

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, MARCH 31, 2020; 5:00 PM

COUNCIL CHAMBERS CITY HALL, 226 W 4TH STREET

A PARTIALLY ELECTRONIC MEETING IS BEING HELD BECAUSE A FULLY "IN PERSON" MEETING IS 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.

REGULAR MEETING AGENDA

I. Roll Call

II. Report of the City Council Activity

- A. Resolution for Case F19-05 being the request of Russell Construction for a final plat of Russell - Crow Valley Office Park 7th Addition on 11.07 acres, more or less, being a replat of Lot 1 & 2 of Russell - Crow Valley Office Park 3rd Addition located at 4700 E 53rd St containing four lots. [Ward 6] ADOPTED 2020-107
- B.
 - 1. Third Consideration: Ordinance for Case ROW20-01 being the request of Schuetzenpark Gilde to vacate 0.0835 acres, more or less, of right-of-way located at N Elsie Ave extending north of W 3rd Pl. [Ward 1] ADOPTED 2020-131
 - 2. Resolution approving Case F19-20 being the request of Build to Suit for a final plat of Crow Valley Plaza 14th Addition on 2.1 acres, being a replat of part of Lot 3 Crow Valley Plaza 2nd Addition located at 5445 & 5465 Utica Ridge Road containing 2 commercial lots. [Ward 6] ADOPTED 2020-132

III. Secretary's Report

- A. Consideration of the Minutes of the March 3, 2020 Meeting.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

- i. Case ORD20-01: Request by the City of Davenport to amend several sections of Title 17 of the Municipal Code, entitled, "Zoning" .[All Wards]
- ii. Public Hearing for Case REZ20-01: 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]

- iii. Case FPV20-01: Request for a floodplain variance to allow for relief from the required 18 foot perimeter clearance requirement around structures. 400 River LLC, petitioner. [Ward 3]

VI. Subdivision Activity

A. Old Business

B. New Business

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport
Plan and Zoning Commission

Department: CPED

Date

Contact Info: Matt Flynn, 563-888-2286

Subject:

Resolution for Case F19-05 being the request of Russell Construction for a final plat of Russell - Crow Valley Office Park 7th Addition on 11.07 acres, more or less, being a replat of Lot 1 & 2 of Russell - Crow Valley Office Park 3rd Addition located at 4700 E 53rd St containing four lots.
[Ward 6] ADOPTED 2020-107

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	3/24/2020 - 10:29 AM

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 563-888-2286

Date
3/31/2020

Subject:

1. Third Consideration: Ordinance for Case ROW20-01 being the request of Schuetzenpark Gilde to vacate 0.0835 acres, more or less, of right-of-way located at N Elsie Ave extending north of W 3rd Pl. [Ward 1] ADOPTED 2020-131

2. Resolution approving Case F19-20 being the request of Build to Suit for a final plat of Crow Valley Plaza 14th Addition on 2.1 acres, being a replat of part of Lot 3 Crow Valley Plaza 2nd Addition located at 5445 & 5465 Utica Ridge Road containing 2 commercial lots. [Ward 6] ADOPTED 2020-132

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	3/26/2020 - 9:44 AM

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 563-888-2286

Date
3/17/2020

Subject:
Consideration of the Minutes of the March 3, 2020 Meeting.

Recommendation:
Approve the minutes.

ATTACHMENTS:

Type	Description
▢ Backup Material	3-3-20 Minutes

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	3/24/2020 - 10:29 AM

MINUTES
PLAN AND ZONING COMMISSION MEETING
CITY OF DAVENPORT, IOWA
TUESDAY, MARCH 3, 2020; 5:00 PM
COUNCIL CHAMBERS CITY HALL 226 WEST 4TH STREET

I. New Business

A. Public Hearing for Case ORD20-01: Request by the City of Davenport to amend several sections of Title 17 of the Municipal Code, entitled, "Zoning" .[All Wards]

Flynn gave the staff report, there were no comments. The Hearing was closed.

B. Public Hearing for Case REZ20-01: 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]

Flynn gave the staff report, there were no comments. The Hearing was closed.

REGULAR MEETING AGENDA

I. Roll Call Present: Tallman, Schneider, Johnson, Medd, Hepner, Maness, Inghram, Lammers, Garrington. Excused: Reinartz. Staff: Flynn, Melton.

II. Report of the City Council Activity

1. Resolution for Case F19-21 being the request of BRUS Farm Development LC (owner) and Kwik Trip Inc (purchaser) for a final plat of Kwik Trip 1071, a two-lot subdivision on 62.8 acres, more or less, located directly south of 118th Ave and west of Interstate I-280. [Adjacent to Ward 1] ADOPTED 2020-54

2. Third Consideration: Ordinance for Case REZ19-13 being the request of Alex Kelly on behalf of Pegasus 62 LCC for a zoning map amendment on 9,000 square feet, more or less, of property located at 2012 E 11th St from R-4C Single-Family and Two-Family Residential Zoning District to C-T Commercial Transitional Zoning District. [Ward 5] ADOPTED 2020-78

3. Third Consideration: Ordinance for Case ROW19-02 being the request to vacate a portion of the original Division St right-of-way located between Ridgeview Dr and W 76th St (Earle Glaus, petitioner). [Ward 8] ADOPTED 2020-79

III. Secretary's Report

A. The minutes of the February 4, 2020 meeting were approved following a motion by Tallman and a second by Hepner.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business None

B. New Business None

VI. Subdivision Activity

A. Old Business None

B. New Business

i. Case F20-02: Request of Townsend Engineering for a Final Plat for a 21 lot subdivision on 18.19 acres, more or less, of property located on the west side of Northwest Blvd approximately 725 feet north of W 46th St. [Ward 7]

Melton gave the staff report.

Motion by Hepner, Seconded by Tallman, to recommend the City Council approve the plat with the following findings and conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport+2035; and
2. 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 appropriate utility companies sign the plat when their easement needs have been met;
3. That the following note be added to the plat: "Sidewalks shall be installed along street frontages for all constructed lots";
4. That easements are adequate for the depth of sewers for maintenance; and
5. That easements be shown for the overland stormwater flow and that they are adequate to handle a 100 year flow.

Motion to recommend approval passed unanimously.

VII. Future Business None

VIII. Communications None

IX. Other Business None

X. Adjourn The meeting adjourned at 5:40 pm.

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 563-888-2286

Date
3/17/2020

Subject:

Case ORD20-01: Request by the City of Davenport to amend several sections of Title 17 of the Municipal Code, entitled, "Zoning" .[All Wards]

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case ORD20-01 to the City Council with a recommendation for approval.

Background:

Following the adoption of the new code in January, 2019, Staff committed to 'fine-tuning' the ordinance at three, six and twelve months after adoption. The following amendments are proposed at this time:

1. Added a definition for on for "Accessory Storage Building"
2. Clarifying the minimum 24 foot width of a dwelling applies to the front facade.
3. Makes drive-through facilities and outdoor dining permitted uses in the I-1 and I-2 Zoning Districts.
4. Clarifying "Retail Center" means the broader "Commercial Center".
5. Clarifies that Accessory Dwelling Units must meet the same setback requirements as Detached Garages.
6. Requires an occupied dwelling must exist on any lot in the R-1 District containing equines.
7. Requires showing the buffer zone (fall zone) on site plans for telecommunication towers.
8. Allows multiple dwelling units located above the ground floor of a commercial building.
9. Added a definition of "Truck Stop".
10. Prohibits accessory buildings in required reverse corner yards.
11. Provides an exception to the maximum size of accessory buildings for single and two family dwellings.
12. Deletes corner side yards from the fence height requirement.
13. Significant changes to the Accessory Structure requirements for single and two family dwellings. In most cases, there will be a reduction in the maximum size of an accessory structure to 50% of the living area or 720 square feet; with a maximum total accessory structure size not to

exceed the living area of the principal dwelling. This is more in line with what the previous code required.

14. Eliminates duplication of the rules for keeping equines.

15. Rewords the language concerning surfaces of parking areas.

16. Increases the allowable wall sign area by 100%.

17. Instead requiring an approved site plan before applying for a Special Use, wording changed to "reasonably complete".

18. Removed the carried over requirement for buffering between the new vehicle dealership and Stonegate Circle. This requirement was met using an alternative planting scheme that was supported overwhelmingly by Stonegate Circle property owners.

19. Allowing Residential Care Facilities in the C-T, Commercial Transition District, C-OP, Commercial Office Park District, C-D, Downtown District, and as a Special Use in the C-1, Neighborhood Commercial District.

Also added since the public hearing is a revision of when the Design Review Board reviews streetscape improvements. Staff suggests the DRB only review in instances where there is significant deviation from the Streetscape Improvement Plan.

ATTACHMENTS:

Type	Description
□ Cover Memo	Proposed Changes Strikethrough Version 3-6-20

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	3/24/2020 - 10:29 AM

Summary:

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 by changing Vehicle Repair (major and Minor) from special use to permitted in I-MU; 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, and by adding the use definition Truck Stop; by amended 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 amended 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 not 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.

