

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, September 11, 2019

The City Council of Davenport, Iowa met in regular session on Wednesday, September 11, 2019 at 5:32 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Frank Klipsch presiding and all aldermen present.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting Minutes for August 28, 2019

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on the Committee of the Whole for September 4, 2019

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, September 4, 2019--The Council observed a moment of silence. Pledge of Allegiance. The Council met in Committee of the Whole at 5:30 PM with Mayor Klipsch presiding and all aldermen present except Ald. Clewell. The following Public Hearings were held: Community Development: for Case PUD19-01: Request by Juan Goitia for a Major Modification to an existing Planned Unit Development (PUD) for the property located at 1002 Bridge Avenue. Public Works: on the plans, specifications, forms of contract, and estimate of cost for the River Dr Median Removal Project, CIP #35044; on the plans, specifications, forms of contract, and estimate of cost for Phase II of the Downtown Decorative Streetlight LED Retrofit Project, CIP #60020.

*Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: Ald. Rawson reviewed all items listed. On motion by Ald. Rawson, second by Ald. Ambrose, the following three amendments were made to item #1, third consideration for Case ORD19-02: amend section 13 by adding billboards as a permitted use in the C-2 District; amend Section 23 to increase the notification time from four to seven days for mailed notice and posted notice; and add a Council notice policy as described previously by staff. On motion by Ald. Ambrose, second by Ald. Tompkins all items moved to the Consent Agenda. Public Safety: Ald. Gripp reviewed all items listed. On motion by Ald. Dickmann, second by Ald. Ambrose the annual liquor license renewal for Shenanigan's moved to the Discussion Agenda and all other items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Condon, second by Ald. Rawson all items moved to the Consent Agenda. Finance: Ald. Matson reviewed all items listed. On motion by Ald. Dunn, second by Ald. Dickmann all items moved to the Consent Agenda. Other Ordinances, Resolutions, and Motions: On motion by Ald. Rawson, second by Ald. Ambrose the rules were suspended to vote on the following item: Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events (all aldermen present voting aye for both): 1. Beaux Arts Fund Committee; Beaux Arts Fall Fair; Friday, September 6, 2019 12:00 p.m. - 9:00 p.m.; Saturday, September 7, 2019 10:00 a.m. - 5:00 p.m.; Sunday, September 8, 2019 10:00 a.m. - 4:00 p.m.; **Closure**: W 2nd St from Harrison to Main with access to US Bank and 2. Ralph Kelly; Hilltop Urban Garden Taste; Saturday, September 7, 2019 6:00 a.m. - 5:00 p.m.; **Closure**: Scott St between W 14th St and W 15th St, **2019-361**.*

Council adjourned at 6:19 p.m.

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2019-362

1. Handicapped Development Center Week - September 16-22, 2019

IX. Presentations

HELD

- A. Local Business "The Foundation of Our Community:" Tappa's Steak House

X. Petitions and Communications from Council Members and the Mayor

- A. Community Engagement Update - Alderwoman Meginnis

XI. Individual Approval of Items on the Discussion Agenda

On motion by Ald. Ambrose, second by Ald. Rawson (all aldermen present voting aye), this item was deleted from the agenda due to a miscommunication between the City and the Iowa Alcoholic Beverages Division.

1. Motion approving the following beer and liquor license application.

DELETED

- B. Annual license renewal:

Ward 3

Shenanigans (Here We Go Again, Inc) - 303 W 3rd St - License Type: Class C
Liquor - On Premise

XII. Approval of All Items on the Consent Agenda

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

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

ADOPTED 2019-363

ORDINANCE NO. 2019 - 363

Case ORD19-02: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code (hereto referred to as DMC), entitled "Zoning", by amending Section 17.02.010 of the DMC, entitled "Rules of Interpretation" by adding and defining the term "should" and by reordering the subsequent rules, by amending Section 17.02.030 of the DMC, entitled "Definition of General Terms" by adding and defining the terms "Adjacent" and "Façade" to the existing list of Definition and General Terms and by revising the definitions of the terms "Sign, Freestanding" by correcting a term inconsistency, "Stoop" by adding a maximum dimension and "Substantial Repair/Rehabilitation" by revising unclear language, by amending Section 17.04.010 of the DMC, entitled "Purpose Statements" by modifying Section 17.04.010.G by replacing single-family dwellings with semi-detached dwellings in the purpose statement, by amending Section 17.04.030 of the DMC, entitled "Dimensional Standards" by modifying Table 17.04-1 by deleting "SF" and related standards and adding a five foot interior side setback for "2F" and "SF-SD" within the "R-MF" District, by amending Section 17.04.050 of the DMC, entitled "R-3C and R-4C District Design Standards" by deleting language and a diagram related to garages, carports and alley access, by

amending Section 17.05.010 of the DMC, entitled "Purpose Statement" by revising the locational intent, by amending Section 17.05.040 of the DMC entitled "Design Standards" by modifying Table 17.05-2 by replacing the term "abut" with "face" and the term "abutting" with "facing", by clarifying unclear language, by deleting overly restrictive transparency requirements for outlot buildings and by revising reduced setback language for commercial centers so that it is permissive and not mandatory (the diagram for Multi-Tenant Commercial Center Site Design Standards is also modified), by amending Section 17.05.050 of the DMC, entitled "C-D District Standards" by modifying Section 17.05.050.C by correcting a scrivener's error, by amending Section 17.05.060 of the DMC, entitled "C-V District Standards" by modifying Section 17.05.060.C by correcting a scrivener's error, by amending Section 17.05.070 of the DMC, entitled "C-E District Standards" by modifying Section 17.05.070.C by correcting a scrivener's error, by amending Section 17.06.030 of the DMC, entitled "Dimensional Standards" by modifying Table 17.06-1 by reducing the minimum interior side setback from five feet to none in certain circumstances, by amending Section 17.07.020 of the DMC, entitled "S-OS Open Space District" by modifying Section 17.07.020.A by adding additional uses to the purpose statement, by amending Section 17.08.020 of the DMC, entitled "Use Matrix" by modifying Table 17.08.020 by adding "Amusement Facility – Indoor", "Animal Care Facility – Small Animal" and "Parking Lot (Principal Use)" to the list of permitted uses in the I-1 District, by adding "Dwelling – Multi-Family" and "Dwelling – Townhouse" to the list of permitted uses in the I-MU District, by adding "Government Office/Facility", "Public Safety Facility" and "Restaurant" to the list of permitted uses in the S-OS District, by adding the use "Equine, Keeping of/Equestrian Facility" to the list of permitted uses in the R-1 and S-AG Districts, by revising the "Use Standard" section for "Dwelling – Townhouse" and by reordering the "Use Standard" subsections subsequent to Section 17.08.030.P, by amending Section 17.08.030 of the DMC, entitled "Principal Use Standards" by modifying Section 17.08.030.D, entitled "Billboard" by deleting reference to the same side of the street, by modifying Section 17.08.030.N, entitled "Dwelling – Multi-Family or Townhouse" by deleting reference and standards related to a townhouse and by deleting "Aluminum, steel or other metal siding" and "Vinyl" from the listed of prohibited building materials, by modifying Section 17.08.030.O, entitled "Dwelling - Single-Family, Single-Family Semi-Detached, and Two-Family" by adding reference to and standards related to a townhouse, by creating a point system for front façade design, by revising certain language and a diagram to support this point system, by deleting the "Transition Rule for Section 17.08.030.O.3" provision, by adding Section 17.08.030.P, entitled "Equine, Keeping of/Equestrian Facility" and related principal use standards, by reordering subsections subsequent to Section 17.08.030.P and by deleting language in Section 17.08.030.DD (being revised to Section 17.08.030.EE) regarding distributed antenna systems in the right-of-way, by amending Section 17.08.050 of the DMC, entitled "Use Definitions" by revising the definition of the uses "Lodge/Meeting Hall" and "Place of Worship" by including language regarding the service and/or sale of food and drinks as an ancillary use, by revising the definition of the use "Public Safety Facility" by deleting reference to canine and equine units and by revising the definition of the use "Restaurant" to include language regarding alcoholic beverages, by amending Section 17.09.030 of the DMC, entitled "Accessory Structures and Uses" by modifying Section 17.09.030.A, entitled "General Regulations for Accessory Structures" by adding a material standard and a prohibition on the use of shipping containers, by modifying Section 17.09.030.H.1, entitled "General Requirements for All Fences" by deleting reference to walls and by revising and deleting certain language regarding the finished side of all fences, by modifying Section 17.09.030.K, entitled "Garage, Detached and Carports", by adding language and a diagram requiring access from the alley or rear service drive, by creating design standards for detached garages, by deleting the "Sunset for Section 17.09.030.K.4.d" provision, by deleting language regarding temporary tent structures, by modifying Section 17.09.030.L, entitled "Home Occupation" by adding language to prohibit any business that provides physical good, products, or merchandise directly to the consumer, by deleting Section 17.09.030.M, entitled "Keeping of Equines", by reordering subsections subsequent to Section 17.09.030.M and by modifying Table 17.09-1 by deleting the phrase "Prohibited in the front yard" from the encroachment term "Deck", by amending Section 17.10.030 of the DMC, entitled "Off-Street Parking Design Standards" by revising certain off-street parking space minimum dimensions and aisle width in Figure 17.10-1, by amending Section 17.10.040 of the DMC, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces" by modifying Section 17.10.040.C by correcting a term inconsistency and Section 17.10.040.E by deleting a definition contained elsewhere in Title 17, by amending Section 17.10.070 of the DMC, entitled "Required Off-Street Loading Spaces" by modifying Section 17.10.070.B by correcting a term inconsistency, by amending Section 17.11.050 of the DMC, entitled "Parking Lot

