staff's opinion that the proposed zoning map amendment will not create any nonconformities.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the July 5, 2022 Plan and Zoning Commission Public Hearing.

To date, staff have not received any responses from adjacent property owners.

Staff will apprise the Commission of any correspondence at the July 19, 2022 Plan and Zoning Commission meeting.

ATTACHMENTS:

Type	Description
▢ Backup Material	Vicinity, Zoning, & Future Land Use Map
▢ Backup Material	Application
▢ Backup Material	Legal Description
▢ Backup Material	Zoning Ordinance Use Matrix
▢ Backup Material	Spot Zoning Fact Sheet
▢ Backup Material	Public Hearing Notice

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	7/15/2022 - 2:39 PM

Vicinity Map

Existing Use:

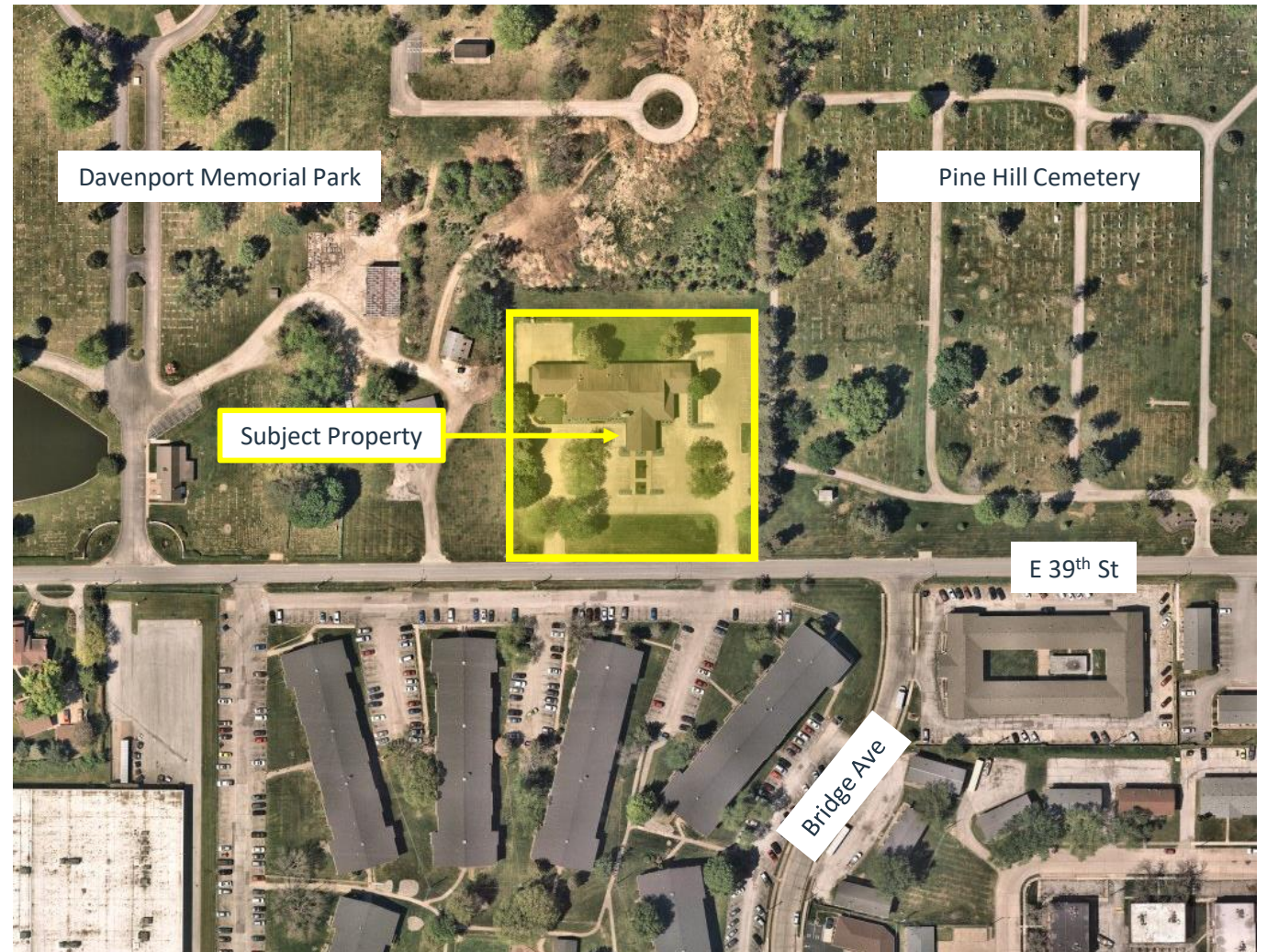
Cunnick-Collins Mortuary & Cremation Service

Purpose of the Request:

