



# DAVENPORT

DEVELOPMENT &  
NEIGHBORHOOD SERVICES

**DATE:** April 6, 2021

**TO:** File

**FROM:** Laura Berkley, Development & Planning Administrator

**RE:** Case ORD21-01 – Summary of Proposed Zoning Text Amendments

## **Section 17.04.020 Uses**

Replace with B2 "Conversion of a structure from a single-family dwelling into a two-family dwelling is prohibited.

**Explanation:** Need to update language to reflect removal of two-family conversion in R-3, R-3C, R-4 and R-4C.

## **Section 17.05.040 Design Standards**

In cases of conflict between commercial design standards and dwelling use standards, the developer can choose between commercial design standards or the applicable dwelling use standards.

**Explanation:** Certain commercial design standards are in direct conflict with dwelling unit new construction. Transparency is of largest concern where up to 50% transparency on street facing facades is required. This will provide some flexibility depending on the character of the proposed development.

## **Table 17.08-01 Use Matrix Proposed Changes**

### **1. Remove Bars as a Special Use in C-1 and add a Note to reference Section 17.15.020G**

**Explanation:** The intensity of a Bar as a use has been determined to be incompatible with the Neighborhood Commercial Zoning District which serve the nearby residential neighborhoods. Certain areas may be reestablished as outlined in referenced section.

### **2. Remove Drive-Through Facility as a Special Use in C-1 and I-MU**

**Explanation:** The intensity of a Drive-Through as a use has been determined to be incompatible with Neighborhood Commercial Zoning District which are to serve the nearby residential neighborhoods. The dimensional standards and typical lot size (no minimum lot size required) of both districts are in direct conflict with the use standards meaning a Hardship Variance is required for the use to locate within the districts.

### **3. Remove Dwelling – Two-Family (Conversion) as a Special Use in all R-3 and R-4 Districts**

**Explanation:** The code emphasizes preservation of neighborhood character as well as promotion of infill development. The code still allows new construction two-family homes within these districts.

**4. Add Live Performance Venue as Permitted in I-1**

**Explanation:** As a use that has the potential of producing more noise, I-1 would be an appropriate district to located live performance. This use also encourages adaptive reuse of buildings that are functionally obsolete.

**5. Add Outdoor Dining as Permitted in S-IC**

**Explanation:** This addition would allow schools, hospitals, colleges and universities the ability to develop areas for users to dine outdoors.

**6. Add Place of Worship as Permitted in I-1 and I-MU**

**Explanation:** This use would be a good adaptive reuse of buildings that are functionally obsolete. Access and parking are often more prevalent in these districts than others that currently allow this use. Existing building stock is potentially large enough to accommodate use.

**7. Add Private Recreation Facility as Permitted in C-OP and I-1**

**Explanation:** This use would be a good adaptive reuse of buildings that are functionally obsolete. Traditionally, indoor tennis, basketball and volleyball facilities have been located in industrial districts. C-OP would offer a complimentary use to office complexes where employees may wish to utilize the facilities before or after work or on lunch breaks. Buildings would need to meet design standards.

**8. Add Vehicle Repair/Service-Major as Special Use in C-3**

**Explanation:** Activities may be deemed appropriate in C-3 with careful review and oversight. This would be done on a case by case basis by reviewing proposed location, site plan, surrounding uses, analysis for the neighborhood, review of business model and practice, and with certain conditions in place to minimize any impacts. Allowing RV dealerships in C-3 without allowing work on them is counter intuitive. C-3 can support higher intensity uses but also provide more appropriate access to patrons. Minimum lot size is double what is required in I-1 which allows ability to accommodate buffer yards and impacts to adjacent property.

**9. Remove Vehicle Repair/Service-Minor as Special Use in C-1**

**Explanation:** This use has been determined as not compatible with Neighborhood Commercial Zoning District which are to serve the nearby residential neighborhoods.

**Section 17.08.030 Principal Use Standard for Bar - Neighborhood**

- Add this section in response to removing Bars as a Special Use in C-1.
- Establishes a sunset rule for establishments within certain areas of the city that can reestablish as a bar within 10-years of the adoption of the ordinance.
- The areas are Harrison between 14<sup>th</sup> and Locust; Washington between 14<sup>th</sup> and Locust, West Locust between Fillmore and Division.

**Explanation:** This allows certain areas of C-1 to reestablish as bars. This is to address certain locations that have traditionally been bars to remain to support the neighborhood and its character.

#### **Section 17.08.050 Use Definitions**

- Add a definition for new use “Bar – Neighborhood.”
- Remove the word “primarily” from Retail Alcohol Sales

**Explanation:** The intent of this definition and the zoning code is to regulate all alcohol sales. Removing the word primarily removes ambiguity in its use and how primarily is determined.

#### **Section 17.17.010 Reservation of Previously Approved Conditions**

Add conditions of Ordinance 2002-177 for 5601 Eastern Avenue.

**Explanation:** The City has been alerted to a recorded covenant that restricts the use of part of this property. Staff has been instructed to add the conditions of the rezoning back into this section to align with the original intent to the rezoning and covenant.