Perimeter Landscape Yard” by requiring a perimeter landscape yard when a parking lot is adjacent to streets, alleys and public spaces and by revising the width of the perimeter parking lot landscape area in certain circumstances, by amending Section 17.11.070 of the DMC, entitled “Site Landscape” by replacing the term “abuts” with the phrase “is adjacent to”, by amending Section 17.11.080 of the DMC, entitled “Buffer Yards” by modifying Section 17.11.080.C.6 by including vinyl as a permitted fence material, by amending Section 17.14.020 of the DMC, entitled “Notice” by deleting “required” in certain subsections, by revising certain mandatory language to permissive language in certain subsections, by increasing the notice time from four days to seven days in certain circumstances and by adding a reference to notice policy for zoning applications, by amending Section 17.14.040 of the DMC, entitled “Zoning Text and Map Amendment” by modifying Section 17.14.040.D by revising mandatory language to permissive language, by amending Section 17.14.090 of the DMC, entitled “Site Plan Review” by adding Section 17.14.090.F, entitled “Minor Adjustments to Certain Design Standards” and subsection standards, by reordering subsections subsequent to Section 17.14.090.F and by correcting a scrivener’s error in Section 17.14.090.G (revised to Section 17.14.090.H) and by amending Section 17.14.100, entitled “Design Review” by modifying Section 17.14.100.D.2 by adding “and/or National Register of Historic Places”.
[Ward All]

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

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

Section 17.02.010 Rules of Interpretation

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

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

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

Section 17.02.030 Definition of General Terms

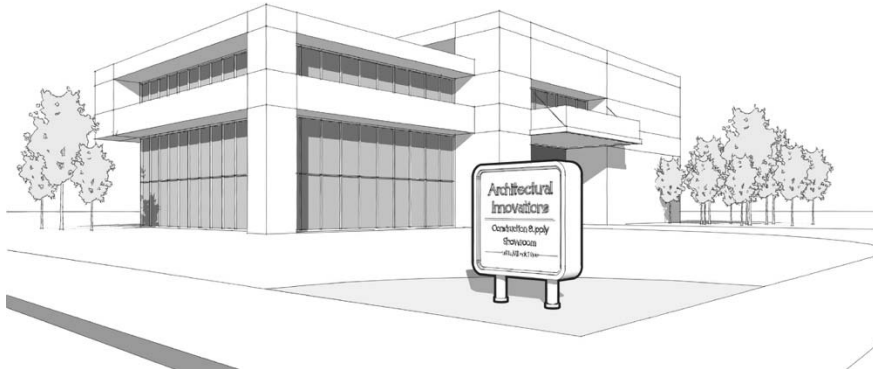
Adjacent. Close to or near something.

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

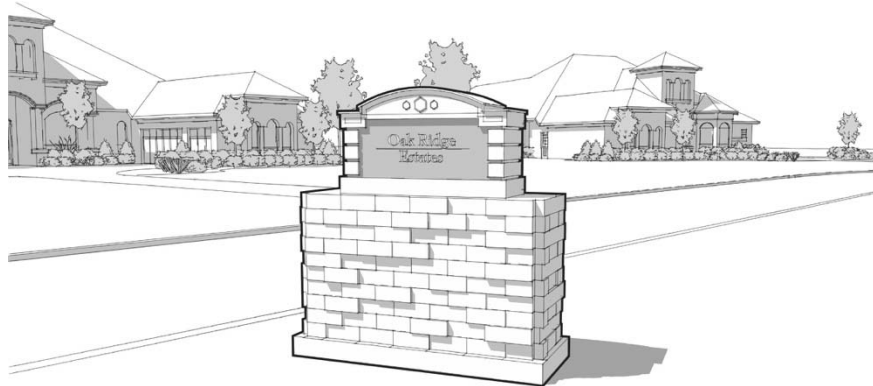
Sign, Freestanding. A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. There are three types of freestanding signs regulated by this Ordinance:

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

FREESTANDING SIGN



FREESTANDING SIGN



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

Substantial Repair/Rehabilitation. Substantial repair/rehabilitation occurs with any exterior change, the cost of which exceeds 50% of the assessed or appraised building value. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial repair/rehabilitation unless the cost of exceeds 50% of the assessed or appraised building value.

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

G. R-MF Multi-Family Residential Zoning District

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

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

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

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

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

A. Building Massing and Orientation

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

B. Façade Design

1. All façades that face a street must have articulation in the form of windows, doors, or other significant architectural features that are projected or recessed to create shadow and visual interest.
2. The number and size of façade articulations must be scaled to the size of the façade to balance a home's compatibility within the neighborhood with its own unique character.

3. Additions to existing homes must continue the architectural vocabulary established by the original home, and must be informed by the overall character of the surrounding area.
4. Front porches are encouraged, to add interest and scale to the front of a home. Where provided, porches must maintain compatibility with adjacent homes.
5. The front entry to a home must be a prominent feature, and must be located on the front façade.

C. Fenestration

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

D. Roof Form

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

E. Building Materials

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

1. Primary Building Materials

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

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

2. Accent Materials

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

- a.** For new construction and additions to existing homes, if one primary building material is used (not including a foundation), a minimum of two but no more than three accent materials are permitted for the overall structure, including any addition.
- b.** For new construction and additions to existing homes, if two primary building materials are used (not including a foundation), a minimum of one but no more than two accent materials are permitted for the overall structure, including any addition.
- c.** Color, texture, or finish changes within any category of materials count as separate accent materials.
- d.** Permitted accent materials include:
 - i.** Brick and stone
 - ii.** Wood or simulated wood
 - iii.** Architectural metal cladding
 - iv.** Concrete masonry units
 - v.** Stucco
- e.** Accent materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

3. Roofing Materials

- a.** Roofing materials should complement the architectural style of a home.
- b.** A consistent application of one roofing material is required for all roof areas visible from the right of way or any neighboring property.
- c.** Color, texture, or finish changes within any category of materials listed below count as separate roofing materials.
- d.** Permitted roofing materials include the following:
 - i.** Dimensional asphalt shingles
 - ii.** Wood shingles and shakes
 - iii.** Slate
 - iv.** Terra Cotta
 - v.** Ceramic tile
 - vi.** Metal tiles or standing seam
- e.** Roofing materials not listed above will be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

4. Application of Building Materials

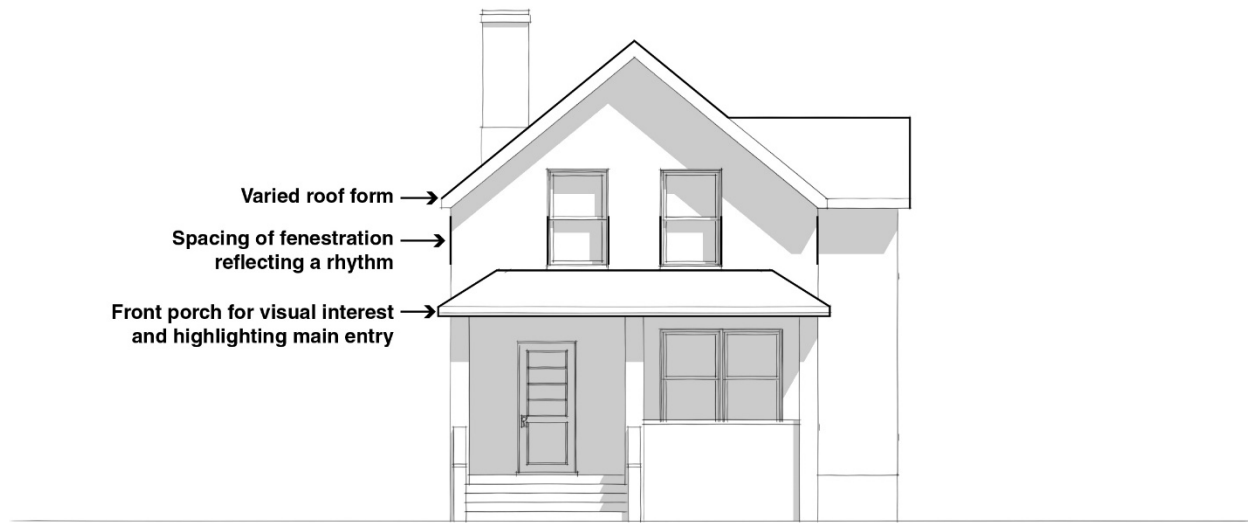
- a.** Building materials should be consistently applied on all exterior faces of new homes. Elevations of different materials or colors are not permitted, such as brick or stone front facades, with vinyl siding on side and rear elevations.
- b.** Visual balance should be maintained on each face of a structure. For both new construction and additions to existing homes, if multiple primary building materials are used on the overall structure, those

that appear heavier, or that carry more visual weight should be placed toward the bottom of a structure, with materials that appear lighter placed above.