Section 17.08.020 – Use Matrix

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
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
Residential Care Facility					P		P	S	P	P	P	P		P	P		P			P	Sec. 17.08.030.X
Vehicle Repair/Service– Major															P	P	SP				Sec. 17.08.030.CC
Vehicle Repair/Service – Minor								S	P	P				P	P	P	SP				Sec. 17.08.030.CC

Section III.

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

Section IV.

Section 17.08.050 Use Definitions is hereby amended 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.

Section V.

Section 17.09.030 Accessory Structures and Uses is hereby amended 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.
2. Only those accessory structures permitted by this section and Section 17.09.040 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. The use of the term "yard" refers to the area between the principal building and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension.
3. The maximum height of any detached accessory structure is 20 feet, unless otherwise permitted or restricted by this Ordinance. This does not apply to any structure accessory to an active agricultural use, which are not limited in height.
4. Detached accessory structures, including those listed in this section and Section 17.09.040, must be setback as follows, unless otherwise permitted or restricted by this Ordinance:
 - a. Four feet from any interior side lot line. This interior side setback may be reduced to two feet if the adjacent walls, or parts of walls, of the accessory building have no openings and are protected on the inside with fire-proofing materials or are constructed of fire-proof materials, as verified by the Zoning Administrator.
 - b. No closer than four feet from any rear lot line.
 - c. No structure may be located in a front, **reverse corner**, or corner side yard unless specifically allowed by this Ordinance.
5. Accessory structures are included in the calculation of all maximum impervious surface and building coverage requirements of the district.
6. The footprint of any single detached accessory structure cannot exceed the footprint of the principal building. This does not apply to any structure accessory to an active agricultural use, which are not limited in area; **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, **corner side**, 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. ~~Garages, Detached and Carports~~ Single-family or Two-family Accessory Structures

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

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

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

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

d. ~~Structures Detached garages~~ utilizing metal siding and/or roofing shall ~~not have highly reflective surfaces~~ have a matte finish (or similar non-glare finish) and shall maintain the character of the surrounding neighborhood.

e. **Structures Detached garages** shall not contain cooking facilities or plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.

f. The design standards related to eaves, roof pitch and **highly reflective surfaces metal finish** do not apply to detached garages in the S-AG **district or lots R-1 Districts when properties are** two acres in area or greater **and 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.

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.			
Structures Allowed (quantity)	1	No maximum, see total area restriction above	1	No maximum, see total area restriction above
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
Specific Design Standards:				
a.	Structure shall have the eaves of roof extend a minimum of one foot past the outside walls.			
b.	Structure 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.			
*Exemption:	*Properties over 2 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.			

M. Keeping of Equines

1. The keeping of equines is allowed only in the R-1 District.
2. 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.
3. 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.
4. 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.
5. The keeping of equines is for personal use only. No retail or wholesale use may be made of these animals.

NM. Mechanical Equipment

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment.

1. Ground-Mounted Equipment

- a. Mechanical equipment is permitted in the interior side or rear yard only.
- b. For multi-family and non-residential uses, ground-mounted mechanical equipment must be screened from public view by a decorative wall, solid fence, or year-round landscaping that is compatible with the architecture and landscaping of a development site. The wall, fence, or plantings must be of a height equal to or greater than the height of the mechanical equipment being screened.

2. Roof-Mounted Equipment

- a. For structures 40 feet in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet in height.
- b. For structures less than 40 feet in height and for any building where roof equipment cannot meet the setback requirement of item a above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.

3. Wall-Mounted Equipment

- a. Wall-mounted mechanical equipment is not permitted on the front or corner side façade of the building.
- b. For multi-family and non-residential uses, wall-mounted mechanical equipment that protrudes more than twelve inches from the outer building wall must be screened from view by structural features that are compatible with the architecture of the subject building.
- c. Wall-mounted mechanical equipment that protrudes less than twelve inches must be designed to blend with the primary color and architectural design of the subject building.
- d. These requirements do not apply to window air conditioning units or satellite dishes, which are regulated separately.

ON. Outdoor Sales and Display (Accessory)

These regulations apply only to outdoor sales and display located on the lot.

1. Retail goods establishments and heavy retail establishments in the non-residential districts are permitted to have accessory outdoor sales and display of merchandise. Such merchandise must be customarily sold on the premises.

2. All outdoor display of merchandise must be located adjacent to the storefront and not in drive aisles, loading zones, or fire lanes. It may be located in a parking lot so long as the minimum number of required parking spaces remain unobstructed.
3. No display may be placed within three feet of either side of an active door, or within 15 feet directly in front of an active door.
4. A minimum clear width for pedestrian traffic of five feet is provided and maintained along the sidewalk.

PQ. Outdoor Storage (Accessory)

1. Residential Uses

- a. Outdoor storage is prohibited in a required front, corner side, or interior side setback.
- b. Outdoor storage is prohibited in any area of the front yard or corner side yard.
- c. Outdoor storage on a residential lot must be maintained so as not to cause a nuisance, including the pooling of stagnant water, creation of pest issues, or leaking of oils.

2. Nonresidential Uses

The following uses are permitted outdoor storage: greenhouse/nursery – retail, including the growing of plants in the open, heavy retail establishments, heavy rental and service establishments, vehicle dealerships, vehicle rentals, vehicle operations facility, and vehicle repair/service - minor or major. The Zoning Administrator can also render an interpretation that a use not listed in this section would typically have outdoor storage and permit such use to include outdoor storage on the site. These uses are permitted ancillary outdoor storage in accordance with the following provisions:

- a. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic.
- b. Outdoor storage is prohibited in a required interior side or corner side setback. Outdoor storage is prohibited in the front yard.
- c. All manufacturing, assembly, repair, or work activity must take place inside an enclosed building.
- d. Outdoor storage may be located in a parking lot so long as the minimum number of required parking spaces remain unobstructed.

QP. Refuse and Recycling Containers

Refuse and recycling container regulations apply only to new construction of multi-family dwellings and non-residential uses as of the effective date of this Ordinance.

1. Refuse and recycling containers are prohibited in the front or corner side yard. No dumpsters may be located on any right-of-way, including alleys.
2. Enclosures constructed as follows are required in all districts except the C-D and C-V Districts:
 - a. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The wall or wall extension must be constructed as an integral part of the building's architectural design
 - b. The enclosure must be gated. Such gate must be solid and a minimum of six feet and a maximum of eight feet in height. This requirement does not apply to refuse containers located adjacent to an improved alley.
 - c. The gate must be maintained in good working order and must remain locked except when refuse/recycling pick-ups occur. The gate must be architecturally compatible with other buildings and structures on the site.
 - d. Refuse and recycling containers must remain in the enclosure with the gate closed and/or locked.

RQ.**Satellite Dish Antennas****1. General Requirements**

- a. Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
- b. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- c. Antennas no longer in use must be immediately removed.
- d. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

2. Additional Standards for Large Satellite Dish Antennas

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

- a. Large satellite dish antenna are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- b. Roof-mounting is permitted only if the satellite dish antenna is entirely screened from public view along the right-of-way by an architectural feature.
- c. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences or walls or plant materials located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

SR.**Solar Panels****1. General Requirements**

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

2. Building-Mounted Systems

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
- d. Wall-mounted solar panels may project up to 2.5 feet from a building façade and must be integrated into the structure as an architectural feature.

3. Freestanding Systems

- a. A freestanding system is allowed in all yards. In the front or corner side yard, the system but must be six feet from any lot line.

- b. The maximum height of a freestanding system is ten feet, except in the front or corner side yard where it is limited to four feet.

4. Co-Location

Solar panels may be co-located on structures such as wireless communication towers and light poles.

TS. Wind Turbines

1. Wind turbines may be designed as either vertical or horizontal axis turbines, or designs that combine elements of the different types of turbines.
2. Wind turbines are subject to the following height restrictions:
 - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district or 35 feet, whichever is less. A taller height may be allowed by special use.
 - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
 - c. Maximum height is the total height of the turbine system as measured from the base of the tower to the top. For horizontal axis turbines, the maximum vertical height of the turbine blades is measured as the length of a prop at maximum vertical rotation.
 - d. No portion of the exposed turbine blades of a horizontal axis wind turbine may be within 20 feet of the ground. The unexposed turbine blades of a vertical access wind turbine may be within ten feet of the ground.
3. Ground-mounted wind turbines are permitted only in the rear yard. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

Section VI.

Section 17.09.040 Permitted Encroachments is hereby amended 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 4' 5" into setback	Y	Y	Y	Y

Section VII.

