

City of Davenport, Iowa
City Council Meeting Minutes

Wednesday, June 10, 2020

The City Council of Davenport, Iowa met in regular session on Wednesday, June 10, 2020 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Mike Matson presiding and all Aldermen present (the following Aldermen were present via telephone: Ald. Dickmann, Ald. Dohrmann, and Ald. Meginnis). A partially electronic meeting was held because a fully "in person" meeting was impossible or impractical due to concerns for the health and safety of Council members, staff, and the public presented by COVID-19, and to follow the Governor's proclamation directing social distancing and placing restrictions on gatherings.

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 May 27, 2020.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for June 3, 2020.

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, June 3, 2020--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 Matson presiding and all Aldermen present (Ald. Dickmann and Ald. Meginnis were present via telephone). A partially electronic meeting was held because a fully "in person" meeting was impossible or impractical due to concerns for the health and safety of Council members, staff, and the public presented by COVID-19, and to follow the Governor's proclamation directing social distancing and placing restrictions on gatherings.

The following Public Hearings were held: Community Development: The Public Hearing for Case REZ20-04 being the request of Alex Kelly to rezone 412 E Locust St from C-1, Neighborhood Commercial District, to C-2, Corridor Commercial District, was not held as the request was withdrawn by the petitioner. Public Works: 1) on the proposed Resolution of Necessity covering the FY20 Alley Resurfacing Program, CIP #35038 (two written objections from residents were received prior to the start of the meeting regarding the east-west alley between E River Dr and Wood Ln from Forest Rd to the alley end); and 2) on the plans, specifications, form of contract, and estimate of cost for the N Division St Pavement Reconstruction Project, CIP #35042. Finance: 1) authorizing the City to convey the vacated portion of the original Division St right-of-way to the owner of adjacent parcels W0303-13B and W0303-22B.

*The following proclamation was issued: National Gun Violence Awareness Day – June 5, 2020, **2020-228**. Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Gripp reviewed all items listed. Ald. Gripp made a motion, seconded by Ald. Ambrose with all Aldermen present voting aye, to amend the proposed Ordinance for Case ORD20-01 being the request of the City of Davenport to amend several sections of Title 17 of the Municipal Code entitled "Zoning" by incorporating the changes made by staff outlined in the agenda packet. On motion by Ald. Lee, second by Ald. Ambrose, items #1, Third Consideration: Ordinance for Case ORD20-01 being the request of the City of Davenport to amend several sections of Title 17 of the Municipal Code entitled "Zoning," and #5, Motion to approve the appeal to overturn*

the decision of the Design Review Board to deny approval of a combination fence/wall design adjacent to 2108 E 11th St (John Wisor, appellant), moved to the Discussion agenda and all other items moved to the Consent Agenda. Public Safety: Ald. Ambrose reviewed all items listed. On motion by Ald. Jobgen, second by Ald. Gripp, all items moved to the Consent Agenda except items #4, Motion approving new temporary outdoor overflow seating area liquor licenses for Kilkenny's Pub & Eatery and Grumpy's Saloon, and #5, Motion approving new temporary outdoor sidewalk overflow seating liquor licenses for Endless Brews, Bootleg Hill Honey Meads, and Brew in the Village, which were scheduled to be voted on later in the meeting. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Dohrmann, second by Ald. Ambrose, items #2, Preliminary Resolution for the FY20 Alley Resurfacing Program; #5, Resolution approving the plans, specifications, form of contract, and estimate of cost for the N Division St Pavement Reconstruction Project, CIP #35042; and #13, Motion determining property values for the FY20 Alley Resurfacing Program, moved to the Discussion Agenda and all other items moved to the Consent Agenda. Finance: Ald. Condon reviewed all items listed. On motion by Ald. Peacock, second by Ald. Ambrose, item #2, Resolution authorizing the Mayor to execute the necessary documents to convey the vacated portion of the original Division St right-of-way to the owner of adjacent parcels W0303-13B and W0303-22B, moved to the Discussion Agenda and all other items moved to the Consent Agenda.

*Other Ordinances, Resolutions, or Motions: On motion by Ald. Ambrose, second by Ald. Gripp with all Aldermen present voting aye, the rules were suspended to vote on the following items: 1) On motion by Ald. Ambrose, second by Ald. Gripp with all Aldermen present voting aye, the following Motion passed: approving new temporary outdoor overflow seating area liquor licenses for Kilkenny's Pub & Eatery, 300 W 3rd St, and Grumpy's Saloon, 2120 E 11th St, **2020-229**. 2) On motion by Ald. Ambrose, second by Ald. Gripp with all Aldermen present voting aye, the following Motion passed: approving new temporary sidewalk outdoor overflow seating liquor licenses for Endless Brews, 310 N Main St; Bootleg Hill Honey Meads, 321 E 2nd St, Ste 200; and Brew in the Village, 1104 Jersey Ridge Rd, **2020-230**. Council adjourned at **7:15 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2020-231

1. Parks & Recreation Advisory Board

- Leah Spratt (Re-Appointment / At-Large Gripp)
- Tegan Trees (Re-Appointment / At-Large Condon)