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

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

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



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

C. C-2 Corridor Commercial Zoning District

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

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

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

A. Commercial Districts Design Standards

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

Table 17.05-2: Commercial Districts Design Standards					
	C-T	C-1	C-2	C-3	C-OP
Façade Design					
Building façades that face a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 40 linear feet, measured parallel to the street.	•	•	•	•	

Table 17.05-2: Commercial Districts Design Standards					
	C-T	C-1	C-2	C-3	C-OP
Building façades in excess of 100 linear feet that face a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, building material change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet.	•	•	•	•	
Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.					•
All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade.	•	•	•	•	
Building materials and visual elements used on the façade of the primary building frontage must continue on all building façades that face a public right-of-way (excluding alleys) and/or the lot line of a residential district.	•	•	•	•	
Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.	•	•	•	•	•
Fenestration Design					
The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade.		•	•		
The ground floor of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 35%, measured between two and ten feet in height.				•	
Upper floors of a façade facing a public right-of-way (excluding alleys) must maintain a minimum transparency of 15% of the wall area of the story.	•	•	•		
Roof Design					
Rooflines over 100 linear feet in building length must contain variation, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.	•	•	•	•	
Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.	•	•	•	•	
Any roof that is visible from a public right-of-way must be shingle or colored standing seam metal roofing.	•	•	•	•	
Green roof, blue roof, and white roof designs are encouraged.	•	•	•	•	•
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	•	•	•	•	•
Entrance Design					
Public entrances and primary building elevations must be oriented toward a public street. Main entrances to the buildings must be well defined.					•
Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.					•
Multi-Tenant Commercial Center and Office Park Site Design					
Sites must be designed to ensure safe pedestrian access to the commercial center from the public right-of-way, and safe pedestrian circulation within the development.		•	•	•	
A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.		•	•	•	
Commercial centers may provide definition along the street frontage by locating part of the center or outlot buildings within 0' to 25' of the front lot line. The center or any outlot buildings may be placed within a required setback to comply with this standard.				•	
In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project.					•
Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.					•

B. Building Material Restrictions

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

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

C-1 DISTRICT DESIGN STANDARDS



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

C-2 DISTRICT DESIGN STANDARDS



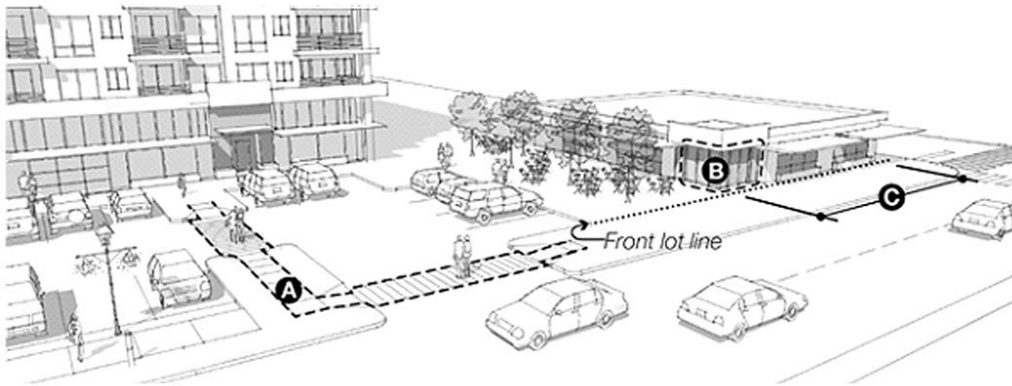
- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 50% measured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

C-3 DISTRICT DESIGN STANDARDS

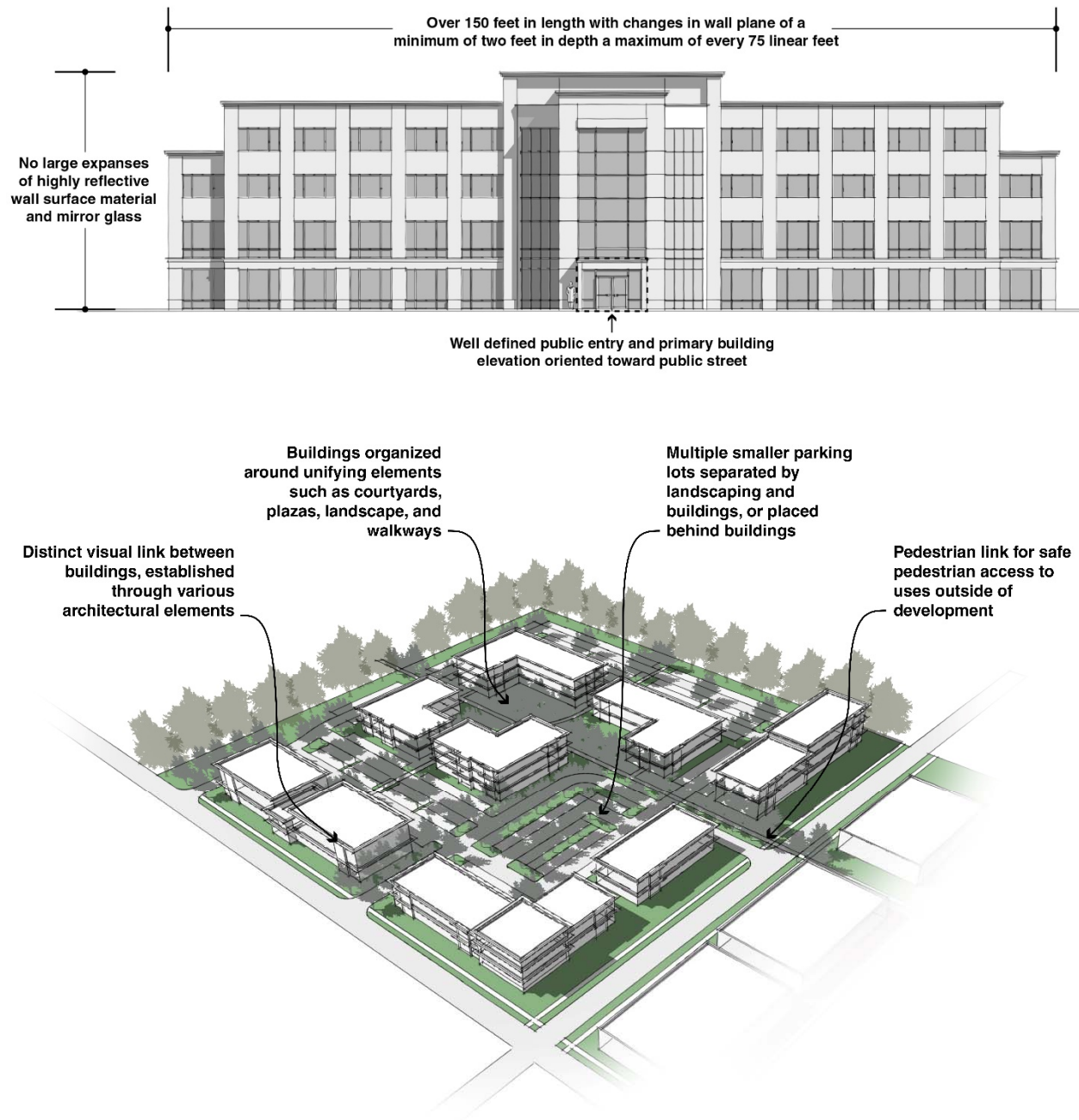


- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 35% measured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

MULTI-TENANT COMMERCIAL CENTER SITE DESIGN STANDARDS



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



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

C. C-D District Design Standards

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

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

C. C-V District Design Standards

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

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

C. C-E District Design Standards

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

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

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

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

A. Purpose

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

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

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

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

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

[illegible]

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

D. Billboard

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

N. Dwelling - Multi-Family

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

1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
2. Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
3. A 25% minimum transparency requirement applies to any façade facing a street and is calculated on the basis of the entire area of the façade.
4. The following building materials are prohibited on any façade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.
 - a. The following building materials are prohibited on any part of any façade:

- i. Plain concrete block
 - ii. Plastic
 - iii. Exterior insulating finish systems (EIFS)
- b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:
- i. Corrugated metal
 - ii. Exposed aggregate (rough finish) concrete wall panels
 - iii. T-111 composite plywood siding