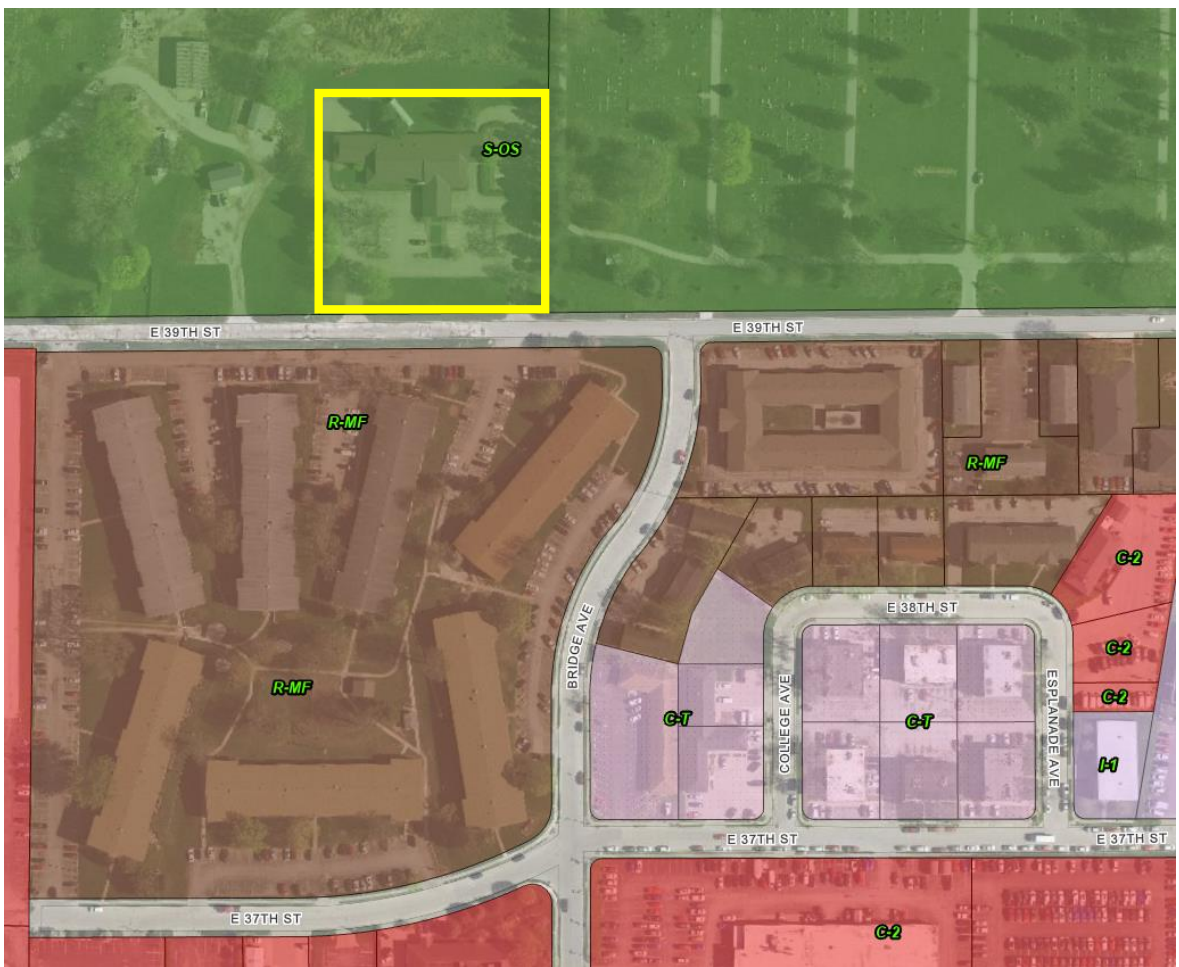
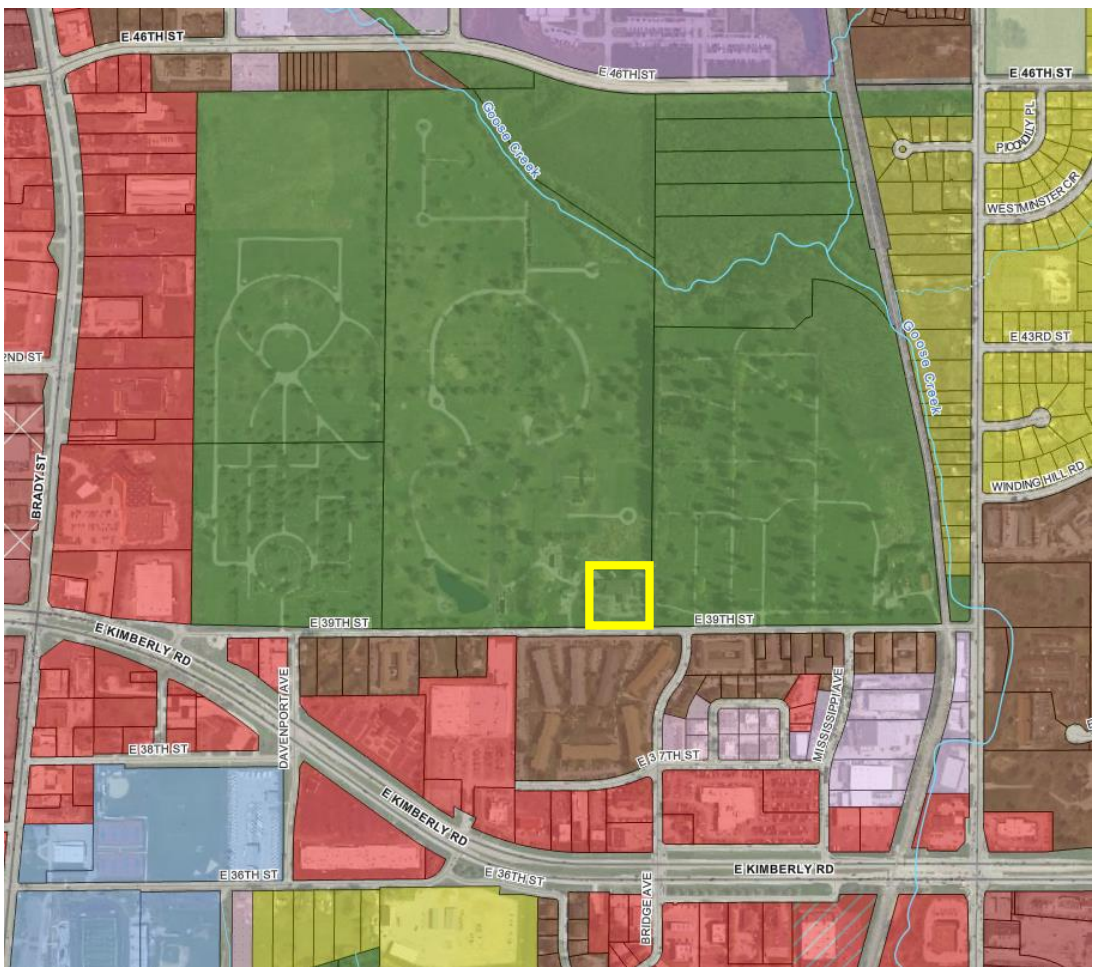
The owner is requesting a rezoning to allow a change in building function from a Funeral Home to a Reception Facility.