B. Proclamations

ISSUED 2020-232

1. Schuetzen Park Day - June 12, 2020

2. Juneteenth National Freedom Day - June 19, 2020

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

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

Third Consideration: Ordinance for Case ORD20-01 being the request of the City of Davenport to amend several sections of Title 17 of the Municipal Code entitled "Zoning." [All Wards]

ADOPTED 2020-233

ORDINANCE NO. 2020-233

Ordinance for Case ORD20-01, request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning", as follows: Amending Section 17.02.030 "Definition of General Terms" by adding Accessory Storage Building definition and by clarifying the Dwelling definition; by amending Section 17.08.020 "Use Matrix" to allow Drive-Through Facilities, Outdoor Dining, and Residential Care Facilities in additional districts and deleting Retail Alcohol Sales as a permitted use in the I-MU district; by amending 17.08.030 "Principal Use Standards" by renaming retail center to commercial center, by improving consistency in accessory structure language, by requiring residential occupancy for "R-1" Equine uses, and by replacing a fall-zone with a buffer; by amending Section 17.08.050 "Use Definitions" by allowing a second floor dwelling above commercial uses, by adding the use definition Truck Stop, and by amending the definitions of Salvage Yard and Storage Yard-Outdoor; by amending Section 17.09.030 "Accessory Structures and Uses" by applying more consistent requirements for accessory structures in general and on residential single and two-family lots; by allowing certain fence types in various yards, and by removing Equine as an accessory use and keeping it as a primary use; by amending Section 17.09.040 "Permitted Encroachments" to match the encroachment of a stoop to its allowed dimension; by amending Section 17.10.030 "Off-Street Parking Design Standards" by clarifying pavement requirements for driveways; by amended 17.12.060 "Sign Permit Required" by renaming retail center to commercial center, and by allowing increased size for wall signs; by amending "Section 17.12.070 Summary of Sign Permissions" by renaming retail center to commercial center, and by amending Section 17.14.090 "Site Plan Review" by allowing flexibility with special use site plans; and by amending Section 17.14.100 by limiting Design Review Board approval authority with streetscape elements to only when a substantial deviation from the Downtown Streetscape Plan is proposed and by amending Section 17.17.010 "Reservation of Previously Approved Conditions" by striking a condition that is no longer applicable.

Section I.

Section 17.02.030 Definition of General Terms is hereby amended as follows:

Accessory Storage Building. A detached accessory structure incidental to a principal residential use for keeping personal items. For the purposes of this definition, an accessory storage building is distinguished from garages in that the largest doors and/or openings are six (6) feet or less in width and the structure is not intended for either vehicle storage or commercial use.

Dwelling. A structure, or portion thereof, designed or used exclusively for human habitation. Each dwelling type must contain a front façade of at least 24 feet of width at its largest dimension and be located on a permanent foundation. Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.

Section II.

Table 17.08.1 – The following rows in the Use Matrix is amended to read as follows:

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-I-C	USE STANDARD	
Drive-Through Facility								S	P	P		S		P	P	P	P				Sec. 17.08.030.J	
Outdoor Dining								P	P	P	P	P	P	P	P	P	P				Sec. 17.08.030.V	
Retail Alcohol Sales									P	P		S		P	P							
Residential Care Facility					P		P	S	P	P	P	P		P	P		P			P	Sec. 17.08.030.X	

Section III.

17.08.030 Principal Use Standards is hereby amended to read as follows:

I. Day Care Center and Day Care Home

1. Each day care must have a state license and/or registration.
2. The exterior of a day care home must maintain its original appearance as a single-family dwelling. No visitor/client parking may be located in the front yard.
3. No signs are permitted for day care homes.
4. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant commercial center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.
5. Day care homes are limited to a maximum of six children or adults in care at any one time.
6. Day care homes are not permitted to have outside employees.

L. Dwelling – Accessory Dwelling Unit

1. One of the dwelling units must be occupied by the owner of the property.
2. No more than one accessory dwelling unit is allowed per lot. Accessory dwelling units must be located within a detached structure. When permitted, the accessory dwelling unit does not count toward the maximum number of dwelling units on a lot, including when the accessory dwelling unit is located in a detached structure.
3. Detached accessory dwelling units may only be located in the rear yard. Detached accessory dwelling units must meet the setback and yard requirements for Detached Garages in Section 17.09.030.
4. Both the principal dwelling unit and the accessory dwelling unit must maintain separate meter connections.
5. A detached accessory dwelling unit is subject to the height permitted for a detached garage.
6. No accessory dwelling unit may exceed 1,000 square feet in gross floor area.
7. When a detached garage is converted to an accessory dwelling unit, the ground floor may be used for the accessory dwelling unit so long as the minimum number of required off-street parking spaces are maintained on-site.
8. No additional parking is required for an accessory dwelling unit unless required by other City ordinances. Required parking for the principal structure must be maintained.

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.

5. A legal and occupied dwelling must exist on the same lot as kept equine and associated facilities in the R-1 district.