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

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

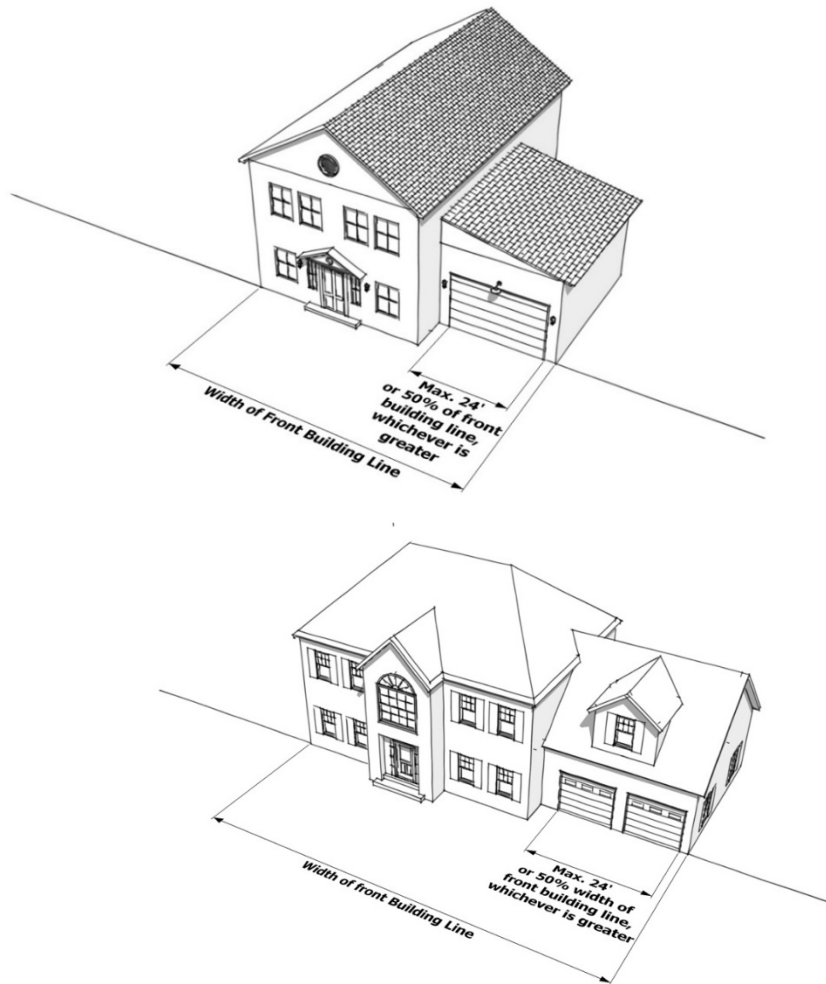
1. front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.
2. A 5% minimum transparency requirement applies to the front façade and is calculated on the basis of the area of the façade below the roofline.
3. A dwelling with a front facing attached three-car garage shall have one of the garages offset one foot from the other garages.
4. In order to encourage architectural detail and visual interest a point system shall be utilized for the front façade in which the front façade must score 20 points from the categories below. Primary building materials are the dominant component of the façade. Accent materials are secondary components of the façade, typically used to provide architectural detail or visual interest.
 - i. 8 points – covered porch with columns.
 - ii. 6 points – masonry, brick, or stone veneer as a primary building material or accent material. If accent material it must extend from the foundation or grade to the window sill as a minimum and maintain that elevation along the entire façade exclusive of doors, windows and small areas that make the use of the material impractical.
 - iii. 6 points – front facing roof dormer.
 - iv. 4 points for each front facing roof gable with 8/12 pitch or higher.
 - v. 4 points – decorative roof brackets or gable trusses as an accent material.
 - vi. 4 points – decorative siding including but not limited to patterned shingles, shake, and board and batten as a primary building material or accent material.
 - vii. 3 points – bay/box window(s).
 - viii. 3 points – all front facing carriage style garage door(s). Carriage style garage doors may include decorative, simulated woodwork, decorative handles and brackets and window inserts.
 - ix. 3 points – door or window surrounds as an accent material.
 - x. 3 points – freeze boards and/or horizontal bands as an accent material.
 - xi. 2 points – decorative roof at the base of a gable.
 - xii. 1.5 points – for each percentage of transparency below the roofline over 5%.

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

xiv. 1 point – window shutters.

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

ATTACHED GARAGE WIDTH



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

a. The minimum total site area required for a house court is 15,000 square feet or the cumulative area required for each dwelling type in the house court, whichever is greater.

b. The zoning district standards apply to each individual site within the house court.

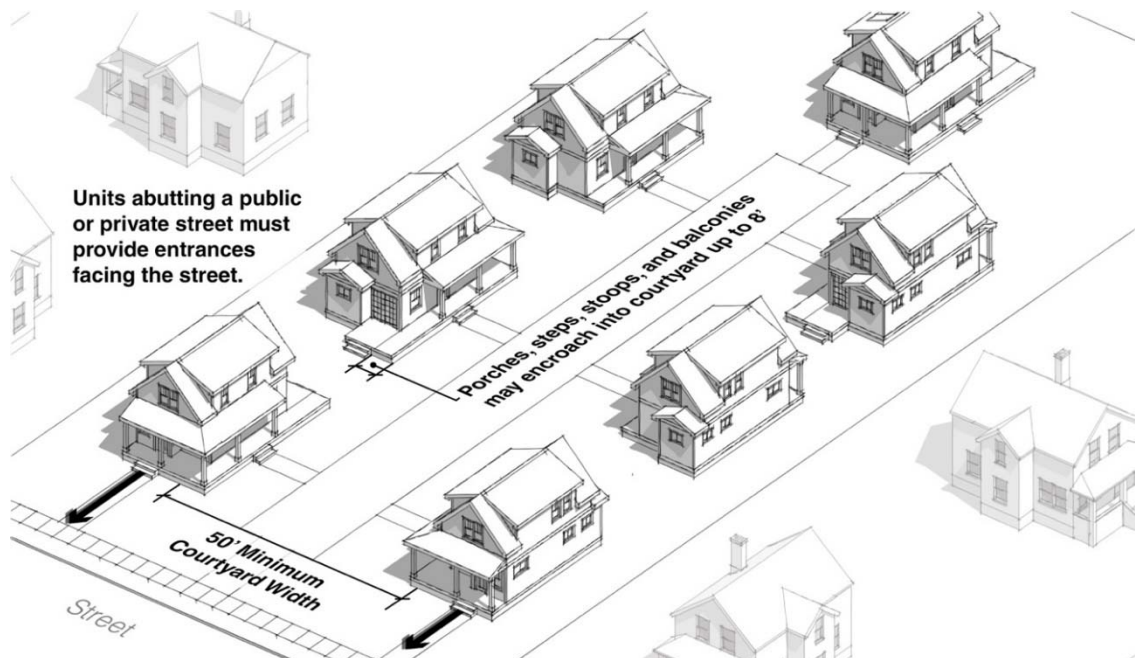
c. For any unit of a house court abutting a public or private street, the entrance of the units must face the street.

d. Courtyards must meet the following standards:

1. The minimum courtyard area is 3,000 square feet or 500 square feet per dwelling unit, whichever is greater.
2. A courtyard must have a minimum width of 50 feet.
3. All courtyard space must be contiguous and centrally located.
4. Porches, steps and stoops, and balconies may encroach up to eight feet into a courtyard.

e. Where a dwelling fronts on the courtyard, it is considered to meet the requirement for frontage on a public or private street.

SINGLE-FAMILY DWELLING: HOUSE COURT



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

P. Equine, Keeping of/Equestrian Facility

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

Q. Financial Services, Alternative (AFS)

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

R. Gas Station

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

S. Group Home

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

T. Lodge/Meeting Hall

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

U. Neighborhood Commercial Establishment

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

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

V. Outdoor Dining

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

W. Reception Facility

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

X. Residential Care Facility

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

Y. Retail Sales of Fireworks

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

Z. Self-Storage Facility: Indoor and Outdoor

- 1. Storage units cannot be used for residential occupancy or business.

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

AA. Solar Farm

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

BB. Storage Yard – Outdoor

1. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress.
 - a. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet from the lot

line. Within that setback, shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity, and one evergreen tree every 50 feet planted linearly. Plantings must be placed outside the face of the fence facing the right-of-way.

b. Fences or walls along the rear or interior side lot line require the planting of shrubs spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.

2. Storage of any kind is prohibited outside the fence or wall.
3. No items stored within 25 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.

CC. Vehicle Repair/Service – Major or Minor

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

DD. Wind Energy System

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
2. All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.
3. All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.
4. All electrical components of the wind energy system must conform to applicable local, state, and national codes, and applicable international standards.
5. An engineer's certificate must be completed by a structural engineer, licensed in the State of Iowa, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
6. Wind turbines must comply with the following design standards:
 - a. Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.
 - b. Wind turbines must not display advertising, except for reasonable identification of the turbine

manufacturer, or the facility owner and operator.

c. Within the wind energy system, wind turbines must be of a generally consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.