Section 17.10.030 Off-Street Parking Design Standards is hereby amended 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, ~~and~~ 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 is prohibited. Sealcoating and rotomilling (the process of removing at least part of the surface of a paved area) is prohibited. 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 retail~~ center are permitted for multi-tenant ~~commercial retail~~ centers in any district. A multi-tenant ~~commercial retail~~ 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 Retail~~ Center Regulations

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

a. One freestanding sign – multi-tenant commercial retail 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 retail 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 one square feet foot per linear foot of building wall where the wall sign(s) will be mounted or 80 40 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 one square feet foot per linear foot of business frontage or 80 40 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 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 Retail Center		•	Multi-tenant commercial retail centers in all districts
Freestanding Signs – Residential Subdivision		•	Residential subdivisions in all districts
Government Sign	•		All districts
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

TABLE 17.12-1: SUMMARY OF SIGN PERMISSIONS			
Sign Type	Exempt Sign (Section 17.12.050)	Permit Required (Section 17.12.060)	Permitted Locations
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, ~~the site plan must be approved 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 ~~approval request~~. The ~~approved reasonably complete~~ site plan would be forwarded with the application and the staff recommendation on the ~~approval request~~. The approving body would be allowed to impose additional conditions on the site plan. ~~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.~~
 - 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 5. That a fifty (50) foot landscape buffer and 6 foot high fence be established along the south end of the property. The landscape buffer shall be developed with the following plantings: four canopy trees, six understory trees and 24 shrubs or 12 evergreens/conifers per 100 linear feet. Note: Condition 5 was modified to remove reference to previous Zoning Ordinance.~~

21. 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.

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

43. 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.

54. 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).

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 563-888-2286

Date
3/3/2020

Subject:

Public Hearing for Case REZ20-01: 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]

Recommendation:

Finding: Rezoning of these properties corrects an error made in the adoption of the new zoning map in 2019.

Staff recommends the Plan and Zoning Commission forwards Case REZ20-01 to the City Council for approval.

Background:

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each of the 43,000 +/- parcels in the City.

Upon adoption of the code, City staff has detected a few errors in the new zoning map. One error was all the commercially used property located at the intersection of W. 3rd Street and N. Pine Street were zoned R-4C Residential by mistake. Those properties contain the following businesses: New Opendoor Tap, Thirsty's on 3rd, Quick Cash Pawnbrokers, Grubeez, and Scott's Shovelhead Shed. We intend to correct this issue by initiating the process to rezone these parcels to C-1, Neighborhood Commercial District.

Comprehensive Plan. The property is designated RG, Residential General in the Comprehensive Plan.

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

Since this action merely corrects a mapping error, and no land use changes are anticipated, no technical review was conducted and a neighborhood meeting was not held.

All affected property owners were contacted by letter and neighbors within 200 feet have been notified.

One affected property owner called requesting additional information. He is not opposed to the rezoning.

ATTACHMENTS:

Type	Description
 Backup Material	Background Material

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	3/24/2020 - 10:29 AM



February 11, 2020

Subject: Public Hearing for Rezoning

Dear Property Owner:

In January of 2019, the City adopted a new zoning ordinance and zoning map for the entire City. Part of this effort was to assign specific zoning classifications to each parcel in the City.

It has been discovered that all of the commercially used property at this corner were zoned residential by mistake. The City has initiated the process to correct this error and must hold public hearings to address the issue.

Please note that there are no changes contemplated by any business affected by this action. It merely corrects a mapping error that was an oversight. Please contact the Community Planning Department listed below if you have any questions.

**PUBLIC HEARING
TUESDAY, MARCH 3, 2020 -5:00 P.M.
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA**

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

Case REZ20-01: Request of the City of Davenport to rezone 2139, 2147, 2147 1/2, and 2202 W. 3th Street and 220 and 226 North Pine Street from R-4C Single and Two Family Central Residential Zoning District to C-1, Neighborhood Commercial District. Property contains 36,000 square feet. [Ward 3]

The public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday, March 3, 2020 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

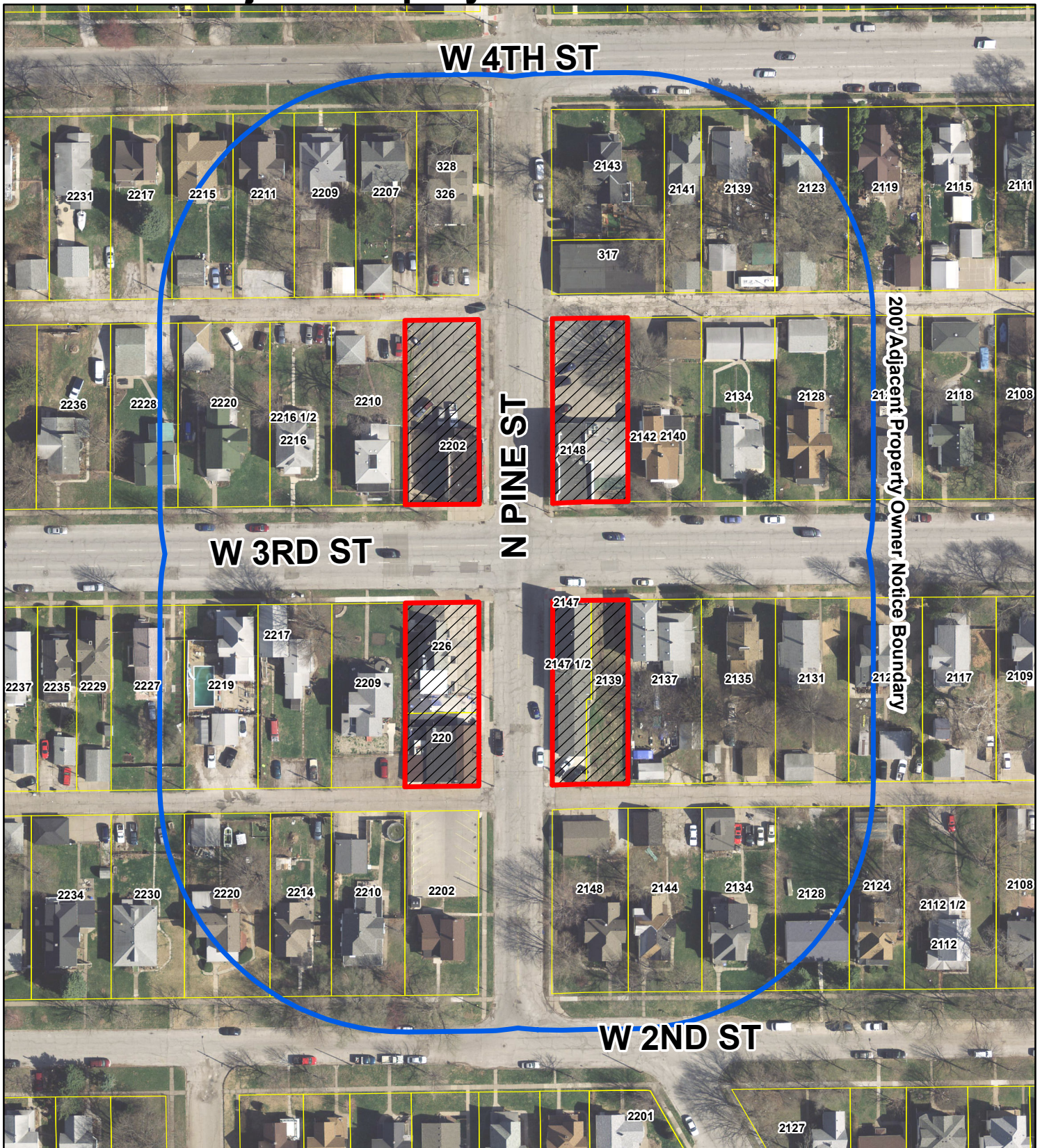
For more information please contact:

Department of Community Planning & Economic Development

E-MAIL: planning@davenportiowa.com PHONE: 563-326-7765

Zoning Map Amendment (Rezoning) Request

Adjacent Property Owner Notice Area



200' Adjacent Property Owner Notice Boundary

Legend

- 200' Adjacent Owners Notice Area - REZ20-01
- Subject Property REZ20-01

0 50 100 Feet



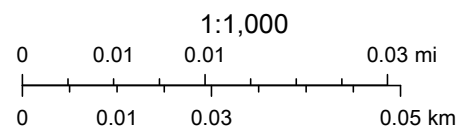
Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

REZ20-01 Existing Zoning - R4C



2/13/2020, 4:34:06 PM

- Parks
- Piped Creeks
- Parcels
- City Limit
- Street Centerline (Labels only)
- Address Points
- Creeks
- Named Creeks
- Unnamed Tributaries
- Zoning Districts
- R-1 Single-Family Residential District
- R-2 Single-Family Residential District

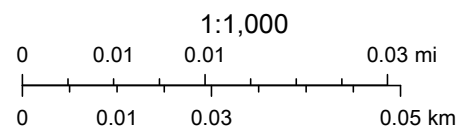
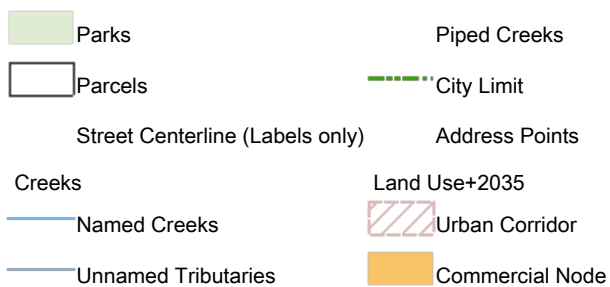


Scott County Iowa, Bi-State Regional Commission

REZ20-01 Future Land Use - RG



2/13/2020, 4:30:02 PM



Scott County Iowa, Bi-State Regional Commission



January 31, 2020

Scott A. Nicely
220 N. Pine St.
Davenport, IA 52802

Subject: 220 N. Pine St. Davenport

Dear Property Owner:

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each of the 43,000 +/- parcels in the City.