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, show a buffer as a radius from the center point of the tower equal distance to the height of the tower.

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.

Section IV.

Section 17.08.050 Use Definitions is hereby amended to read as follows:

Dwelling - Multi-Family. A structure containing three or more attached dwelling units used for residential occupancy. A multi-family dwelling does not include a three-family or townhouse dwelling. In cases where dwelling units are located

above the ground floor of a commercial building, one or more dwelling units for residential occupancy shall be permissible.

Truck Stop. Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which 30 percent or more of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal state and federal designated highway routes.

Salvage Yard. An establishment where damaged or junk vehicles or other machinery is broken up and the parts saved and processed for resale. A salvage yard also includes the storage of vehicles and trailers regardless if they are in the process of being dismantled. A salvage yard operation shall be completely screened from adjacent properties and rights of way by a solid fence, wall, or berm at least six feet in height and vehicle or part storage shall only occur upon a paved surface. A salvage yard cannot abut or adjoin a storage yard. A salvage yard use or property cannot be subdivided.

Storage Yard – Outdoors. The storage of material outdoors as a principal use for more than 24 hours. The storage of vehicles and trailers is not included in this definition (see Salvage Yard).

Section V.

Section 17.09.030 Accessory Structures and Uses is hereby amended to read as follows:

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 17.09.040. Additional accessory structures not regulated in this section may be regulated in Section 17.09.040.

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.
3. 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.
4. 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.
5. 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, reverse corner, or corner side yard unless specifically allowed by this Ordinance.

6. Accessory structures are included in the calculation of all maximum impervious surface and building coverage requirements of the district.

7. 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; nor does it apply to the accessory structures of single-family and two-family dwellings.

H. Fences

2. Fences in Residential Districts and the C-T, C-1, C-D, C-V, and C-E Districts

a. Within the required front or reverse corner side setback, solid fences are limited in height to four feet and open fences are limited to a height of six feet. Chain link fences or other similar wire materials are prohibited.

b. Within the required minimum interior side or rear setback, fences are limited to a height of six feet (open or solid).

c. Where a lot line abuts an arterial or collector street and the lot does not take access from that street, fences within that setback may be up to six feet in height and may be open or solid. Chain link fences or other similar wire materials are prohibited.

d. When constructed outside the required minimum setback, within the buildable area, all fences are limited to eight feet.

e. Fences may be constructed at the boundaries of a lot without setback except in the following circumstances:

i. Fences are prohibited within a 30 foot visibility triangle at the intersection of two streets as measured along the back of curb or edge of roadway pavement, as applicable.

ii. Fences are prohibited within a ten foot visibility triangle at the intersection of a street and an alley or at the intersection of a street and a private driveway as measured along the back of curb or edge of roadway pavement, as applicable, or along the driveway edge.

iii. Fences are prohibited within a ten foot visibility triangle at the intersection of two alleys as measured along the edge of alley pavement.

K. Detached Garages, Accessory Structures, and Carports

1. Only one detached garage, one shed, and one carport are permitted per lot. 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, accessory storage buildings, sheds, and carports are permitted in the rear and interior side yards.

3. Detached garages, accessory storage buildings, 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 at least 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 at least 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 and accessory buildings are subject to the following design standards:

a. Structures shall have the eaves of roof extend a minimum of one foot past the outside walls.

b. Structures shall have a minimum 4/12 roof pitch.

c. Structures are encouraged to match the pitch of the roof of the principal dwelling.

d. Structures utilizing metal siding and/or roofing shall have a matte finish (or similar non-glare finish) and shall maintain the character of the surrounding neighborhood.

e. Structures 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 metal finish do not apply to detached garages in the S-AG District or on lots 5 acres or greater in the R-1 District which have the detached garage and/or accessory storage building located in the rear yard.

6. Accessory structure size and quantity restrictions do not apply to any structure accessory to an active agricultural use regardless of the presence of a single or two-family dwelling.

7. Sheds must have the appearance of a professionally designed shed and be constructed of materials that professionals commonly use to construct sheds that are sold commercially. Once constructed, a shed must be kept weather-tight and in good repair and not appear in disrepair or be dilapidated.

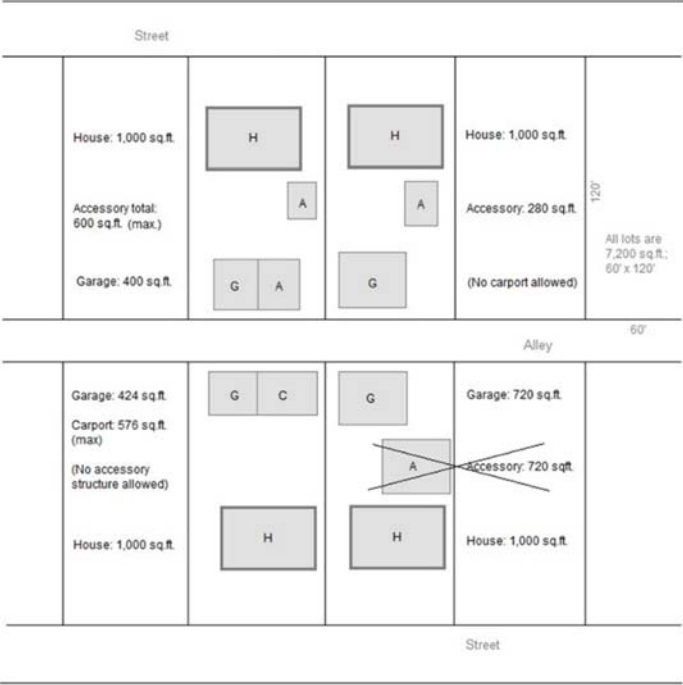
Table 17.09-1: Bulk Requirements for Accessory Structures (Single-Family or Two-Family lots)