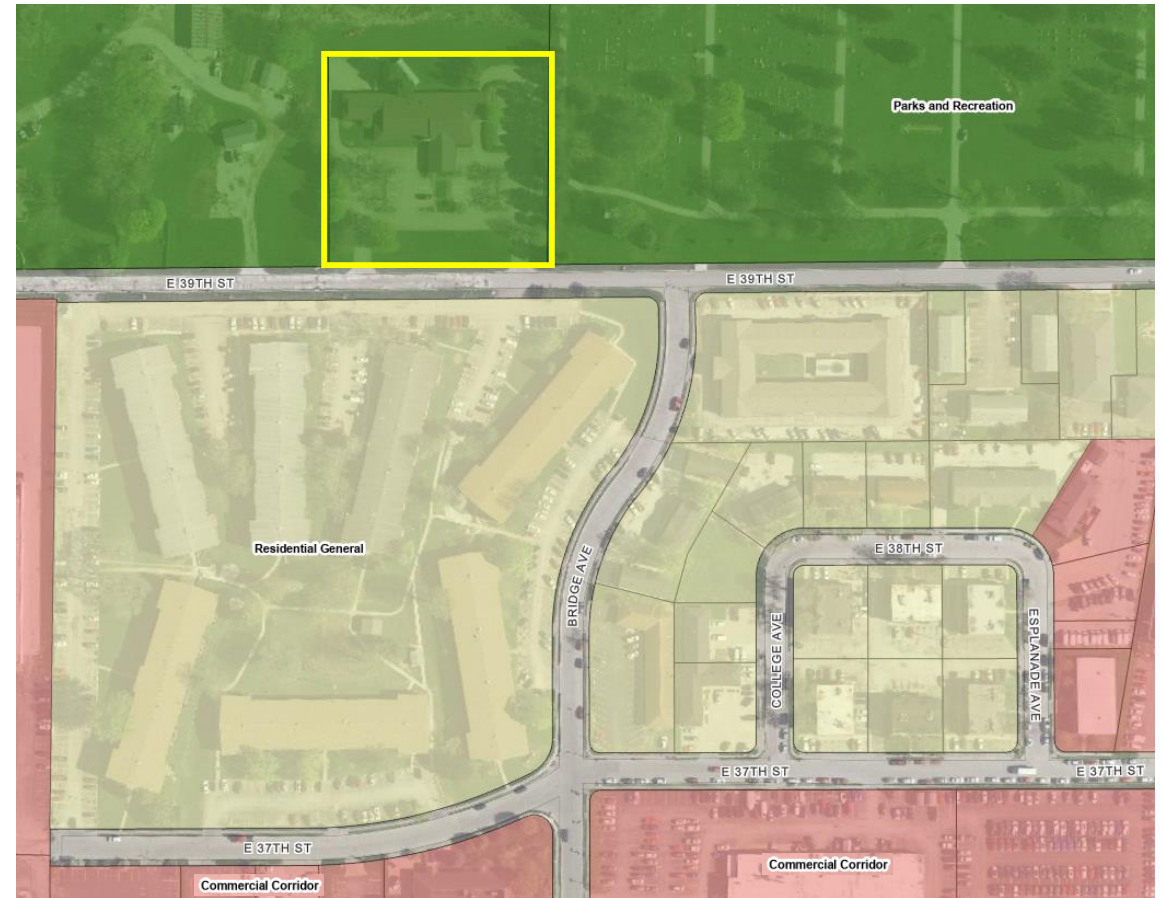
DAVENPORT
IOWA | USA



Zoning Map



DAVENPORT
IOWA | USA





Complete application can be emailed to: planning@davenportiowa.com

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:

The Owner is requesting that the parcel be rezoned to allow a change in building function from Funeral Home to
+

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 4th Street, Davenport, Iowa.

Unique Doc ID: 1617669
Recorded: 9/30/2020 at 4:24:17.0 PM
County Recording Fee: \$12.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$15.00
Revenue Tax: \$1,376.80
Rita A. Vargas RECORDER
Number: 202000030104
Scott County, Iowa

Prepared by: Philip D. Brooks, Simmons Perrine Moyer Bergman PLC
115 Third Street SE - Suite 1200, Cedar Rapids, Iowa 52401 (319) 366-7641
Return to: SCI Iowa Funeral Services, Inc.: 1929 Allen Pkwy, Houston, TX 77019

SPACE ABOVE THIS LINE FOR RECORDER

Address Tax Statements: SCI Iowa Funeral Services, Inc.: 1929 Allen Pkwy, Houston, TX 77019
Real Estate Parcel Identification Number: P1306-02-C.

CORPORATE WARRANTY DEED

For the consideration of one dollar and other valuable consideration, **MAR-CHAR ENTERPRISES, INC.**, an Iowa corporation, does hereby convey to **SCI IOWA FUNERAL SERVICES, INC.**, an Iowa corporation, the following described real estate in Scott County, Iowa:

Lot 2 of Davenport Memorial Park Addition to the City of Davenport, Scott County, Iowa;

subject to easements, covenants, conditions and restrictions of record.

Grantor does hereby covenant with grantee, and successors in interest, that grantor holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantor covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 9-9-, 2020

MAR-CHAR ENTERPRISES, INC.,
an Iowa corporation

By: M. P. C.
Marcus Cunnick, President

STATE OF IOWA, COUNTY OF HANSON, ss:

This instrument was acknowledged before me on the 9th day of September, 2020, by Marcus Cunnick, as President of **MAR-CHAR ENTERPRISES, INC.**, an Iowa corporation.



[Signature]
Notary Public in and for said State
My Commission Expires: _____

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-C	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		P					
Amusement Facility - Outdoor										S	S				S	P		S					
Animal Care Facility – Large Animal																			P				
Animal Care Facility – Small Animal							S	S	P	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			P					
Arts and Fitness Studio							P	P	P	P	P		P	P	P			P					
Bar									P	P	P		P	P	P			P					
Bar – Neighborhood								P														Sec. 17.08.030.C	
Bed and Breakfast	S	S	S	S	S														P			Sec. 17.08.030.D	
Billboard									P	P						P	P					Sec. 17.08.030.E	