Upon adoption of the code, City staff has detected a few errors in the new zoning map. One error was all the commercially used property located at the intersection of W. 3rd Street and N. Pine Street were zoned R-4C Residential by mistake. Those properties contain the following businesses: New Opendoor Tap, Thirsty's on 3rd, Quick Cash Pawnbrokers, Grubeez, and Scott's Shovelhead Shed. We intend to correct this issue by initiating the process to rezone these parcels to C-1, Neighborhood Commercial District.

The business at your property, Scott's Shovelhead Shed, is a bar and would be able to continue operations as it exists. It would be granted a Special Use in the C-1 District as part of this process. Being a Special Use, future expansion would be allowed only if approved by the Zoning Board of Adjustment.

The rezoning process involves public hearings before both the Plan and Zoning Commission and City Council, and eventual vote by the Council. We will notify by letter all property owners within the area and property owners within 200 feet of those public hearings. We will attempt to place blue "Notice of Rezoning Request" signs in front of the properties, if we can penetrate the frozen ground. The public hearing before the Plan and Zoning Commission is likely to be on March 3, 2020.

But since this is an error by City staff, you do not have to do anything. This process will take approximately 3 months to complete.

If you have any comments or questions, please contact me at your convenience.
Sincerely,

A handwritten signature in black ink, appearing to read "Matt Flynn", with a horizontal line underneath.

Matthew G. Flynn, AICP
Senior Planning Manager
matt.flynn@davenportiowa.com
563-888-2286



DAVENPORT

COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT

January 31, 2020

Scott A. Nicely
3520 Rockingham Rd.
Davenport, IA 52802

Subject: 226 N. Pine Street

Dear Property Owner:

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each of the 43,000 +/- parcels in the City.

Upon adoption of the code, City staff has detected a few errors in the new zoning map. One error was all the commercially used property located at the intersection of W. 3rd Street and N. Pine Street were zoned R-4C Residential by mistake. Those properties contain the following businesses: New Opendoor Tap, Thirsty's on 3rd, Quick Cash Pawnbrokers, Grubeez, and Scott's Shovelhead Shed. We intend to correct this issue by initiating the process to rezone these parcels to C-1, Neighborhood Commercial District.

The business at your property, Grubeez, is classified as a restaurant and is a permitted use in the C-1 District.

The rezoning process involves public hearings before both the Plan and Zoning Commission and City Council, and eventual vote by the Council. We will notify by letter all property owners within the area and property owners within 200 feet of those public hearings. We will attempt to place blue "Notice of Rezoning Request" signs in front of the properties, if we can penetrate the frozen ground. The public hearing before the Plan and Zoning Commission is likely to be on March 3, 2020.

But since this is an error by City staff, you do not have to do anything. This process will take approximately 3 months to complete.

If you have any comments or questions, please contact me at your convenience.
Sincerely,

A handwritten signature in black ink, appearing to read "Matthew G. Flynn", written in a cursive style.

Matthew G. Flynn, AICP
Senior Planning Manager
matt.flynn@davenportiowa.com
563-888-2286



DAVENPORT

COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT

January 31, 2020

CRSTFR Inc.
2147 W. 3rd St.
Davenport, IA 52802

Subject: 2139/2147/2147½ W. 3rd Street Davenport

Dear Property Owner:

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each of the 43,000 +/- parcels in the City.

Upon adoption of the code, City staff has detected a few errors in the new zoning map. One error was all the commercially used property located at the intersection of W. 3rd Street and N. Pine Street were zoned R-4C Residential by mistake. Those properties contain the following businesses: New Opendoor Tap, Thirsty's on 3rd, Quick Cash Pawnbrokers, Grubeez, and Scott's Shovelhead Shed. We intend to correct this issue by initiating the process to rezone these parcels to C-1, Neighborhood Commercial District.

The business at your property, Quick Cash Pawnbrokers, is classified as retail and is a permitted use in the C-1 District.

The rezoning process involves public hearings before both the Plan and Zoning Commission and City Council, and eventual vote by the Council. We will notify by letter all property owners within the area and property owners within 200 feet of those public hearings. We will attempt to place blue "Notice of Rezoning Request" signs in front of the properties, if we can penetrate the frozen ground. The public hearing before the Plan and Zoning Commission is likely to be on March 3, 2020.

But since this is an error by City staff, you do not have to do anything. This process will take approximately 3 months to complete.

If you have any comments or questions, please contact me at your convenience.
Sincerely,

A handwritten signature in black ink, appearing to read "Matthew G. Flynn", written in a cursive style.

Matthew G. Flynn, AICP
Senior Planning Manager
matt.flynn@davenportiowa.com
563-888-2286



January 31, 2020

Stacey/Brad Jones
3637 Sunnyside Ave.
Davenport, IA 52802

Subject: 2148 W. 3rd Street Davenport

Dear Property Owner:

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each of the 43,000 +/- parcels in the City.

Upon adoption of the code, City staff has detected a few errors in the new zoning map. One error was all the commercially used property located at the intersection of W. 3rd Street and N. Pine Street were zoned R-4C Residential by mistake. Those properties contain the following businesses: New Opendoor Tap, Thirsty's on 3rd, Quick Cash Pawnbrokers, Grubeez, and Scott's Shovelhead Shed. We intend to correct this issue by initiating the process to rezone these parcels to C-1, Neighborhood Commercial District.

The business at your property, New Opendoor Tap, is a bar and would be able to continue operations as it exists. It would be granted a Special Use in the C-1 District as part of this process. Being a Special Use, future expansion would be allowed only if approved by the Zoning Board of Adjustment.

The rezoning process involves public hearings before both the Plan and Zoning Commission and City Council, and eventual vote by the Council. We will notify by letter all property owners within the area and property owners within 200 feet of those public hearings. We will attempt to place blue "Notice of Rezoning Request" signs in front of the properties, if we can penetrate the frozen ground. The public hearing before the Plan and Zoning Commission is likely to be on March 3, 2020.

But since this is an error by City staff, you do not have to do anything. This process will take approximately 3 months to complete.

If you have any comments or questions, please contact me at your convenience.
Sincerely,

A handwritten signature in black ink, appearing to read "Matthew G. Flynn".

Matthew G. Flynn, AICP
Senior Planning Manager
matt.flynn@davenportiowa.com
563-888-2286



DAVENPORT

COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT

January 31, 2020

Potter Investments LLC
801 Iowa Drive
LeClaire, IA 52753

Subject: 2202 W. 3rd Street Davenport

Dear Property Owner:

In January of 2019, the City of Davenport adopted a new zoning ordinance for the entire City. Part of this effort included assigning new zoning classifications to each of the 43,000 +/- parcels in the City.

Upon adoption of the code, City staff has detected a few errors in the new zoning map. One error was all the commercially used property located at the intersection of W. 3rd Street and N. Pine Street were zoned R-4C Residential by mistake. Those properties contain the following businesses: New Opendoor Tap, Thirsty's on 3rd, Quick Cash Pawnbrokers, Grubeez, and Scott's Shovelhead Shed. We intend to correct this issue by initiating the process to rezone these parcels to C-1, Neighborhood Commercial District.

The business at your property, Thirsty's on 3rd, is a bar and would be able to continue operations as it exists. I would be granted a Special Use in the C-1 District as part of this process. Being a Special Use, future expansion would be allowed only if approved by the Zoning Board of Adjustment.

The rezoning process involves public hearings before both the Plan and Zoning Commission and City Council, and eventual vote by the Council. We will notify by letter all property owners within the area and property owners within 200 feet of those public hearings. We will attempt to place blue "Notice of Rezoning Request" signs in front of the properties, if we can penetrate the frozen ground. The public hearing before the Plan and Zoning Commission is likely to be on March 3, 2020.

But since this is an error by City staff, you do not have to do anything. This process will take approximately 3 months to complete.

If you have any comments or questions, please contact me at your convenience.
Sincerely,

A handwritten signature in black ink, appearing to read "Matthew G. Flynn", with a horizontal line underneath.

Matthew G. Flynn, AICP
Senior Planning Manager
matt.flynn@davenportiowa.com
563-888-2286



February 11, 2020

Subject: Public Hearing for Rezoning

Dear Property Owner:

In January of 2019, the City adopted a new zoning ordinance and zoning map for the entire City. Part of this effort was to assign specific zoning classifications to each parcel in the City.

It has been discovered that all of the commercially used property at this corner were zoned residential by mistake. The City has initiated the process to correct this error and must hold public hearings to address the issue.

Please note that there are no changes contemplated by any business affected by this action. It merely corrects a mapping error that was an oversight. Please contact the Community Planning Department listed below if you have any questions.