	Detached Garage	Accessory Storage Building	Carport	Shed
Area (maximum)	50% of living area or 720 sq. ft., whichever is greater	50% of living area or 720 sq. ft., whichever is greater	576 sq. ft.	120 sq. ft.
Total Area All Accessory Structures	The combined total area of all accessory structures on a lot shall not exceed the principal structure's living area.			

Table 17.09-1: Bulk Requirements for Accessory Structures (Single-Family or Two-Family lots)

	Detached Garage	Accessory Storage Building	Carport	Shed
Structures Allowed (quantity)	1	No maximum, see total area restriction above	1	1
Door Width (maximum)	No Maximum	6 ft.	No Maximum	6 ft.
Height (maximum)	20 ft.	20 ft.	15 ft.	20 ft.
Design Standards Applied* (Yes/No)	Yes	Yes	No	No
<i>Specific Design Standards:</i>				
<i>a.</i>	<i>Structure shall have the eaves of roof extend a minimum of one foot past the outside walls.</i>			
<i>b.</i>	<i>Structure shall have a minimum 4/12 roof pitch.</i>			
<i>c.</i>	<i>Structures are encouraged to match the pitch of the roof of the principal dwelling.</i>			
<i>d.</i>	<i>Structures utilizing metal siding and/or roofing shall have a matte finish (or similar non-glare finish).</i>			
<i>e.</i>	<i>Structures 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.</i>			
<i>f.</i>	<i>Structures shall maintain the character of the surrounding neighborhood.</i>			
*Exemption:	*Properties zoned R-1 and 5 acres or more are exempt from design standards if the building is located in the rear yard OR if the property is zoned S-AG District.			

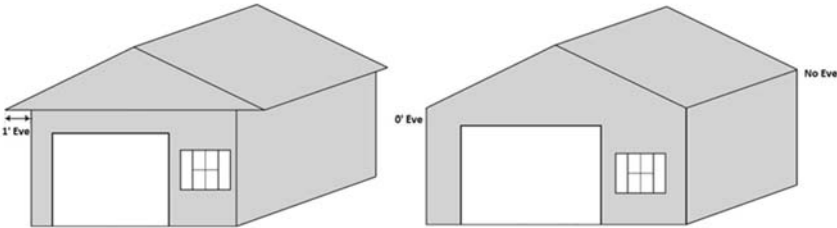
Size Limits for Detached Garages, Accessory Structures, and Carports



Roof Pitch Example



Eave Example



One Foot Eave

No Eave

M. (Reserved – Duplicated language removed)

Section VI.

Section 17.09.040 Permitted Encroachments is hereby amended to read as follows:

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
Stoop Max. of 5' into setback	Y	Y	Y	Y

Section VII.

Section 17.10.030 Off-Street Parking Design Standards is hereby amended to read as follows:

I. Single-Family, Two-Family, and Townhouse Dwellings

1. All required off-street parking spaces must have vehicular access from a driveway that connects to a street or alley.
2. Townhouse developments are prohibited from constructing individual curb cuts for each dwelling unit along a public street.
3. Required off-street parking spaces may be designed so that the driver may back out into traffic.
4. All off-street parking lots, parking pads, and driveways must be improved with a hard surfaced, all-weather dustless material; pervious paving is encouraged and may also be used. Gravel, sealcoating and rotomillings are prohibited.
5. For single-family and two-family dwellings, a parking space may consist of two parallel paved parking strips, each of which is at least 18 inches in width and 18 feet long. Gravel is prohibited as fill material between the parking strips.

Section VIII.

17.12.060 Sign Permit Required is hereby amended as follows:

D. Freestanding Sign

1. Freestanding Sign Types

Freestanding signs are regulated as three types in this Ordinance:

- a. Freestanding signs – standard are permitted for multi-family dwellings and nonresidential uses (includes a nonresidential use comprised of two commercial establishments sharing a common building or which are in separate buildings that share a common access/entranceway or parking area) in any district.

b. Freestanding signs – multi-tenant commercial center are permitted for multi-tenant commercial centers in any district. A multi-tenant commercial center is a commercial development under unified control consisting of three or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common access/entranceway or parking area.

c. Freestanding signs – residential subdivision are permitted for residential subdivisions in any district.