Body Modification Establishment								P	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.F	
Car Wash									P	P					S			P				Sec. 17.08.030.G	
Casino															P								
Cemetery																				P			
Children’s Home					P				P	P					P			S			P	Sec. 17.08.030.H	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	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	P		
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.I	
Conservation Area																			P	P			
Country Club																				P			
Cultural Facility							P	P	P	P	P		P	P	P			P		P	P		
Day Care Center					P		P	P	P	P	P	P	P	P	P	S		P			P	Sec. 17.08.030.J	
Day Care Home	P	P	P	P	P														P			Sec. 17.08.030.K	
Drive-Through Facility									P	P	S		S		P	P	P					Sec. 17.08.030.K	
Drug/Alcohol Treatment Facility, Residential									S	S					S			S			S	Sec. 17.08.030.L	
Drug Treatment Clinic									S	S					S			S			S	Sec. 17.08.030.L	
Domestic Violence Shelter					P			P	P	P					P			P			P	Sec. 17.08.030.H	
Dwelling – Accessory Dwelling Unit	P	P	P	P																		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-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Dwelling – Manufactured Home						P													S			Sec. 17.08.030.N	
Dwelling - Multi-Family					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.O	
Dwelling - Townhouse					P		P	P	P	P	S		P	P	P			P				Sec. 17.08.030.P	
Dwelling - Single-Family	P	P	P	P			P	P	P					P								Sec. 17.08.030.P	
Dwelling - Single-Family Semi-Detached		P	P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P		S			P								Sec. 17.08.030.P	
Dwelling - Two-Family (Conversion)					P		P	P	P					P								Sec. 17.08.030.P	
Educational Facility - Primary or Secondary	P	P	P	P	P																P		
Educational Facility - University or College										P	P	P	P		P						P		
Educational Facility - Vocational							S	S	S	P	P	P	P	S	P	P	P	P			P		
Equine, Keeping of/Equestrian Facility	P																		P			Sec. 17.08.030.Q	
Fairground																			S	S	P		
Financial Institution							P	P	P	P	P	P	P	P	P			P					
Financial Institution, Alternative									S	S					S			P				Sec. 17.08.030.R	
Food Bank																	P	P	P				
Food Pantry									P	S					S			S					
Funeral Home							S	S	S	P					P			P					
Gas Station								S	P	P	S				P	P	P	P				Sec. 17.08.030.S	
Golf Course/Driving Range																				P			
Government Office/Facility							P	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-C	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.T	
Halfway House									S	S					S			S			S	Sec. 17.08.030.L	
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.L	
Hotel									P	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					