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

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

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

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

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

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

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

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

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

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

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

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

EE. Wireless Telecommunications

1. Application Requirements

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

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

2. Setbacks

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

3. Height

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

4. Lighting and Marking

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

5. Specific Standards for Wireless Telecommunications Antennas

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

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

6. Specific Standards for Wireless Telecommunications Facilities

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

7. Specific Standards for Wireless Telecommunications Towers

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

8. Specific Standards for Distributed Antenna Systems (DAS)

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

- a. All equipment related to a distributed antenna system must be mounted/co-located on existing poles or other existing structures unless it can be shown that an alternate location will be less obtrusive and/or more beneficial to the public. The design of any new pole requested requires special use approval.
- b. An applicant seeking installation of a distributed antenna system must demonstrate that it has made efforts to blend or camouflage the system with existing facilities and surroundings or has otherwise screened or concealed the system from view. Approved blending methods include, but are not limited to, location of equipment other than antennas within a tree canopy or other inconspicuous location, use of green, brown or

other colored equipment (if commercially available to the applicant) designed to mimic the colors and/or materials of the tree canopy, co-location structure or other nearby structures, as well as use of textures and shapes as appropriate, all with the intent of minimizing the visual impact of the system. Unnatural colors and exposed cables are prohibited.

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

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

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

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

9. Abandonment

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

10. Nonconformities

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

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

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

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

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

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

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

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

A. General Regulations for Accessory Structures

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

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
2. Accessory structures shall be constructed out of material intended for long-term exposure to the elements. Prohibited materials include but are not limited to cloth, fabric, canvas, plastic sheets and tarps. Greenhouses are not subject to this prohibition, Shipping containers are prohibited as an accessory structure.
2. Only those accessory structures permitted by this section and Section 17.090.040 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. The use of the term "yard" refers to the area between the principal building and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension.
3. The maximum height of any detached accessory structure is 20 feet, unless otherwise permitted or restricted by this Ordinance. This does not apply to any structure accessory to an active agricultural use, which are not limited in height.
4. Detached accessory structures, including those listed in this section and Section 17.090.040, must be setback as follows, unless otherwise permitted or restricted by this Ordinance:
 - a. Four feet from any interior side lot line. This interior side setback may be reduced to two feet if the adjacent walls, or parts of walls, of the accessory building have no openings and are protected on the inside with fire-proofing materials or are constructed of fire-proof materials, as verified by the Zoning Administrator.
 - b. No closer than four feet from any rear lot line.
 - c. No structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.
5. Accessory structures are included in the calculation of all maximum impervious surface and building coverage requirements of the district.
6. The footprint of any single detached accessory structure cannot exceed the footprint of the principal building. This does not apply to any structure accessory to an active agricultural use, which are not limited in area.

H. Fences

1. General Requirements for All Fences

- a. Every fence must be maintained in a good repair and safe condition at all times. Every damaged or missing element must be repaired, removed, or replaced.
- b. When only one side of a fence is finished, the finished side of all fences must face away from the lot on which it is located.
- c. Fence height is measured from the adjacent ground to the highest point, except that decorative posts/pillars of a fence may exceed the maximum height by nine inches.

- d. If a fence of a greater height is required and/or a fence is required to be a solid fence by any other section of this Ordinance or other City ordinance, then such fence is required.
- e. Fences are prohibited within any right-of-way, drainage easement, or any designated floodway.
- f. No barbed wire, spikes, nails, or any kind of pointed instrument may be installed on any railing, fence, guard, or other barrier or protection unless specifically allowed by the City Code.
- g. The following materials are prohibited in the construction of fences:
 - i. Scrap metal
 - ii. Corrugated metal
 - iii. Sheet metal
 - iv. Electrical fences or any kind of electrically charged fences, unless used as part of livestock enclosures
 - v. Razor wire
 - vi. Pallets
 - vii. Oriented strand board (OSB)
 - viii. Plywood
 - ix. Used or repurposed material

K. Garages, Detached and Carports

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

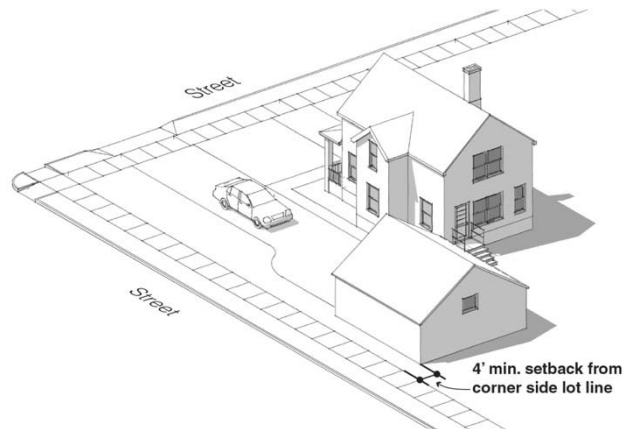
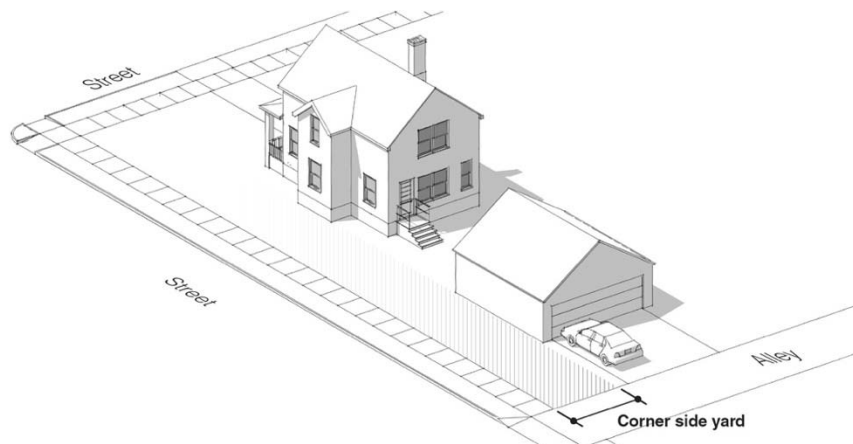
e. Detached garages shall not contain cooking facilities or plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.

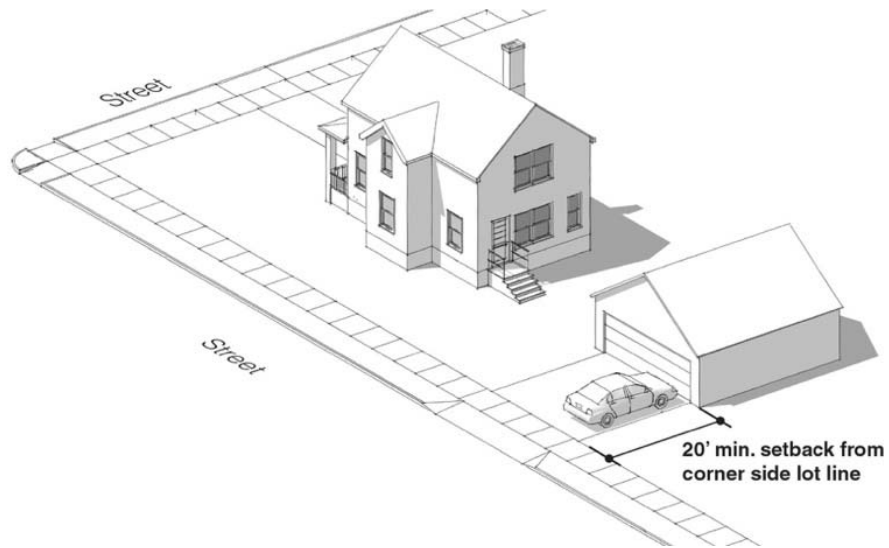
f. The design standards related to eaves, roof pitch and highly reflective surfaces do not apply to detached garages in the S-AG and R-1 Districts when properties are two acres in area or greater and the detached garage is located in the rear yard.