4. Freestanding Signs – Multi-Tenant Commercial Regulations

Freestanding signs – multi-tenant commercial center are subject to the following.

a. One freestanding sign – multi-tenant commercial center is permitted per street frontage of a lot. An additional freestanding sign is permitted for each additional access point to the lot; however, a minimum separation of 75 feet is required between signs. For the purposes of this regulation, a multi-tenant development where the development as a whole is comprised of separate lots of record, the entire development, including outlot parcels and inline development, is considered one lot.

b. Freestanding signs – multi-tenant commercial center permissions are as follows:

i. Maximum sign area of 100 square feet of area per sign

ii. Maximum sign height of ten feet in the C-T, C-1, C-D, C-V, and S-AG Districts. In all other districts where allowed they are limited to 25 feet.

I. Wall Sign

1. Wall signs are permitted for all nonresidential uses in any district.

2. Wall signs are permitted on all facades of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage from different structures cannot be combined to create a larger sign on any one structure.

3. For a single tenant structure, the maximum total wall sign area is two square feet per linear foot of building wall where the wall sign(s) will be mounted or 80 square feet, whichever is greater. The square footage from different facades cannot be combined to create a larger sign on any one facade.

4. For a structure that contains multiple tenants, each tenant that has exterior business façade area is permitted a total wall sign area of two square feet per linear foot of business frontage or 80 square feet, whichever is greater, along their individual frontage(s).

5. The number of individual wall signs on a facade is not limited; however, the cumulative sign area of all signs on a facade cannot exceed the maximum allowable total wall sign area per facade.

6. Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.

7. Wall signs must be safely and securely attached to the building wall. Wall signs must project 18 inches or less from the building wall. Wall signs may encroach into the public right-of-way no more than 18 inches.

8. No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.

9. Wall signs must be constructed of wood or simulated wood, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Canvas and similar material wall signs and painted wall signs are prohibited.

10. Wall signs are permitted on architectural appurtenances, such as chimneys or penthouses, which are part of the structure. Wall signs must not cover any window, windowsill, transom sill, or significant architectural feature of the structure.

11. On existing buildings, a parapet wall must not be constructed for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is mounted on a parapet wall, that parapet wall must be consistent with the architectural design of the building, including building materials.

12. Signs may be projected onto a wall and do not count toward total wall sign area. Such signs must remain static and cannot flash, rotate, or move. No such projected wall sign can project an electronic video. No such projected sign may glare onto adjacent properties.

Section IX.

Section 17.12.070 Summary of Sign Permissions is hereby amended to read as follows:

TABLE 17.12-1: SUMMARY OF SIGN PERMISSIONS			
Sign Type	Exempt Sign (Section 17.12.050)	Permit Required (Section 17.12.060)	Permitted Locations
A-Frame Sign	•		C-1, C-2, C-3, C-D, C-V, and I-MU Districts
Attention-Getting Device	•		Nonresidential uses
Awning Sign		•	Multi-family dwellings and nonresidential uses in all district
Canopy Sign: Non-Structural Canopy Signs		•	Multi-family dwellings and nonresidential uses in all district
Canopy Sign Structural: Attached to Principal Building		•	Multi-family dwellings and nonresidential uses in all district
Canopy Sign Structural: Freestanding		•	Gas stations and drive through facilities in any district
Construction Activity Sign	•		On a lot where active construction is taking place in all districts
Electronic Message Sign		•	Commercial and industrial districts S-IC District. Following uses in any district: conservation area, cultural facility, educational facility - primary or secondary, educational facility - university or college, government office/facility, public park, places of worship Gas stations in any district

TABLE 17.12-1: SUMMARY OF SIGN PERMISSIONS			
Sign Type	Exempt Sign (Section 17.12.050)	Permit Required (Section 17.12.060)	Permitted Locations
Freestanding Signs – Standard		•	Multi-family dwellings and nonresidential uses in all districts
Freestanding Signs – Multi-Tenant Commercial Center		•	Multi-tenant commercial centers in all districts
Freestanding Signs – Residential Subdivision		•	Residential subdivisions in all districts
Government Sign	•		All districts

TABLE 17.12-1: SUMMARY OF SIGN PERMISSIONS			
Sign Type	Exempt Sign (Section 17.12.050)	Permit Required (Section 17.12.060)	Permitted Locations
Light Pole Banner	•		Light pole banners on private property in all districts
Marquee		•	Commercial uses in C-3, C-D, and C-V Districts
Memorial or Historic Event	•		Where a structure or lot is related to a historic person, event, structure, or site in all districts
Menuboard		•	Drive through facilities in all districts
Multiple Tenant Building Entryway	•		Entryways for multiple tenant buildings (multi-family dwellings and non-residential and mixed-use developments) in all districts
Noncommercial Message	•		All districts
Parking Lots and Structures	•		Parking lot/structures for each entrance/exit, driveway intersection, drive-through lane, and other circulation points in all districts
Projecting Signs		•	Commercial districts
Real Estate Activity	•		When a structure or lot is offered for sale, lease, or rent in all districts
Roof Sign		•	C-D District
Wall Sign		•	Non-residential uses in all districts
Window Sign	•		Nonresidential uses

Section X.