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-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Live Performance Venue										P	P		P	P	P	P		P					
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030.U	
Manufactured Home Park						P																	
Medical/Dental Office							P	P	P	P	P	P	P	P	P			P			P		
Micro-Brewery/Distillery/Winery									P	P	P		P	P	P	P		P					
Neighborhood Commercial Establishment		S	S	S	S																	Sec. 17.08.030.V	
Office							P	P	P	P	P	P	P	P	P	P	P	P			P		
Outdoor Dining							P	P	P	P	P	P	P	P	P	P	P	P			P	Sec. 17.08.030.W	
Parking Lot (Principal Use)								S	S	S	S	S	S	S	S	P	S	S			P	Chapter 17.10	
Parking Structure (Principal Use)								S	S	P	P	P	S	S	P			P			P	Chapter 17.10	
Personal Service Establishment							P	P	P	P	P	P	P	P	P	P		P			P		
Place of Worship	P	P	P	P	P		S	S	P	P	P		P	P	P	P			P		P		
Private Recreation Facility								P	P	P	P	P	P	P	P	P		P			P		
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public Works Facility												P				P	P	P	P		P		
Reception Facility	S	S	S	S				S	S	P	P		S	S	P			P	S			Sec. 17.08.030.X	
Recreational Vehicle (RV) Park																			S	S		Sec. 17.08.030.F	
Research and Development												P				P	P	P			P		
Residential Care Facility					P		P	P	P	P	P	P	P		P	P		P			P	Sec. 17.08.030.Y	
Restaurant								P	P	P	P	P	P	P	P	P	P	P		P	P		
Retail Goods Establishment							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-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Retail Alcohol Sales									P	P	S		S		P	P							
Retail Sales of Fireworks																P	P					Sec. 17.08.030.Z	
Salvage Yard																	S						
Self-Storage Facility: Enclosed									S	S					P	P	P	P				Sec. 17.08.030.AA	
Self-Storage Facility: Outdoor																P	P	S				Sec. 17.08.030.AA	
Social Service Center									P	P					P			P			P		
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB	
Specialty Food Service								P	P	P	P		P	P	P	P		P					
Storage Yard - Outdoor																P	P					Sec. 17.08.030.CC	
Truck Stop																P	P						

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-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Vehicle Dealership – Enclosed										P		S	P		P	S		P					
Vehicle Dealership – With Outdoor Storage/Display										S					S	S		P					
Vehicle Operation Facility																P	P				P		
Vehicle Rental – Enclosed										P		S	P		P	S		P					
Vehicle Rental – With Outdoor Storage/Display										S					S	S		P					
Vehicle Repair/Service– Major										S						P	P	P				Sec. 17.08.030.EE	
Vehicle Repair/Service – Minor									P	P					P	P	P	P				Sec. 17.08.030.EE	
Warehouse																P	P						
Wholesale Establishment																P	P	S					
Wind Energy System												S				S	S		S		S	Sec. 17.08.030.EE	
Wine Bar								S	P	P	P		P	P	P			P					
Winery																			S				
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
Wireless Telecommunications – Stealth Design Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.FF	
Wireless Telecommunications – DAS New Pole	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.FF	
TEMPORARY USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD	
Farmers' Market					T		T	T	T	T	T	T	T	T	T			T	T	T	T	Sec. 17.08.040.A	
Real Estate Project Sales Office/Model Unit	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T	T			T	Sec. 17.08.040.B	
Temporary Cell On Wheels (COW)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.C	
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.D	
Temporary Outdoor Entertainment	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T	T	T	Sec. 17.08.040.E	
Temporary Outdoor Sales (No Fireworks Stand)	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T		T	T		T	Sec. 17.08.040.F	
Temporary Outdoor Sales - Fireworks Stand Only																T	T					Sec. 17.08.040.G	
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.H	