**PUBLIC HEARING
TUESDAY, MARCH 3, 2020 -5:00 P.M.
CITY OF DAVENPORT PLAN AND ZONING COMMISSION
COUNCIL CHAMBERS - DAVENPORT CITY HALL
226 WEST 4th STREET – DAVENPORT, IOWA**

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

Case REZ20-01: Request of the City of Davenport to rezone 2139, 2147, 2147 1/2, and 2202 W. 3th Street and 220 and 226 North Pine Street from R-4C Single and Two Family Central Residential Zoning District to C-1, Neighborhood Commercial District. Property contains 36,000 square feet. [Ward 3]

The public hearing on the above matter is scheduled for 5:00 p.m. or as soon thereafter as possible on Tuesday, March 3, 2020 in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

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

For more information please contact:

Department of Community Planning & Economic Development

E-MAIL: planning@davenportiowa.com PHONE: 563-326-7765

City of Davenport
Plan and Zoning Commission

Department: CPED
Contact Info: Matt Flynn, 563-888-2286

Date
3/31/2020

Subject:

Case FPV20-01: Request for a floodplain variance to allow for relief from the required 18 foot perimeter clearance requirement around structures. 400 River LLC, petitioner. [Ward 3]

Recommendation:

Staff recommends the Plan and Zoning Commission approve the request. (The variance request also needs Iowa Department of Natural Resources approval.)

Background:

See attached staff report and supporting documentation for additional information.

The Design Review Board approved the project at its March 23, 2020 meeting.

ATTACHMENTS:

Type	Description
▢ Backup Material	Staff Report with attachments

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Flynn, Matt	Approved	3/26/2020 - 9:38 AM

PLAN AND ZONING COMMISSION



Meeting Date: March 31, 2020
Request: Floodplain Variance
Location: 400 W. River Drive
Case No.: FPV20-01
Applicant: 400 W. River LLC

Introduction:

The petitioner is requesting an exemption to the City's Flood Damage Prevention regulations that requires an 18-foot clearance at 1 foot above the base flood elevation around the entire structure. The applicant is proposing to build a new 55-unit residential apartment building. The project is new construction and residential which is required to comply with the requirements of Chapter 15.44 entitled "Flood Damage Prevention" that requires an 18-foot clearance around the structure. The petitioner is proposing not to fully comply with the clearance requirement.

Recommendation:

Approve the variance as proposed. The variance must receive Iowa DNR concurrence before a floodplain development permit is approved.

Regulations:

15.44.100 Flood hazard reduction – Residential construction

- All new or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation at least eighteen feet beyond the limits of any structure erected thereon.

15.44.190 Variance procedures

- Generally, variances may be issued for new construction to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions E.1 through E.12 have been fully considered. Full section of variance procedures are included in attachments.

Proposal:

The petitioner is proposing a new 55-unit apartment building on an existing in-fill vacant lot. According to the plans submitted the site will be elevated by the use of fill to 2 feet above the base flood elevation. The variance request is to not fully comply with the 18-foot clearance around the structure requirement due to space conditions on the parcel. As shown on the petitioner's request, the area of fill beyond the limits of the structure elevated in excess of one foot above base flood elevation will vary between 5.0 feet and 12.0 feet.

Base Flood Elevation for the proposed site is 564.7 NGVD 1929. The proposed fill will be 566.61 NGVD 1929.

Attachments:

- Applicant request for variance
 - Engineers certification that the development will be reasonably safe from flooding
 - Proposed Plat of Survey with elevations
 - Design renderings of proposed development
- Full variance section from Flood Damage Prevention Ordinance 15.44



AUSTIN ENGINEERING CO., INC.

Consulting Engineers / Landscape Architects / Surveyors

Peoria, Illinois - Davenport, Iowa

austinengineeringcompany.com

City of Davenport, Economic Development
Laura Berkley, CFM
Economic Development Analyst
226 West 4th Street
Davenport, IA 52801
(563) 326-7711
Laura.Berkley@davenportiowa.com

March 20, 2020

RE: Floodplain Variance Request – 400 W River Dr

Dear Ms. Berkley,

Please consider this our formal request for application for a variance from the portion Section 15.44.100 Flood Hazard Reduction – Residential Construction which requires that "Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation at least eighteen feet beyond the limits of any structure erected thereon." Our site plan shows that the proposed apartment building will be elevated to 2 feet above the base flood elevation but the area of fill beyond the limits of the structure which is elevated above the base flood elevation will vary between 5.0 feet and 12.0 feet as shown on the attached plat of survey.

In support of our variance request and in accordance with the procedures for such variance requests, we offer the following:

1. All materials which remain below the established flood plain elevation will be flood resistant in nature and not subject to being swept away onto other lands or cause injury to others.
2. The proposed project will not present a danger to life or property due to flooding, increased flood heights, or erosion damage.
3. Because the proposed project is designed to be over 2 feet above the established flood plain elevation, the facility and its contents will not be susceptible to flood damage.
4. Water and sanitary sewer services will be connected directly to public mains located within City right of way. Public sewers and water mains will be unlikely to create unsanitary conditions for this project. Additionally, all utility connections will be made on the north side of the building from the Alley which is located above the flood plain elevation.
5. This project will bring new construction apartment units and amenities which are important to the continued vitalization of the downtown Davenport area.
6. The waterfront location is vital to attract a variety of residents to downtown Davenport. The views that will be provided by this building will be unparalleled by any other residential development in the area.

7. This project will continue the trend of recent development in providing the availability of an exceptional living experience in downtown Davenport.
8. This new construction residential apartment development will bring additional residents in close proximity to the downtown Davenport business district which will, in turn, continue to generate more revenue for existing service businesses and create opportunities for the development of new businesses in the area.
9. Access to this building will be provided from the Alley on the North side of the building, which is currently well above the flood plain elevation and will not be at risk during times of flooding.
10. Impacts to the flooding heights due to this project will be negligible and due to the flood resistant nature of all site amenities constructed below the flood plain elevation, will not pose any risk of sediment transport to downstream properties.
11. Government service costs during and after flood events should not be affected in anyway due to this development. Access to the building will remain unaffected by flooding events and all utility services provided to the building are public currently available to the site in an area which is above the flood plain elevation.

Thank you for your consideration of our variance request. As previously mentioned, we have attached a site plan which shows the proposed building and elevations relative to the base flood elevation. We have also attached proposed exterior building elevations and a certification letter stating compliance with FEMA's Technical Bulletin 10-01.

Feel free to reach out to me directly with any questions or clarifications.

Sincerely,



Devin L. Birch, PE MBA
Principal | President

PROFESSIONAL CERTIFICATION

400 River Drive Apartments – Davenport, IA

March 20, 2020

I, Devin L. Birch, certify that the design for the aforementioned development is reasonably safe from flooding in accordance with the guidance provided within FEMA's Technical Bulletin 10-01 related to ensuring that structures are reasonably safe from flooding and in accordance with accepted professional practices.