Section 17.14.090 Site Plan Review is hereby amended as follows:

D. Procedure

1. Applications for site plan review must be submitted to the Zoning Administrator. The Zoning Administrator may convene a technical review group comprised of City staff to review the application.
2. The Zoning Administrator must begin the review of the site plan within 30 days of the date the application is deemed complete. The Zoning Administrator Development must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the site plan.
3. Site plan approvals are applicable as follows:
 - a. When no other approvals are required, the site plan approval must occur before a building permit is issued. If the Zoning Administrator approves the site plan subject to certain conditions, all plans and drawings to be submitted as part of the application for a building permit or zoning approval must be revised to include those conditions.
 - b. When a special use approval is required, and site plan approval is required, the site plan must be deemed reasonably complete by Zoning Administrator prior to the hearing on the special use request. The reasonably

complete site plan would be forwarded with the application and the staff recommendation on the request. The approving body would be allowed to impose additional conditions on the site plan.

c. When a variance or administrative exception is required, the variance or administrative exception must be approved prior to final approval of the site plan. Once the variance or administrative exception is approved, the site plan may be submitted for review and approval. If the approving body imposed additional conditions as part of the variance or administrative exception approval, the site plan must include such conditions. If the Zoning Administrator approves the site plan subject to certain conditions, the site plan forwarded with the approval application must be revised to include those conditions and any conditions of the variance or administrative exception.

Section XI.

Section 17.14.100 Design Review is hereby amended to read as follows:

A. Purpose

The purpose of design review is to ensure that the buildings, improvements, signs, landscape design, and siting complies with the adopted performance standards and design guidelines, including City of Davenport's adopted Downtown Design Guidelines, Downtown Davenport Streetscape Improvement Plan, Village of East Davenport Performance Standards, and Elmore Corners Plan.

B. Initiation

Any person with an interest in the property may file an application for design approval.

C. Authority

The Design Review Board issues final design approval. Design review approval is required prior to site plan review approval. If site plan is not required, design review approval is required prior to issuance of a building permit.

D. Required Design Review Board Approval

1. Design Review Board Approval is required in the C-D, C-V, and C-E Districts for the following:

- a. New construction or an alteration to the exterior of a structure where changes are visible from the public right-of-way.
- b. Installation of any sign or action related to a sign.
- c. New parking lots, fencing/walls and landscaping or an alteration to existing parking lots, fencing/walls or landscaping.
- d. Streetscape elements within the right-of-way, only when there is a substantial deviation from the standards contained in the Downtown Davenport Streetscape Improvement Plan.
- e. Demolition within the C-D and C-V Districts requires the owner(s) of record or the City to apply for a demolition approval. Alternately, the City Fire Marshal and/or the Chief Building Official may order the partial or complete demolition of a structure because it possesses an immediate, definite and serious threat to the life, health and safety of the general public. In such cases, the Design Review Board review is limited to reviewing the design, construction, and/or condition of any shared party wall made visible by the demolition.

Section XII.

Section 17.17.010 Reservation of Previously Approved Conditions is hereby amended as follows:

J. Ordinance 2017-520.

1. Condition 6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.

2. Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.

3. Condition 8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.

4. Condition 9. The following uses shall not be closer than three hundred (300) feet from the south property line:

a. Automobile and service and oil change facilities not part of an automobile dealership.

b. Any use utilizing drive-through window(s).

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

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

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

Approved: 6/10/2020; Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

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

Preliminary Resolution for the FY20 Alley Resurfacing Program. [Ward 5]

ADOPTED 2020-234

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

Resolution approving the plans, specifications, form of contract, and estimate of cost for the N Division St Pavement Reconstruction Project, CIP #35042. [Wards 3 & 4]

ADOPTED 2020-235

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

Resolution authorizing the Mayor to execute the necessary documents to convey the vacated portion of the original Division St right-of-way to the owner of adjacent parcels W0303-13B and W0303-22B. [Ward 8]

ADOPTED 2020-236

5. *On motion by Ald. Ambrose, second by Ald. Dunn with all Aldermen present voting aye (except Ald. Meginnis), the following Motion passed:*

Motion to approve the appeal to overturn the decision of the Design Review Board to deny approval of a combination fence/wall design adjacent to 2108 E 11th St (John Wisor, appellant). [Ward 5]

PASSED 2020-237

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

Motion determining property values for the FY20 Alley Resurfacing Program. [Ward 5]

PASSED 2020-238

XI. 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.

On motion by Ald. Ambrose, second by Ald. Peacock with all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance for Case REZ20-01 being the request of the City of Davenport to rezone the properties located at all four corners of the intersection of N Pine St and W 3rd St from R-4C, Single and Two-Family Central Residential District to C-1, Neighborhood Commercial District. [Ward 3]

ADOPTED 2020-239

ORDINANCE NO. **2020-239**

ORDINANCE for Case REZ20-01 being the request of the City of Davenport to rezone approximately 0.83 acres located at all four corners of the W 3rd Street and N Pine Street intersection from R-4C, Single and Two-Family Residential Central Zoning District to C-1, Neighborhood Business District [Ward 3].
BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described units of Scott County, Iowa real estate is hereby rezoned to "C-1, Neighborhood Commercial District":

Lot 8 of Block 1 of J M F Hall's Addition (2148 W 3rd Street); Lot 1 of Block 2 of J M F Hall's Addition (2202 W 3rd Street); Lot 9 of Block 5 of Parker's Addition (2139-2147 W 3rd Street); and Lot 16 of Block 6 of Parker's Addition (220-226 N Pine Street). All properties located in the City of Davenport, Scott County, Iowa.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. This action corrects an error in mapping for the new Zoning Ordinance.