Spot Zoning

Spot zoning is when a rezoning decision results in a single parcel, or small island of property, with restrictions on its use different from those imposed on the surrounding property. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding property. For example, a parcel or two designated as neighborhood commercial in a residential area is perfectly appropriate if it provides needed retail services to residents. However, zoning is not appropriate if it is for the financial benefit of an individual property owner but detrimental to the surrounding area. According to the Iowa courts, the factor of primary importance is whether the rezoned tract has a peculiar adaptability to the new classification as compared to the surrounding property. Spot zoning for the sole benefit of the landowner and contrary to the comprehensive plan is unreasonable.

The case for creating these “spot zones” is best made through the comprehensive planning process, where the community can explain the benefits that such differential treatment brings to the area.



PUBLIC HEARING NOTICE | Plan and Zoning Commission

Date: 7/5/2022 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:00 PM Subject: Public Hearing for a Rezoning Request before the Plan and Zoning Commission

To: All property owners within 200 feet of the subject property located at 1200 East 39th Street

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Rezoning Request. The subject property is currently zoned S-OS Open Space District. The property owner is requesting a rezoning to C-1 Neighborhood Commercial District to allow a change in building function from a funeral home to a reception facility.

Request/Case Description

Case REZ22-04: Request of SCI Iowa Funeral Services Inc. to rezone 1200 East 39th Street from S-OS Open Space District to C-1 Neighborhood Commercial District. [Ward 7]

What are the Next Steps after the Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on July 5, 2022. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on July 19, 2022. The Commission's recommendation 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. 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 via email or in person at the public hearing. Send written comments to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

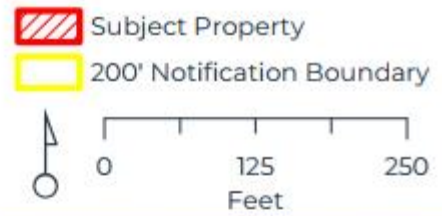
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Matt Werderitch) at matt.werderitch@davenportiowa.com or 563-888-2221. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Rezoning Request | Public Hearing Notice

Case REZ22-04

Rezone from S-OS Open Space District to
C-1 Neighborhood Commercial District



City of Davenport
Plan and Zoning Commission

Department: Development & Neighborhood Services
Contact Info: Matt Werderitch 563.888.2221

Date
7/19/2022

Subject:
Election of Officers

Recommendation:
Elect a new Chairperson, Vice-Chairperson, and Secretary.

Background:
The Commission shall elect from its membership a Chairperson, Vice-Chairperson, and Secretary. The officers' duties shall be those described in the attached Bylaws. All positions shall hold office for a period of one year or until his/her successor is elected.

Current Officers

1. Chairperson: Robert Inghram
2. Vice-Chairperson: Barbara Maness
3. Secretary: David Tallman

ATTACHMENTS:

Type	Description
▣ Backup Material	Plan & Zoning Commission Bylaws

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	7/15/2022 - 11:10 AM

**BYLAWS AND RULES OF PROCEDURE
CITY PLAN AND ZONING COMMISSION
DAVENPORT, IOWA**

**UPDATED AND ADOPTED
May 31, 2022**

1 Officers

1.1 Officers

1.1.a Chairperson

- 1) The position of Chairperson is hereby established.
- 2) The Chairperson shall preside at all meetings of the Commission.
- 3) The Chairperson shall have general charge of the business of the Commission.
- 4) The Chairperson shall appoint all committees.
- 5) The Chairperson shall perform such other duties as are usually exercised by the Chairperson of a Commission or as specifically authorized by the Commission.

1.1.b Vice-Chairperson

- 1) The position of Vice-Chairperson is hereby established.
- 2) The Vice-Chairperson shall act in the capacity of Chairperson in the absence of the Chairperson.
- 3) In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Commission shall elect a successor to the office of Vice-Chairperson for the unexpired term.

1.1.c Secretary

- 1) The position of Secretary is hereby established.
- 2) The Secretary shall attend all regular and special meetings and public hearings and shall call the roll of those members present.
- 3) The Secretary shall present a record of those meetings to the Commission.
- 4) The Secretary shall act in the capacity of Chairperson in the absence of the Chairperson and the Vice-Chairperson.

1.2 Election of Officers and Appointment of Committees

1.2.a Officers of the Commission shall be elected at the first regularly scheduled meeting of the Commission in July and shall hold office for one year or until their successors are elected.

1.2.b Any vacancy of a position may be filled at any Regular or Special Meeting after such vacancy.

1.2.c As needed, the Chairperson shall appoint committees and the chairperson of each.