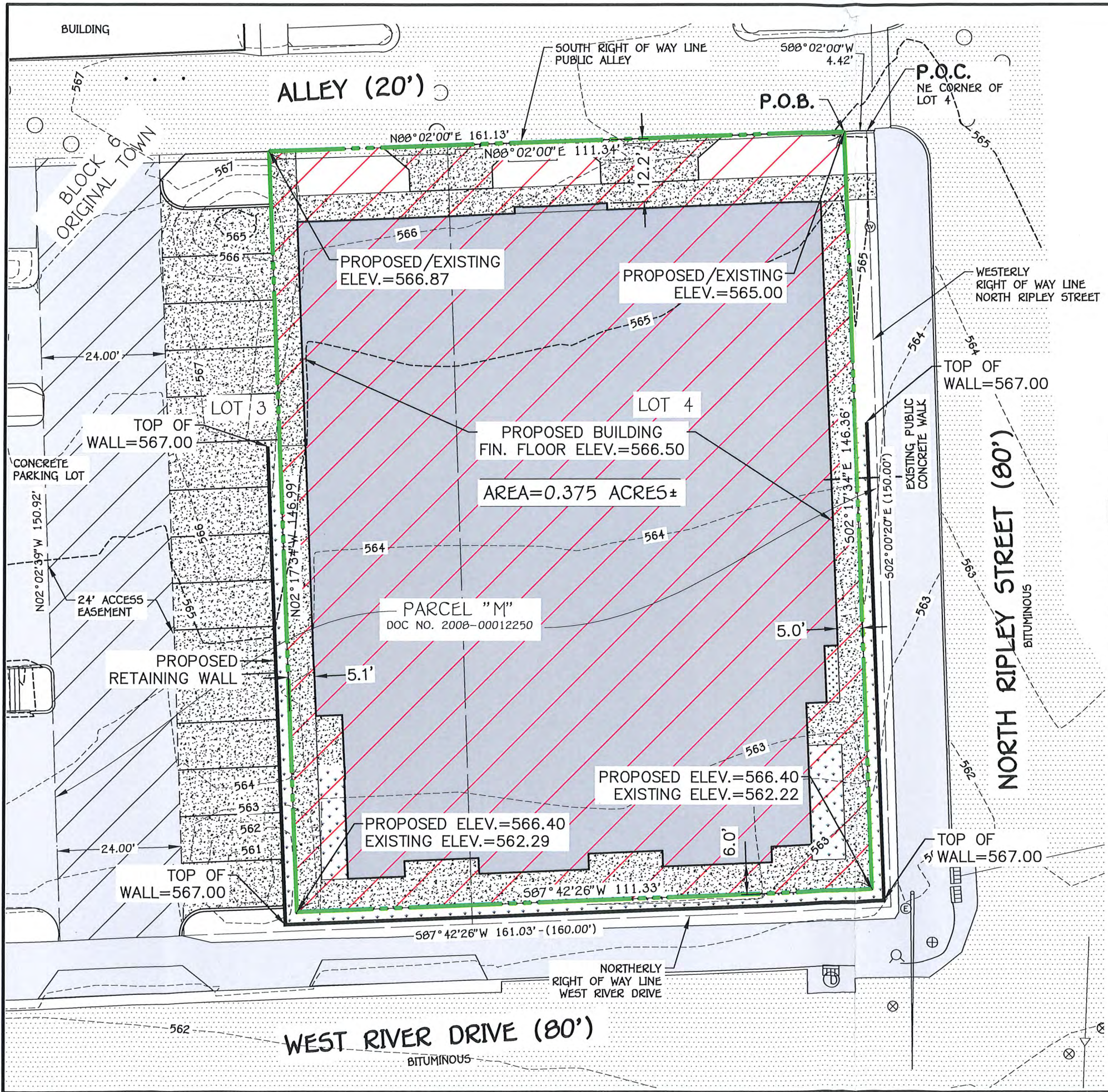
Devin L. Birch, PE MBA

Principal | President

Professional Engineer License No. P23281

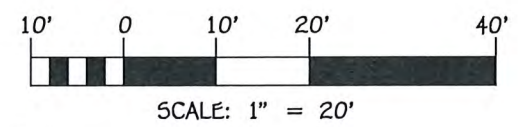
License Expires: December 31, 2021





LEGEND

- BOUNDARY OF SURVEY
- EXISTING PROPERTY LINE
- (167.8') PLAT OR DEED DIMENSION
- P.O.B. POINT OF BEGINNING
- PROPOSED CONCRETE
- EXISTING CONCRETE
- PROPOSED BUILDING
- AREA DESCRIBED



GENERAL NOTES:

TOTAL AREA SURVEYED = 0.375 ACRES±.

BEARINGS ARE BASED ON IOWA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE 1402. VERTICAL DATUM OF SURVEY IS NAVD 88.

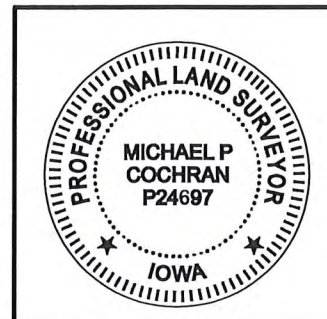
PROPERTY SURVEYED IS PIN L0011-16A.

1% ANNUAL CHANCE FLOOD ELEVATION = 564.7 (NGVD 29). ELEVATION DETERMINED USING FIRM PANEL NO. 19163C0365F DATED FEBRUARY 18, 2011 AND THE FIS REPORT FOR SCOTT COUNTY IOWA, NO. 19163CV000B, DATED JUNE 9, 2014. 0.21 FEET WAS SUBTRACTED FROM THIS ELEVATION TO CONVERT TO NAVD 88, GEOID 12B USING NOAA'S VERTICAL PROGRAM, GIVING US A 1% ANNUAL CHANCE FLOOD ELEVATION OF 564.49 BASED ON THE NAVD 88 DATUM.

LEGAL DESCRIPTION OF A 0.375 ACRE TRACT

A PART OF LOT(S) 3 AND 4 OF BLOCK SIX (6) OF THE ORIGINAL TOWN, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4, THENCE SOUTH 08°-02'-00" WEST (BEARINGS ARE BASED IOWA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE 1402), ALONG THE SOUTH RIGHT OF WAY LINE OF THE 20 FOOT PUBLIC ALLEY WHICH RUNS THROUGH SAID BLOCK 6, 4.42 FEET TO THE POINT OF BEGINNING OF TRACT TO BE DESCRIBED: FROM THE POINT OF BEGINNING, THENCE SOUTH 02°-17'-34" EAST, 146.36 FEET; THENCE SOUTH 87°-42'-26" WEST, 111.33 FEET; THENCE NORTH 02°-17'-34" WEST, 146.99 FEET TO THE SAID SOUTH LINE OF SAID PUBLIC ALLEY; THENCE NORTH 08°-02'-00" EAST ALONG SAID SOUTH LINE, 111.345 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 0.375 ACRE, MORE OR LESS.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

[Signature]
MICHAEL P. COCHRAN 03-06-2020

PROFESSIONAL LAND SURVEYOR NUMBER P24697

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2021

PAGES OR SHEETS COVERED BY THIS SEAL: 1

PLAT OF SURVEY

A PART OF LOT(S) 3 AND 4 OF BLOCK SIX (6) OF THE ORIGINAL TOWN, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA

AUSTIN ENGINEERING CO., INC.
Consulting Engineers / Surveyors
311 SW Water St., Suite 215
Peoria, Illinois 61602
Certificate No. CS131338