Section 3. At its March 3, 2020 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.

Approved: 6/10/2020; Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance amending Schedule V of Chapter 10.96 entitled "Four-Way Stop Intersections" by deleting 68th St at Jebens Ave and adding 67th St at Jebens Ave. [Ward 8] **MOVED TO THIRD CONSIDERATION**

3. Second Consideration: Ordinance amending Sections 3.32.040 and 3.32.060 of the Davenport Municipal Code reallocating the tax levy rates between operating and capital uses for the Downtown SSMID District without increasing the total tax levy. [Ward 3] **MOVED TO THIRD CONSIDERATION**

4. Resolution setting a Public Hearing regarding the proposed sale of the vacated former public right-of-way located at N Elsie Ave extended north of W 3rd Pl (Schuetzenpark Gilde, petitioner). [Ward 1] **ADOPTED 2020-240**

5. Resolution accepting work completed under the W 29th St Pavement Reconstruction Project, CIP #35040. The total contract with Centennial Contractors, Inc of Moline, IL was \$131,150.22. [Ward 7] **ADOPTED 2020-241**

6. Resolution awarding the FY21 Sidewalk Program to Hawkeye Paving Corporation of Bettendorf, IA in the amount of \$207,670, CIP #28025 [All Wards] **ADOPTED 2020-242**

7. Resolution approving the contract to purchase five (5) pick-up trucks from the State of Iowa bid #19098 to Stew Hansens Dodge City of Des Moines, IA in the amount of \$126,849. [All Wards] **ADOPTED 2020-243**

8. Resolution awarding the contract for the Ultraviolet Disinfection Project at Water Pollution Control Plant to General Constructors Inc of Bettendorf, IA in the amount of \$6,340,246, CIP #39005. [All Wards] **ADOPTED 2020-244**

9. Resolution assessing the cost of boarding up buildings at various lots and tracts of real estate. [All Wards] **ADOPTED 2020-245**

10. Resolution assessing the cost of brush & debris removal at various lots and tracts of real estate. [All Wards] **ADOPTED 2020-246**

11. Resolution assessing the cost of building demolitions at various lots and tracts of real estate. [All Wards] **ADOPTED 2020-247**

12. Resolution assessing the cost of sidewalk repairs at various lots and tracts of real estate.
[All Wards] **ADOPTED 2020-248**

13. Resolution assessing the cost of snow removal at various lots and tracts of real estate.
[All Wards] **ADOPTED 2020-249**

14. Resolution assessing the cost of streetscaping improvement projects at various lots and tracts of real estate. [Ward 3] **ADOPTED 2020-250**

15. Resolution awarding the contract for the consultant for the Parks and Recreation Master Plan to Confluence of Cedar Rapids, IA in the amount of \$119,900, CIP #64085. [All Wards] **ADOPTED 2020-251**

16. Resolution approving the five year auditing services contract for the Finance Department to Eide Bailly LLP of Dubuque, IA. [All Wards] **ADOPTED 2020-252**

17. Motion approving the noise variance request below for an event on the listed dates and times. **PASSED 2020-253**

McGrath Quad Cities Harley-Davidson; Bike Night; 5320 Corporate Park Drive;
Thursday, July 16, 2020 and Thursday, August 20, 2020 5:00 p.m. - 9:00 p.m.;
Outdoor music, over 50 dBa. [Ward 6]

18. Motion approving beer and liquor license applications. **PASSED 2020-254**

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

Ward 6

Granite City Food & Brewery (Granite City, Inc) - 5270 Utica Ridge Rd – Outdoor Area - New License - License Type: C Liquor

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

Ward 1

Emeis Golf Course (City of Davenport) - 4500 W Central Park Ave - Outdoor Area - License Type: C Liquor

St. Alphonsus Church Holy Name Society (St. Alphonsus Church of Davenport, Inc) - 2618 Boise Ave - Outdoor Area - License Type: B Beer

Ward 2

Hickory Garden Restaurant (Fazliu Inc) - 3311 Hickory Grove Rd - Outdoor Area - License Type: Beer/Wine

Pilot Travel Center #636 (Pilot Travel Centers LLC) - 8200 Northwest Blvd - License Type: C Beer

Walgreens #03595 (Walgreens Co) - 1720 W Kimberly Rd - License Type: E Liquor

Ward 3

Blackhawk Bowl & Martini Lounge (Blackhawk Bowl & Martini Lounge LLC) - 200 E 3rd St - License Type: C Liquor