2 Public Hearings

- 2.1 The Commission shall hold public hearings before consideration of Comprehensive Plan amendments, Zoning Ordinance text amendments, Zoning Maps amendments, or the vacation of Right-of-Way.
- 2.2 Notice of the time and place of the hearing will be given not less than 4 and no more than 20 days prior to such hearing by one publication in a newspaper of general circulation.
- 2.3 The notice procedures outlined in Section 17.14.020 of the Zoning Code shall be followed.
- 2.4 The public will be allowed to speak to any of the open petitions on the public hearing, with a maximum of five (5) minutes at the discretion of the Chair.

3 Meetings

3.1 Regular Meetings

- 3.1.a The monthly meetings of the Commission shall be held on the Tuesday preceding the first and third Wednesday of the month at 5:00 p.m.
- 3.1.b All Regular Meetings shall be held at City Hall unless otherwise specified.
- 3.1.c In the event that all elected officers should be absent or unable to attend to the duties of their office, the members of the Commission may, at any Meeting, appoint a Chairperson pro-tempore or a Secretary pro-tempore, who shall attend to all the duties of such office until such officer shall return or be able to attend to their duties.

3.2 Special Meetings

- 3.2.a Special Meetings of the Commission may be called by the Chairperson and held at any time or place fixed in the call with proper notice.
- 3.2.b Any three or more members of the Commission may request in writing to staff to call a Special Meeting.

3.3 Notice of Meetings

- 3.3.a The Staff shall file with the Deputy City Clerk the time and place of all Commission meetings, together with a copy of the Agenda and previous meeting minutes at least twenty-four hours in advance of the meeting.

- 3.3.b A copy of the agenda and minutes together with such additional material as the Staff deems appropriate shall be given to each member of the Commission.

3.4 Quorum

- 3.4.a Roll call of members shall start each Commission meeting.
- 3.4.b Fifty percent of the appointed membership shall constitute a quorum for the transaction of business at all Commission meetings.
- 3.4.c Without a quorum, no business will be transacted and no official action on any matter will take place.

3.5 Order of Business

Agenda

Public Hearing

- 1) Roll Call by Secretary
- 2) Report of Old Business
- 3) Report of New Business
- 4) Adjournment

Regular Meeting

- 1) Roll Call by Secretary
- 2) Report of City Council Activity
- 3) Secretary's Report
- 4) Comprehensive Plan Report
- 5) Zoning Activity Report
- 6) Subdivision Activity Report
- 7) Other Business
- 8) Future Business
- 9) Communications
- 10) Adjournment

3.6 Voting

- 3.6.a Voting will be roll call, called by the Secretary, and will be recorded by yeas and nays or present. A vote of Present will have the effect of a nay vote.
- 3.6.b Every member of the Commission, excluding the Chairperson, is required to cast a vote upon each motion. The Chairperson may vote upon a motion in the case of a tie occurs or to cause a tie to occur. If a tie occurs following the vote of the Chairperson, a negative

recommendation will be forwarded to the City Council.

3.6.c A member may abstain only if the member believe there is a conflict of interest as provided in Subsection 3.7.

3.6.d Members shall be physically present at the meeting in order to exercise their vote. Proxy voting, mail voting or telephone voting are prohibited. If deemed necessary (i.e. declared pandemic, health, etc.) the Chairperson may permit a virtual attendance and virtual voting on a temporary basis.

3.6.e The affirmative vote of a majority of those members voting shall be required for the exercise of powers or functions conferred or imposed upon the Commission, but less than a quorum of the members may meet and adjourn from time to time until a quorum is present.

3.7 Conflict of Interest

3.7.a A member of the Commission must abstain from participating in a matter before the Commission when the member has a conflict of interest or an appearance of impropriety.

3.7.b Conflict of interest shall mean a direct and personal interest in the outcome of the proceedings. An appearance of impropriety shall mean an apparent conflict of interest based on objective standards.

3.7.c A member of the Commission shall declare their conflict or appearance of impropriety as soon as the matter comes before the Commission for discussion or as soon thereafter as the member becomes aware of the appearance of impropriety or conflict. Thereafter, the member shall take no part in the discussion or vote on the matter.

4 **Meeting Attendance**

4.1 Commission members are expected to attend all regular and special Committee and Commission meetings and public hearings of the Commission.

4.2 Prior to any scheduled Meeting, members shall notify the appropriate city Staff regarding any excused or anticipated absences.

4.3 Failure to attend meetings as outlined in Section 2.64.070 of the City Code may be subject to forfeiture of appointment.

5 **Communications**

5.1 Only the Chairperson shall speak, make statements, comment on social meeting, or issue news releases on behalf of the entire Commission pertaining to its

actions, attitudes and/or actions. Any member of the Commission may express their personal opinion on matters not before the Commission, provided their expressly state their comments are as a private citizen and not as a member of the Commission.