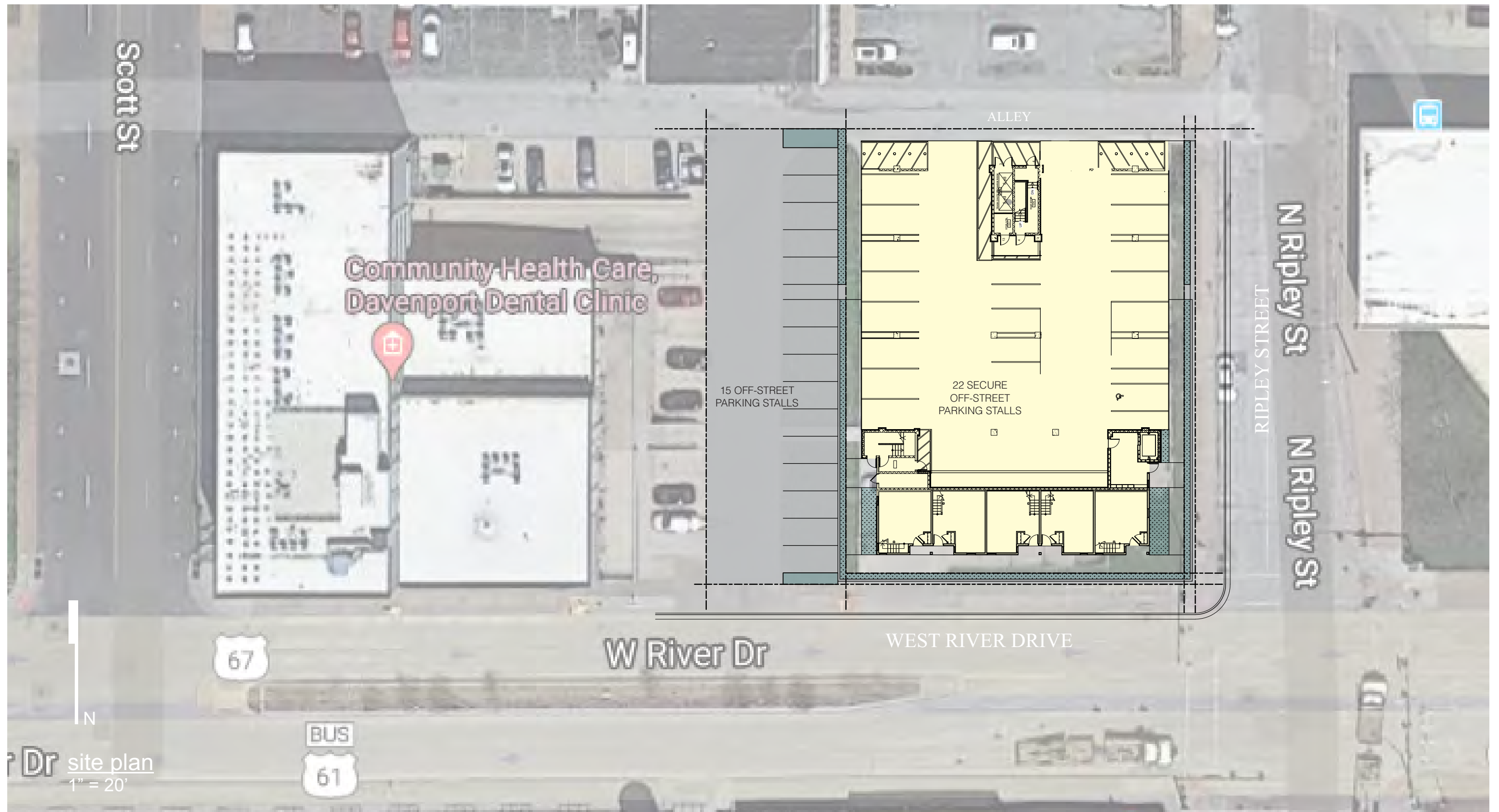
PLAT OF SURVEY

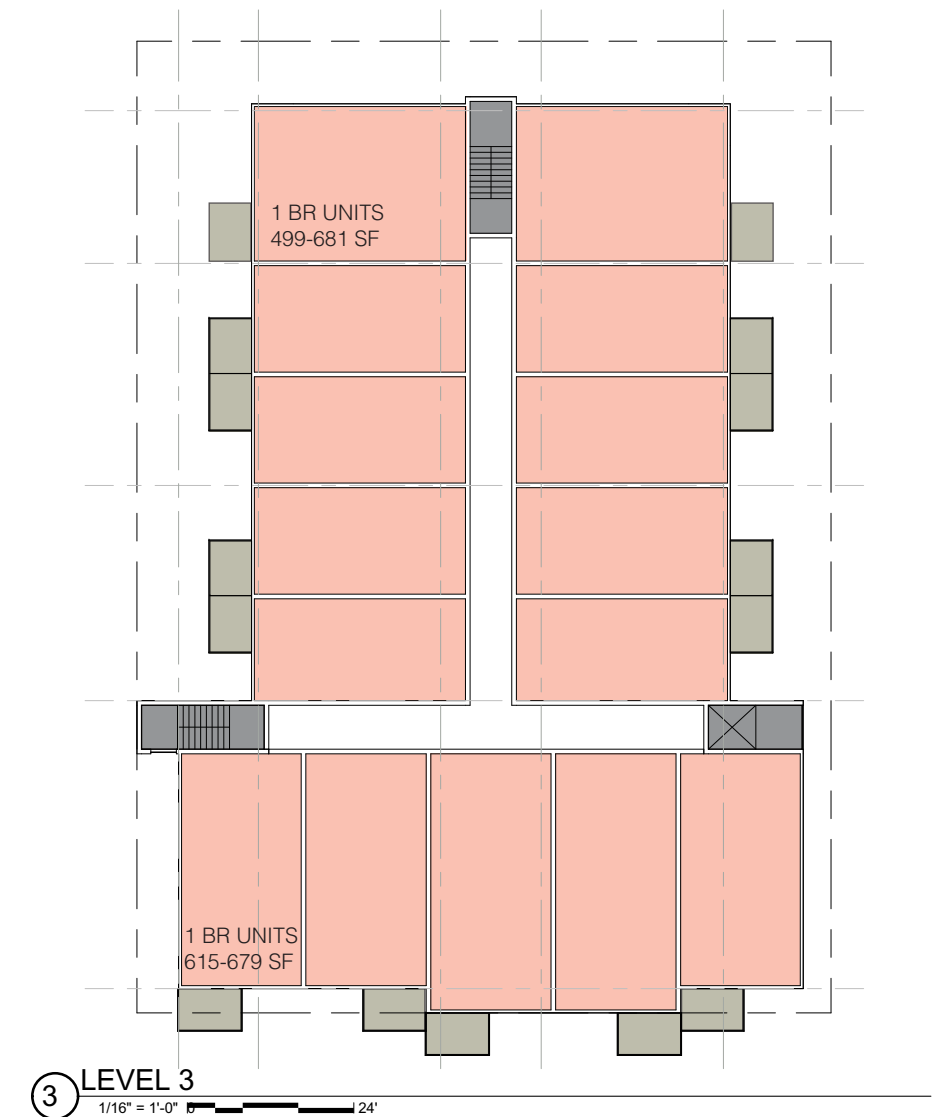
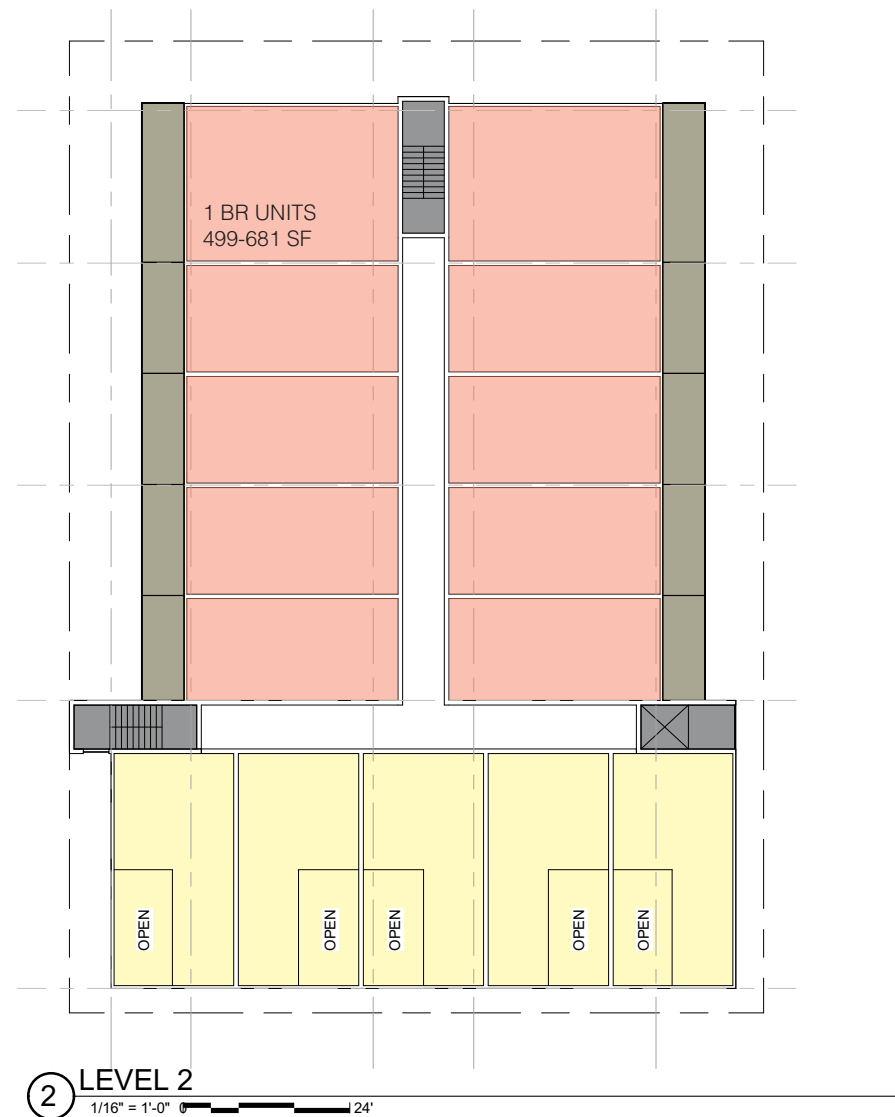
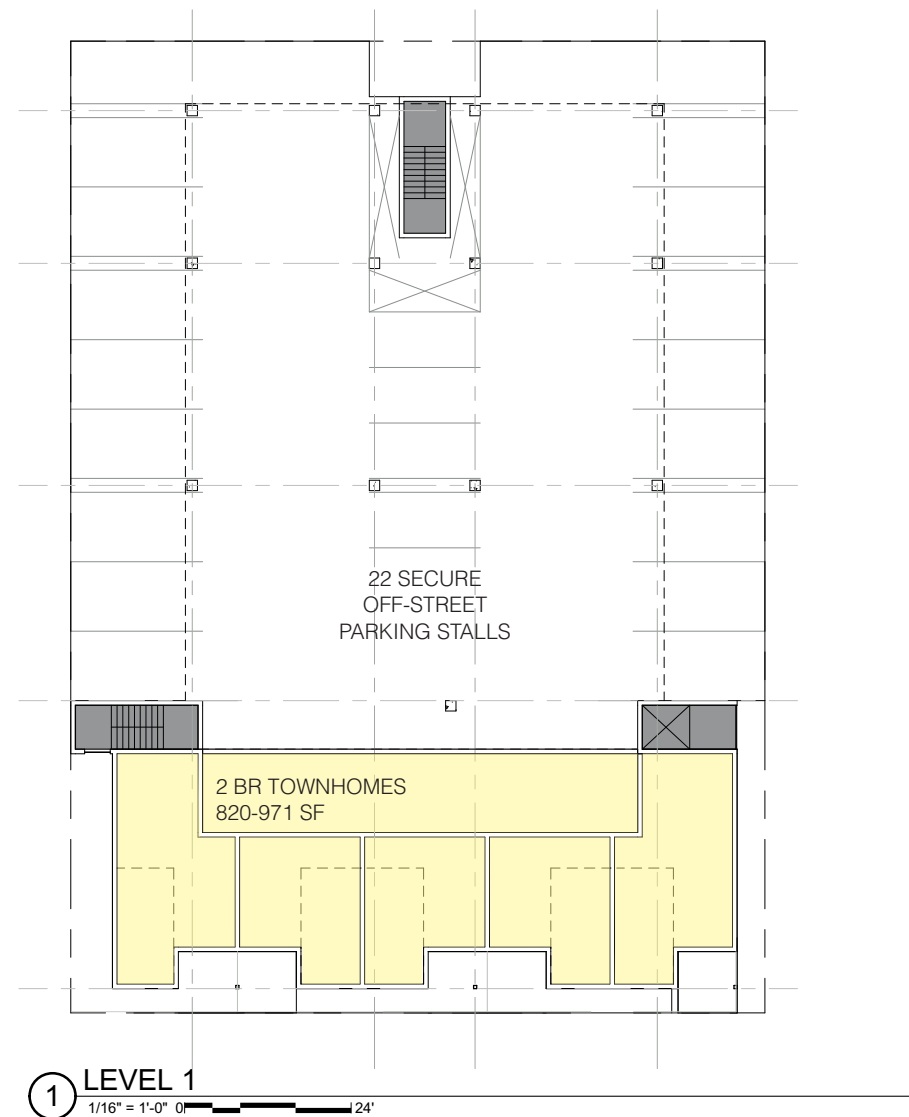
PROJECT NO	1A-76-72-017
DATE	03/06/2020
REVISED DATE	
SURVEYED	FIELD BOOK
SAW/JDG	-
DRAWN	CHECKED
JAB	HPC
SHEET	