Cru 221 (Cru 221, LLC) - 221 Brady St - License Type: C Liquor

Devon's Complaint Dept (Triple Crown Whiskey Bar LLC) - 304 E 3rd St - Outdoor Area - License Type: C Liquor

Duck City Delicatessen & Bistro (Moskowitz Llewellyn Restaurant Systems, Inc) - 115 E 3rd St - Outdoor Area - License Type: C Liquor

Endless Brews (Endless Brews, LLC) - 310 N Main St - License Type: B Beer

Half Nelson (Bucktown Restaurant Company, LLC) - 321 E 2nd St – Outdoor Area - License Type: C Liquor

Redstone Room (River Music Experience) - 129 Main St Second Floor - License Type: C Liquor

The River's Edge (City of Davenport) - 700 W River Dr - License Type: B Beer

Taste of Ethiopia (Taste of Ethiopia, LLC) - 102 S Harrison St - Outdoor Area - License Type: Beer/Wine

Woodfire Grill (Redstone Woodfire Grill, LLC) - 131 W 2nd St - Outdoor Area - License Type: C Liquor

Ward 4

Walgreens #05239 (Walgreen Co.) - 1660 W Locust St - License Type: E Liquor

Ward 5

The 11th Street Precinct Bar and Grill (Carpe Diem I LLC) - 2108 E 11th St - Outdoor Area - License Type: C Liquor

Brew in the Village (3 Blessings Incorporated) - 1104 Jersey Ridge Rd - Outdoor Area - License Type: C Liquor

Grumpy's Saloon (2118-2120, Inc) - 2120 E 11th St - License Type: C Liquor

Harris Pizza (Mister Pizza, Inc) - 524 E Locust St - License Type: B Beer

QC Mart (Bethany Enterprises, Inc) - 412 E Locust St - License Type: C Beer

Rookie's Sports Bar (Rookies, Inc) - 2818 Brady St - License Type: C Liquor

Walgreens #11709 (Walgreen Co) - 1805 Brady St - License Type: E Liquor

Ward 6

Big River Bowling (Kimberly Entertainment LLC) - 2902 E Kimberly Rd - License Type: C Liquor

Buffalo Wild Wings (Blazin Wings, Inc) - 4860 Utica Ridge Rd - Outdoor Area - License Type: C Liquor

Cafe Indigo (Cafe Indigo, LLC) - 4925 Utica Ridge Rd - Outdoor Area - License Type: C Liquor

Duck Creek Golf Course (City of Davenport) - 3000 E Locust St – Outdoor Area - License Type: C Liquor

Lindsay Park Yacht Club (Lindsay Park Yacht Club, Inc) - 2101 E River Dr - Outdoor Area - License Type: A Liquor

Rave Davenport 53 & IMAX (Cinemark USA, Inc) - 3601 E 53rd St – License Type: Beer/Wine

Walgreens #06186 (Walgreen Co) - 4011 E 53rd St - License Type: E Liquor

Ward 7

Kwik Star #294 (Kwik Trip, Inc) - 1650 W Kimberly Rd - License Type: C Beer

Los Portales Mexican Restaurant 2, Inc (Los Portales Mexican Restaurant 2, Inc) - 1012 E Kimberly Rd - License Type: C Liquor

Walgreens #04041 (Walgreen Co) - 1525 E Kimberly Rd - License Type: E Liquor

Ward 8

Exotic Thai Restaurant (Exotic Thai Restaurant, Inc) - 2303 E 53rd St - Outdoor Area - License Type: C Liquor

Iowa Machine Shed (Machine Shed, LLC) - 7250 Northwest Blvd) – License Type: C Liquor

Red Hawk Golf Course (City of Davenport) - 6364 Northwest Blvd) – Outdoor Area - License Type: B Beer

19. Motion approving the contract for the Pine St Sidewalk Project to Hawkeye Paving Corporation of Bettendorf, IA in the amount of \$67,770, CIP #28021. [Ward 2]

PASSED 2020-255

XII. Other Ordinances, Resolutions and Motions

XIII. Public with Business

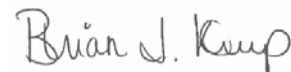
PLEASE NOTE: At this time individuals may address the City Council on any matters of City business not appearing on this agenda. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council cannot take action on any complaint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

XIV. Reports of City Officials

XV. Executive Session

*On motion by Ald. Gripp, second by Ald. Ambrose with all Aldermen present voting aye, Council recessed to Executive Session at **7:09 p.m.** to evaluate the performance of individuals in closed session as requested by those individuals pursuant to Iowa Code Section 21.5(1)(I). Council reconvened in Executive Session at **7:15 p.m.** with Mayor Matson and all Aldermen present. Others present included Human Resources Director Mallory Merritt, Corporation Counsel Tom Warner, and City Administrator Corri Spiegel. On motion by Ald. Ambrose, second by Ald. Peacock, Council reconvened in Open Session and adjourned at **8:02 p.m.***



Brian J. Krup
Deputy City Clerk