- 5.2 It is the policy of the Commission that members not attend private meetings whose principal purpose is to discuss business that is before the Commission, unless such attendance is approved by the Commission prior to the meeting.
- 5.3 Ex Parte means communication between one or more Commission members and a party or third person outside of the duly scheduled meetings on an issue pending before the Commission. Ex Parte communications should be avoided because they raise the issue of due process and fairness. In the event a situation arises where they occur, the member(s) shall place on the public record the sum and substance of the communication to enable interested persons to rebut the communications.
- 5.4 Any written communication to a Commission member(s) shall be reported and presented to the entire Commission and shall be included in the public record.

6 Duties

- 6.1 The duties of the Commission include:
 - 6.1.a Review, advise, and make recommendations regarding revisions to the Comprehensive Plan.
 - 6.1.b Review and make recommendations on subdivision plans and other development proposals to ensure that they are in conformance with the Comprehensive Plan of the City of Davenport and that the provisions of the Subdivision ordinance are fulfilled.
 - 6.1.c Review and make recommendations to the City Council on the vacation of public rights-of-way of streets and alleys.
 - 6.1.d Review and make recommendations to the City Council on proposed changes to the Zoning Ordinance, altering the map or text, in conformance with the Comprehensive Plan and City Code.

7 Committees

- 7.1 Executive Committee
 - 7.1.a The Executive Committee is a standing committee of the Commission which consists of the Chairperson, Vice-Chairperson and Secretary.

7.1.b The duties of the Executive Committee are:

- 1) Annual review of the bylaws and make recommendations of any possible changes to the full Commission for consideration.
- 2) Consideration of items to be brought to the Commission as a whole which are not considered by any other committee in existence or appointed by the Chairperson.

7.2 Comprehensive Plan Committee

7.2.a The Comprehensive Plan Committee, being the whole Commission, is tasked with supporting the maintenance and implementation of the Comprehensive Plan of the City of Davenport.

7.2.b The Chairperson may appoint subcommittees to study particular issues if they choose to do so.

7.3 Special Committees

7.3.a Special Committees as may be deemed necessary or advisable by the Commission may be created from time to time by resolution of the Commission at any Meeting called for that purpose.

7.3.b The Chairperson of the Commission shall appoint one member of each Committee the Chairperson thereof, and the Committee shall meet at such times and places as directed by the Chairperson of the committee or at the regularly scheduled time and place of a particular committee meeting.

7.3.c The members of the Committees shall serve for one year or until their successors are appointed or in the case of Special Committees, until their work is completed. Any vacancy in a Committee shall be filled by the Chairperson of the Commission.

8 Staff

8.1 The Director of Development & Neighborhood Services or the designated representative shall serve as staff to the Commission.

8.2 The Staff shall be responsible for preparation of the Agenda and for the provision of all staff support and reports to the Commission and its Committees. The Staff shall provide to the Commission all reports pending on its upcoming agenda at least 24 hours prior to the scheduled meeting. Action may be deferred on any agenda item not meeting this requirement.

8.3 The Staff shall be responsible for the maintenance of all records, reports and correspondence.

9 New Commissioner Orientation and Training

9.1 Orientation

9.1.a Following appointment to the Commission and as soon as possible, new Commissioners shall attend an orientation session with the Commission Chair and Staff. At this meeting the following topics shall be among those covered.

- Duties of the Commission
- The Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Flood Damage Prevention Ordinance
- Meeting attendance
- Commission bylaws, including conflict of interest and ex-parte contact
- Commissioner decorum

9.1.b Staff will provide new Commissioners with links to relevant documents and training materials, or provide hard copies upon request.

9.2 Training

9.2.a Commissioners shall be offered the opportunity for training through invitations to webinars hosted by the Bi-State Regional Commission and other sources. The costs of attendance shall be the responsibility of the individual Commissioner, or through full or partial reimbursement by the City if funds are available.

10 Rules of Order

10.1 Parliamentary Procedure

10.1.a Roberts Rules of Order, Revised, will serve as a guide for the Commission meetings in all cases where these rules do not provide for the procedures to be followed.

10.2 Amendments

10.2.a The foregoing bylaws, or any part thereof, may be amended at Meeting of the Commission where not less than three days' notice has been given to all members of the Commission and a copy of the proposed amendment sent with the notice, providing, however, its shall require an affirmative vote by the majority of the Commissioners present to make any amendment or change in the bylaws.

10.3 Delays in Processing

- 10.3.a Issues brought before the Commission for recommendation shall be considered in a timely manner. Any issue under consideration by the Commission or one of its Committees, which has been tabled, postponed or returned for additional supporting information shall be returned to the agenda of the appropriate body on or before its sixth meeting following the tabling, postponing or returning for additional information.
- 10.3.b Should the requested information not be submitted in the amount of time provided for above, the Commission or Committee may make a recommendation based on the information available or it may return the petition, request, etc. to the part submitting it for future resubmission after making a determination that the petition, request, etc. is incomplete and after listing the requisite information to complete it.