6. Carports are subject to the following:

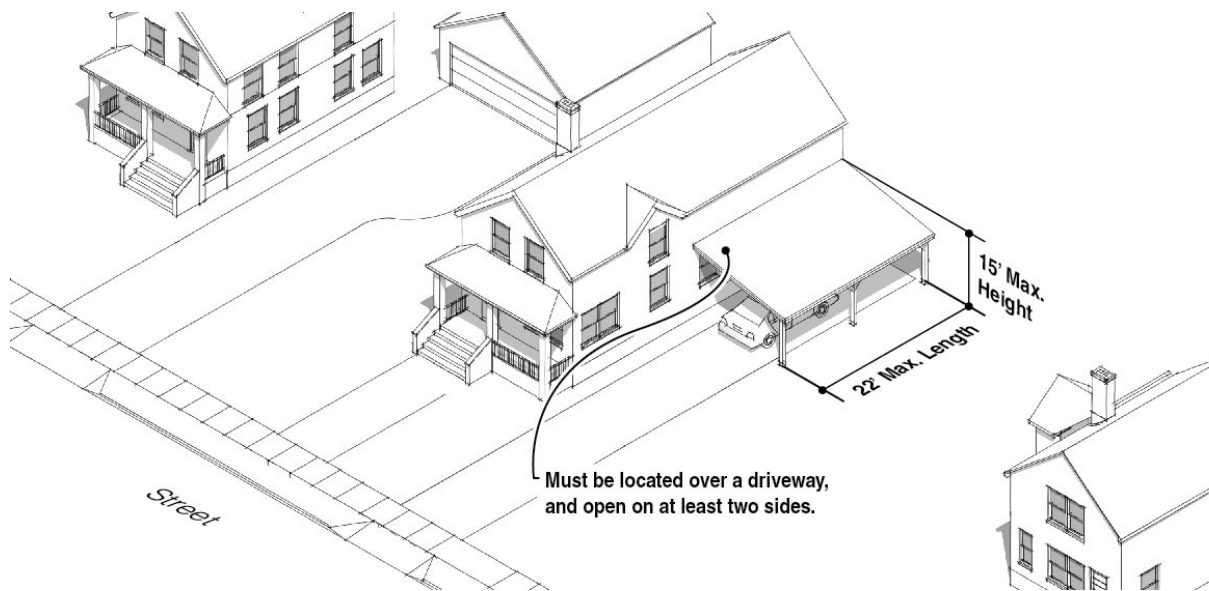
- a. Carports must be located over a driveway.
- b. The total length of a carport is limited to 22 feet. The height of a carport is limited to 15 feet.
- c. A carport must be entirely open on at least two sides, with the exception of necessary support structures.
- d. Only carports located in the rear yard may be used as recreational vehicles storage.

DETACHED GARAGE ACCESS





CARPORT



GARAGES AND CARPORTS

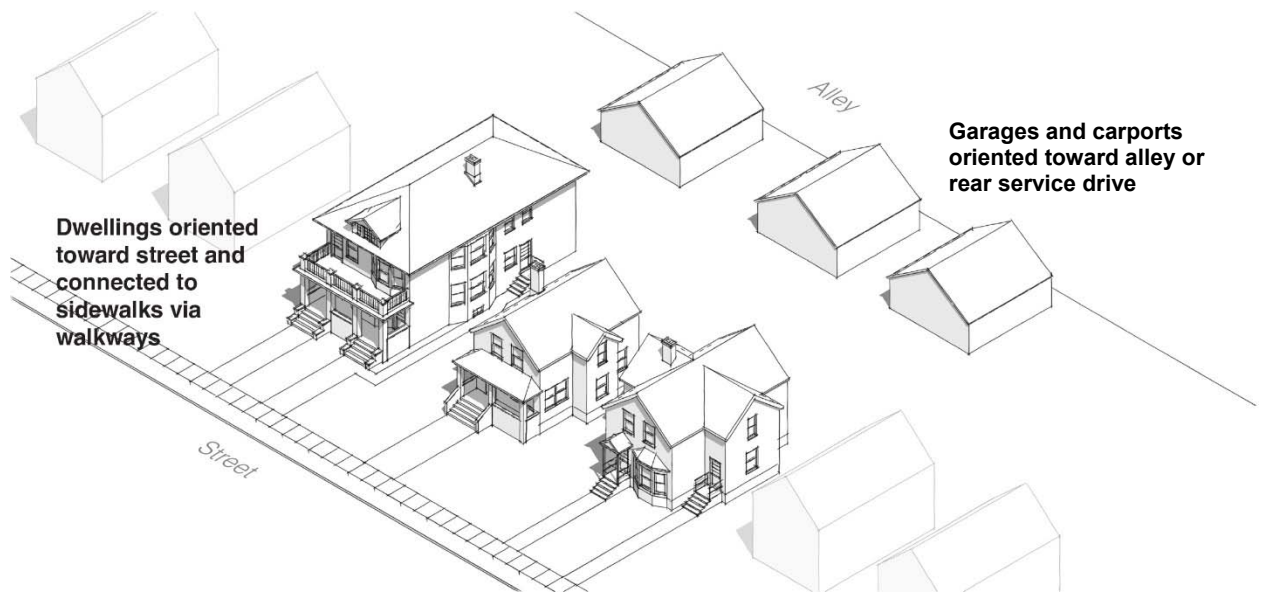


Table 17.09-1: Permitted Encroachments Into Required Setbacks

Y= Permitted // N= Prohibited

Max. = Maximum // Min. = Minimum

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

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
<i>(See Chapter 17.12)</i>				
Chimney Max. of 18" into setback	Y	Y	Y	Y
Deck Max. of 5' into corner side, or interior side setback Max. of 10' into rear setback Max. height of 5' above grade	N	Y	Y	Y
Dog House Prohibited in front or corner side yard No building permit required	N	N	N	Y
Eaves Max. of 4' into setback	Y	Y	Y	Y
Exterior Stairwell Max. of 6' into setback Prohibited in front yard	N	Y	Y	Y
Fire Escape Max. of 3' into setback Prohibited in front yard	N	Y	Y	Y
Fire Escape Max. of 3' into setback Prohibited in front yard	N	Y	Y	Y
Gazebo or Pergola Prohibited in front yard	N	N	Y	Y
Greenhouse Min. of 5' from any lot line Prohibited in front and corner side yard	N	N	Y	Y
Personal Recreation Game Court Prohibited in front and corner side yard Min. of 4' from any lot line	N	N	N	Y
Playground Equipment Prohibited in front and corner side yard Min. of 4' from any lot line (This does not apply to backstops & portable basketball nets, which are allowed in any yard)	N	N	N	Y
Porch - Unenclosed Max. of 5' into front, interior side, or corner side setback Max. of 10' into rear setback Enclosed porches are considered part of the principal structure	Y	Y	Y	Y
Shed Prohibited in front yard Min. of 4' from any lot line	N	N	Y	Y
Sidewalk No min. setback from lot lines	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features Max. of 3' into setback	Y	Y	Y	Y
Stoop Max. of 4' into setback	Y	Y	Y	Y

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

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

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

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

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

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

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

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

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

B. Required Number of Off-Street Loading Spaces

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

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

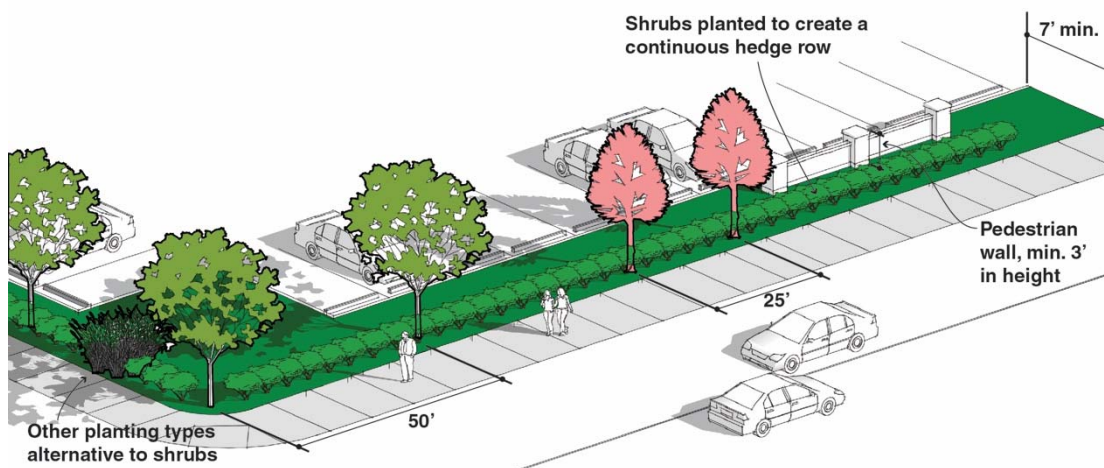
TABLE 17.10-4: OFF-STREET LOADING REQUIREMENTS	
Use Type	Number of Spaces Required
40,001 - 100,000sf GFA	2 loading spaces
100,001 and above GFA	3 loading spaces