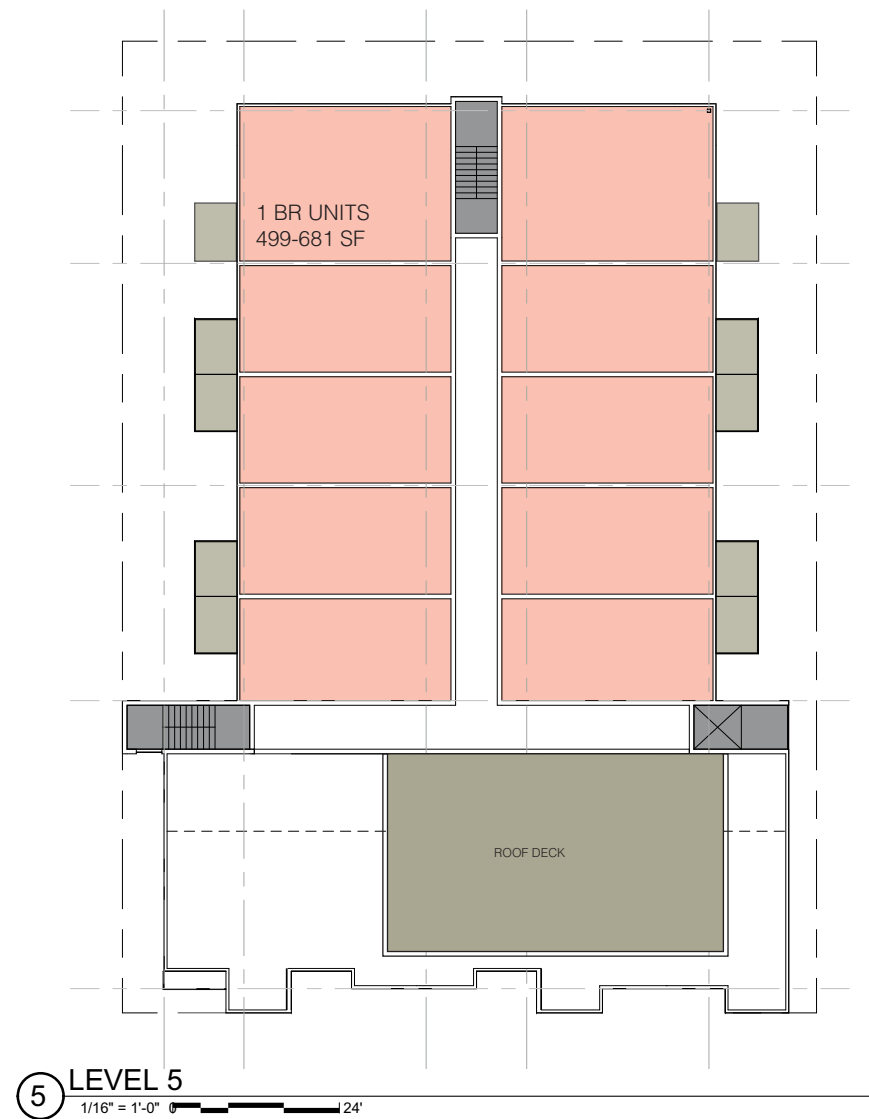
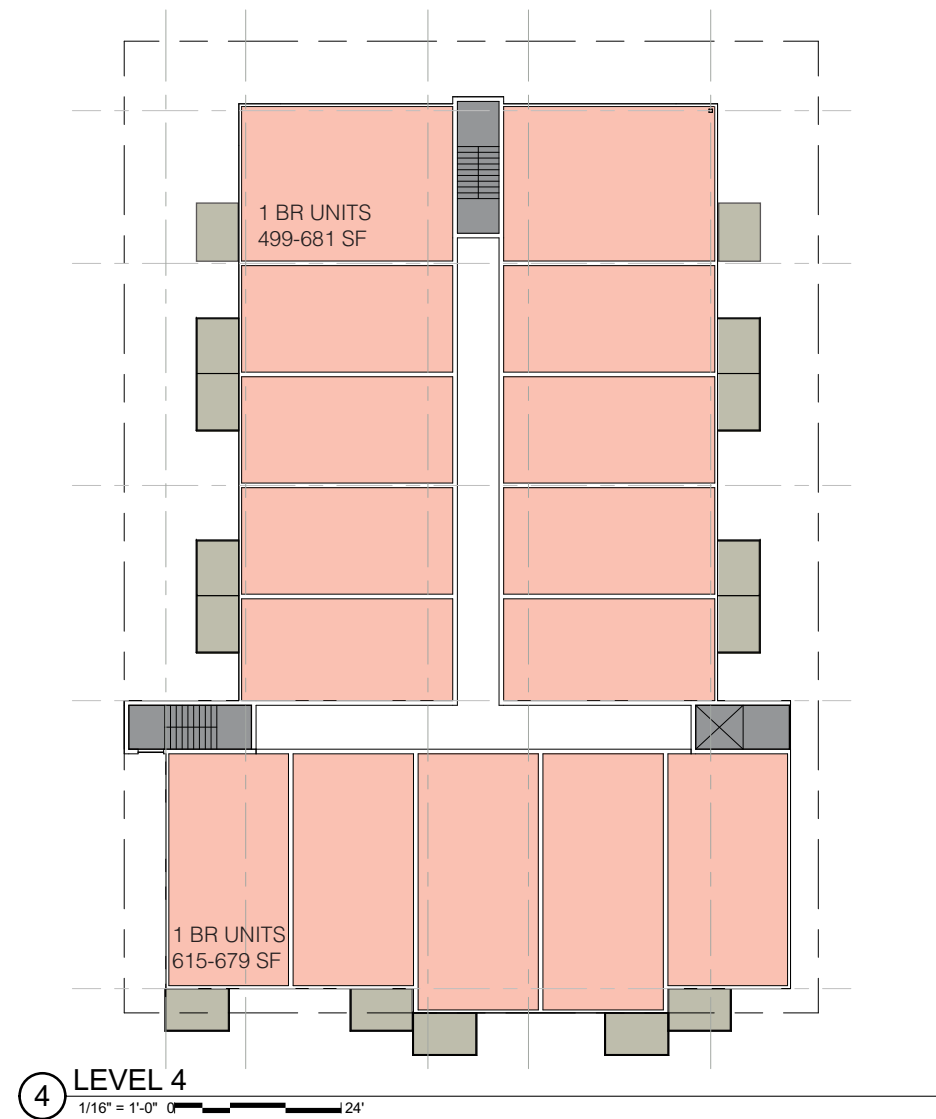
400 W River Drive
43,450 SF

unit mix :
1 - 1BR townhouse
4 - 2 BR townhouses
50 - 1BR apartments





floor plan diagrams



floor plan diagrams



view from River Drive and Ripley St.



view from south (River Drive)



view from west



view from east



view from north (alley)



view of south facing roof deck



PAC-CLAD Precision 7/8" HWP 12
variable colors
"weathered zinc"
"zinc"
"city scape"



NICHHA - Vintage Wood
"spruce"



LP Smartside 38 series
"Coffee" Diamond Kote
Texture: Embossed Rough Sawn Cedar

material selections

400 W River Drive
Davenport, Iowa

15.44 FLOOD DAMAGE PREVENTION

15.44.190 Variance procedures.

A. The city plan and zoning commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The city plan and zoning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the designated official in the enforcement or administration of this chapter.

C. Any person aggrieved by the decision of the city plan and zoning commission or any taxpayer may appeal such decision to the district court of Scott County as provided by law.

D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

E. In passing upon such applications, the city plan and zoning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands or downstream to the injury of others;
2. The danger to life and property due to flooding, increased flood heights or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The proposed water supply and sanitation systems and the ability of the systems to prevent contamination, disease and unsanitary conditions;
5. The importance of the services provided by the proposed facility to the community;
6. The necessity to the facility of a flood plain and or waterfront location;
7. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the community and that area;
10. The safety of access to the property in times of flood for ordinary and emergency vehicles;
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
12. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
13. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions E.1 through E.12 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors listed above and the purposes of this chapter, the city plan and zoning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. Such conditioning may include but not be limited to:

1. Modification of the water supply and/or waste disposal systems;
2. Limitation of the periods of use and operation;

3. Imposition of operational controls, sureties and/or deed restrictions;
4. Requirements for channel modification, dikes, levees and/or other protective measures provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieve the stated purposes of this chapter.

G. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.

H. Conditions for variances.

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances shall only be issued upon:

- a. Showing of good and sufficient cause;

- b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation and that such construction increases the risk to life and property.

4. The designated official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

5. All variances granted shall have the concurrence or approval of the Department of Natural Resources. (Ord. 90-146 § 9: Ord. 87-206: Ord. 78-128 (part): prior code § 14.001 -- 16).