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

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

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

PARKING LOT PERIMETER LANDSCAPE YARD



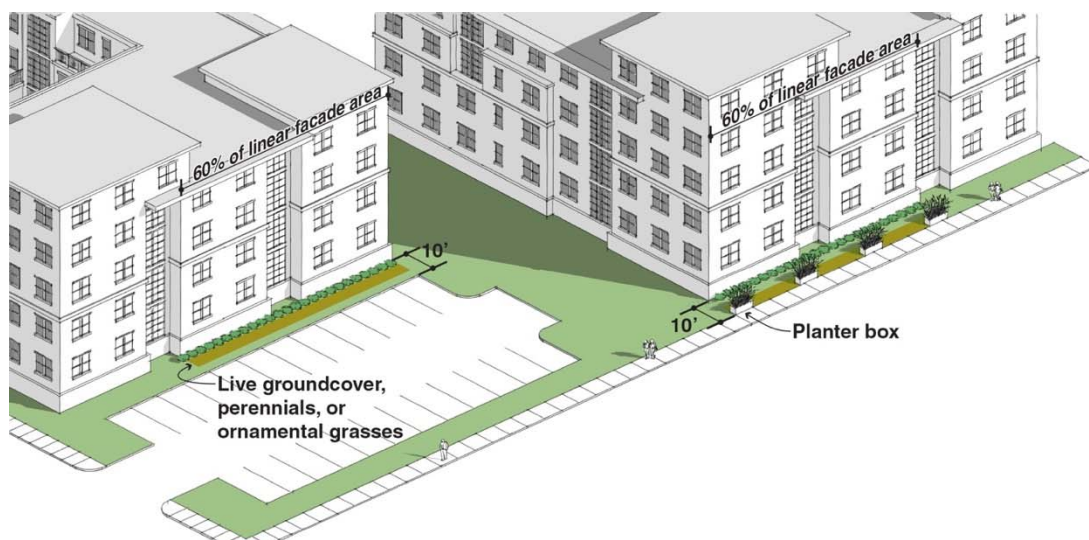
Section 21. Section 17.11.070 of the Davenport Municipal Code, entitled "Site Landscape" is hereby amended to read as follows:

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

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

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

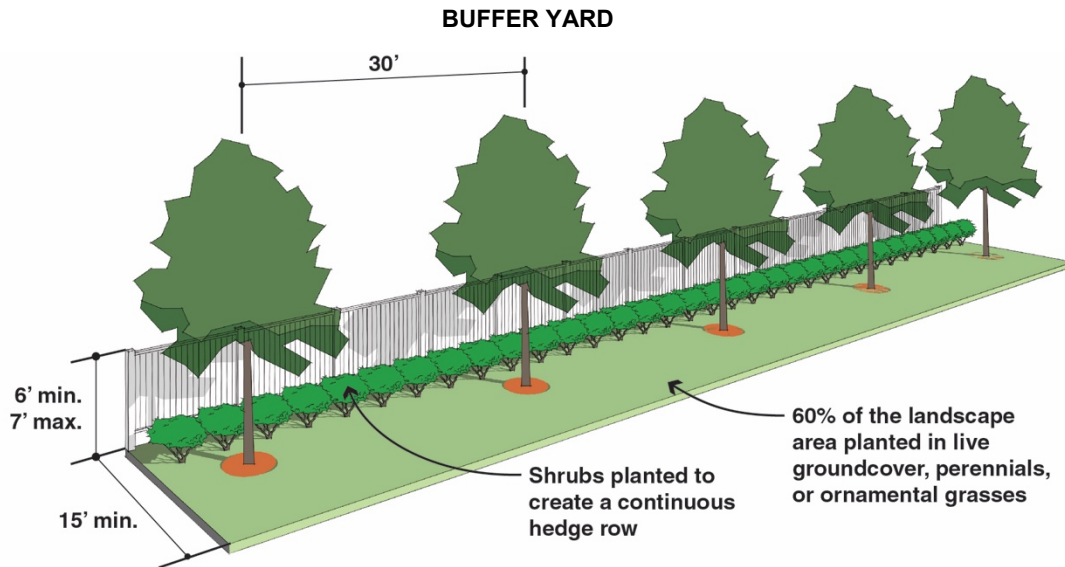
SITE LANDSCAPE



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

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

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



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

A. Notice

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

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

B. Published Notice

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

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

C. Mailed Courtesy Notice

1. General Notice Requirements

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

2. Mailed Notice

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

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

3. Mailed Required Notice

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

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

D. Posted Notice

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

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

E. Council Notice Policy

The city council, by resolution, has adopted a public notice policy for zoning applications in order to increase transparency beyond what is legally required and to foster public participation and input. It may be amended from time to time as modes of communication evolve and knowledge of the effectiveness of our communications grows. Future amendments of this policy resolution that add modes of communication, add to types of information contained in the notice, increase the geographic scope of the notice, or increase the lead time of the notice may be passed by a simple

majority vote; but future amendments that remove, lessen or otherwise diminish these attributes require eight affirmative votes of the city council membership to pass.

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

D. Procedure

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

1. Neighborhood Meeting

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

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

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

F. Minor Adjustments to Certain Design Standards

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

G. Modifications to Approved Site Plans

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

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

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

H. Expiration

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

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

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

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

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

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

Approved: 9/11/19, Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance for Case REZ19-09 being the request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Dr and Telegraph Rd, bounded roughly by Wisconsin Ave and S Vermont Ave to the east and west respectively, from R-1 and R-2 Single-Family Residential to S-AG Agricultural District.
[Ward 1]

ADOPTED 2019-364

ORDINANCE NO. 2019-364

ORDINANCE for Case REZ19-09 being the request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1].

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "S-AG - Agricultural District."

PART OF THE S.W. ¼ OF SECTION 32, IN TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID S.W. ¼; THENCE EAST ON QUARTER SECTION LINE 20 CHAINS TO THE N.E. CORNER OF

THE N.W. ¼ OF THE S.W. ¼ OF SAID SECTION 32; THENCE SOUTH 15 CHAINS; THENCE W. 20 CHAINS TO THE SECTION LINE BETWEEN SECTIONS 31 AND 32 IN SAID TOWNSHIP AND RANGE; AND THENCE NORTH ON THE SECTION LINE 15 CHAINS TO THE PLACE OF BEGINNING; CONTAINING 30 ACRES.

AND

PART OF THE NORTHWEST QUARTER OF SEC. 32 IN TOWNSHIP 78 N., RANGE 3 EAST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE S.W. CORNER OF THE N.W. ¼ OF SAID SECTION 32; THENCE RUNNING E. ALONG THE QUARTER SECTION LINE 1320 FEET; THENCE NORTH 2217 FEET TO THE TELEGRAPH ROAD; THENCE IN A WESTERLY DIRECTION AND IN A SOUTHWESTERLY DIRECTION ALONG THE SOUTH SIDE OF SAID ROAD TO THE DIVISION LINE BETWEEN SECTIONS 32 AND 31 IN SAID TOWNSHIP AND RANGE; AND THENCE SOUTH 1860 FEET ALONG SAID DIVISION LINE TO THE PLACE OF BEGINNING.

EXCEPTING A TRACT OF LAND IN THE N.W. CORNER OF SAID LAST DESCRIBED TRACT OF LAND DESCRIBED AS COMMENCING AT THE AFORESAID NORTHWEST CORNER OF SAID TRACT LAST ABOVE DESCRIBED; RUNNING THENCE SOUTH 34 FEET; THENCE EAST 99 FEET; THENCE NORTH 53 FEET TO SAID TELEGRAPH ROAD; AND THENCE WESTERLY ALONG THE SOUTH SIDE OF SAID TELEGRAPH ROAD TO THE PLACE OF BEGINNING; SAID TRACT BEING GRANTED TO SCHOOL DISTRICT NO. 12 IN DAVENPORT TOWNSHIP IN SCOTT COUNTY, IOWA.

AND

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., EXCEPT THAT PART PLATTED AS DEER WOODS SECOND ADDITION TO THE CITY OF DAVENPORT, IOWA.
EXCEPT:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST, IN THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA. COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 01°38'08" EAST 1231.89 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 88°34'11" WEST 85.11 FEET; THENCE NORTH 74°38'27" WEST 114.56 FEET; THENCE NORTH 73°54'14" WEST 85.06 FEET; THENCE NORTH 53°35'06" WEST 42.40 FEET TO THE NORTHWEST CORNER OF LOT 9 OF DEER WOODS SECOND ADDITION AND THE POINT OF BEGINNING; THENCE SOUTH 57°38'29" WEST 35.17 FEET; THENCE SOUTH 03°48'27" WEST 92.40 FEET; THENCE SOUTH 88°29'14" WEST 143.32 FEET; THENCE SOUTH 06°27'25" EAST 171.96 FEET; THENCE SOUTH 83°32'29" WEST 70.00 FEET; THENCE NORTH 06°27'25" WEST 282.28 FEET TO THE BEGINNING OF A 315.00 FOOT RADIUS TANGENT CURVE CONCAVE WESTERLY WHOSE 49.42 FOOT CHORD BEARS NORTH 10°57'22" WEST; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 49.47 FEET; THENCE NORTH 15°27'18" WEST 91.15 FEET; THENCE NORTH 66°34'18" EAST 70.68 FEET; THENCE SOUTH 15°27'18" EAST 47.45 FEET; THENCE NORTH 74°32'42" EAST 63.67 FEET; THENCE SOUTH 66°07'23" EAST 118.81 FEET; THENCE SOUTH 32°21'31" EAST 88.27 FEET TO THE POINT OF BEGINNING. CONTAINING 1.51 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

AND

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., EXCEPT THOSE PARTS PLATTED AS DEER WOODS FIRST AND SECOND ADDITIONS TO THE CITY OF DAVENPORT, IOWA. ALSO, EXCEPTING THOSE PARTS

DESIGNATED AS THE RIGHT OF WAY FOR RICKER HILL ROAD AND THE RIGHT OF WAY FOR THE STATE HIGHWAY.

Section 2. That the following findings are hereby associated with said rezoning:

Findings:

1. The subject property is primarily designated as Agricultural Reserve, but also has portions designated Open Space and Residential General.
2. The proposed S-AG zoning adequately protects the adjoining residential property from adverse impacts.
3. The proposed S-AG zoning would maintain the existing rural character of the land.

Section 3. At its July 16, 2019 meeting, the Plan and Zoning Commission voted to forward the case to the City Council with a recommendation to approve.

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

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

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

Approved 9/11/19 Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Third Consideration: Ordinance vacating the excess right-of-way formerly part of Forest Grove Ct. [Ward 6] **ADOPTED 2019-365**

ORDINANCE NO. 2019-365

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And,

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

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

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

Thence southwesterly 23.25 feet along said northwesterly line and the arc of a curve to the left having a radius of 15.00 feet, a chord bearing of South 42 degrees 39 minutes 50 seconds West, and a chord distance of 20.99 feet to the east right of way line of Somerset Road;

Thence North 01 degrees 44 minutes 07 seconds West along the east right of way line of Somerset Road a distance of 33.36 feet to the north right of way line of Forest Grove Drive;

Thence North 87 degrees 03 minutes 46 seconds East along said north right of way line, a distance of 155.31 feet to the east line of the northwest quarter of said Section 4;

Thence South 01 degrees 51 minutes 20 seconds East along said east line, a distance of 0.08 feet to the north right of way line of Forest Grove Drive;

Thence North 87 degrees 01 minutes 37 seconds East along said north right of way line, a distance of 12.52 feet;

Thence South 18 degrees 46 minutes 37 seconds West, a distance of 35.53 feet to the east line of the northwest quarter of said Section 4;

Thence South 01 degrees 41 minutes 00 seconds East along the east line of the southwest quarter of said Section 4, a distance of 39.93 feet to the Point of Beginning.

The above described parcel contains 11,594 square feet or 0.266 acres, more or less.

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

Section 2. That the following findings and conditions are hereby imposed upon said right of way vacation:

1. That a utility easement be provided in the vacated area for all existing utilities.

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

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

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

Approved: 9/11/19 Frank Klipsch, Mayor; Attest: Brian Krup, Deputy City Clerk

4. Second Consideration: Ordinance amending Schedule V of Chapter 10.96 entitled "Four-Way Stop Intersections" by deleting Eastern Ave at Elm St. [Ward 5]

MOVED TO THIRD CONSIDERATION

5. First Consideration: Ordinance for Case PUD19-01: Request by Juan Goitia for a Major Modification to an existing Planned Unit Development (PUD) for the property located at 1002 Bridge Ave. [Ward 5]

MOVED TO SECOND CONSIDERATION

6. First Consideration: Ordinance amending Schedule XI of Chapter 10.96 entitled "Resident Parking Only" by adding Rusholme St along the north side from Ripley St west to the alley. [Ward 4]

MOVED TO SECOND CONSIDERATION

7. First Consideration: Ordinance amending Schedule XIV of Chapter 10.96 entitled "Intersection Traffic Signals" by adding Hickory Grove Rd at the northernmost Cobham driveway. [Ward 2]

MOVED TO SECOND CONSIDERATION

8. First Consideration: Ordinance amending Schedule X of Chapter 10.96 entitled "Two Hour Parking" by deleting Harrison St along the east side from 4th St to 5th St. [Ward 3]

MOVED TO SECOND CONSIDERATION

9. Resolution for Case P19-02 being the request of Riverside Real Estate Holding LLC for a preliminary plat for a 4-lot subdivision on .75 acres more or less of property located at the southeast corner of W 53rd St and Marquette St. [Ward 7]

ADOPTED 2019-366

10. Resolution for Case F19-11 being the request of Riverside Real Estate Holding LLC for a final plat for a 4-lot subdivision on .75 acres more or less of property located at the southeast corner of W 53rd St and Marquette St. [Ward 7]

ADOPTED 2019-367

11. Resolution for Case F19-14 being the request of Montgomery LC for a final plat for a 2-lot subdivision on 3.4 acres, more or less, of property located on the north side of E 53rd Street approximately 155 feet east of Belle Ave. [Ward 8]

ADOPTED 2019-368

12. Resolution setting a Public Hearing on the proposed conveyance of property located on the north side of E 2nd St in the 200 block, otherwise referenced as the greenspace adjacent to the RiverCenter South (Merge LLC, petitioner). [Ward 3]

ADOPTED 2019-369

13. Resolution closing various street(s), lane(s), or public grounds on the listed date(s) to hold outdoor events.

ADOPTED 2019-370

Davenport Schools; North High School Homecoming Parade; Thursday, September 19, 2019 6:00 p.m. - 7:30 p.m.; Closures: (Police controlled intersections) Starting at Wood Intermediate, easternmost northbound lane on Division St to Northwest Blvd, Northwest Blvd south to W 56th St, W 56th St to Oakbrook Rd, Oakbrook Rd to W 57th St, W 57th St to Marquette St, Marquette St to W 60th St, W 60th St to Myrtle St, Myrtle St to W 59th St, W 59th St to Vine St, Vine St to W 58th St, W 58th St to Gaines St, Gaines St to finish at North High School. [Wards 7 & 8]

Mary's on 2nd; Quad Cities Fall Pride; 832 W 2nd St; Friday, September 20, 2019 7:00 a.m. - Sunday, September 22, 2019 3:00 p.m.; Closure: W 2nd St east of the Post Office lot to west of 802 W 2nd St, Warren St from the alley south of 3rd St to the alley north of River Dr. [Ward 3]

City of Davenport; Halloween Parade; Saturday, October 26, 2019 10:00 a.m. - conclusion of parade; Closures: Staging: 10:00 a.m. - conclusion of parade, 3rd St from Brady to LeClaire, Pershing from 2nd to 4th, and Iowa from 2nd to 4th; Parade Route: 12:00 p.m. - conclusion of parade, 3rd St from Western to Brady, Western from 2nd to 5th, Scott & Ripley from 2nd to 4th, Main St from alley north of The Current to 4th St; 2:00 p.m. - conclusion of parade, Harrison from 2nd to 6th, Brady from 2nd to 4th. [Ward 3]

14. Resolution approving the plans, specifications, forms of contract, and estimate of cost for the River Dr Median Removal Project, CIP #35044. [Ward 3]

ADOPTED 2019-371

15. Resolution approving the replacement of the tank membrane within Digester #3 at the Water Pollution Control Plant (WPCP). The work is to be performed by General Constructors, Inc of Bettendorf, IA in the amount of \$320,000, CIP #39008. [Ward 1]

ADOPTED 2019-372

16. Resolution approving the contract for the Kimberly Road Patching Project to Langman Construction, Inc of Rock Island, IL in the amount of \$794,295.50, CIP #35042. [Ward 6]

ADOPTED 2019-373

17. Resolution approving the FY19 Street Finance Report from July 1, 2018 to June 30, 2019 to be submitted to the Iowa Department of Transportation. [All Wards]

ADOPTED 2019-374

18. Resolution of acceptance for the construction of E Locust St Pavement Improvements (Kenwood Ave to Broadlawn Ave), CIP #35032, completed by Langman Construction, Inc of Rock Island, IL. [Ward 6]

ADOPTED 2019-375

19. Resolution approving change order #1 to the N Lincoln Ave Reconstruction Project (W Locust St to Central Park Ave) with McCarthy Improvement Company in the amount of \$114,670, CIP #35035. [Ward 4] **ADOPTED 2019-376**

20. Resolution approving the plans, specifications, forms of contract, and estimate of cost for Phase II of the Downtown Decorative Streetlight LED Retrofit Project, CIP #60020. [Ward 3] **ADOPTED 2019-377**

21. Resolution approving the contract for West 28 1/2 St and Gaines St Resurfacing project to McCarthy Improvement Company of Davenport, IA in the amount of \$148,702.50, CIP #35036. [Ward 7] **ADOPTED 2019-378**

22. Resolution approving the contract for the Police Department parking garage deck/joint repairs to Western Specialty Contractors of West Des Moines, IA in the amount of \$249,709, CIP #23027. [Ward 3] **ADOPTED 2019-379**

23. Resolution approving the contract for the 2300 block of N Fairmount St Reconstruction project to Langman Construction Inc of Rock Island, IL in the amount of \$344,960.46. CIP #35035. [Ward 2] **ADOPTED 2019-380**

24. Resolution approving the contract for the Jersey Ridge Road Patching project to Hawkeye Paving Corporation in the amount of \$509,055, CIP #35035. [Ward 6] **ADOPTED 2019-381**

25. Resolution approving the purchase of a battery-electric ice resurfacer for The River's Edge from CTM Services, Inc of Lonsdale, MN in the amount of \$167,650, CIP #24016. [Ward 3] **ADOPTED 2019-382**

26. Motion approving a special occurrence permit for River Music Experience, 129 N Main St, to allow food trucks to operate outside the business along Main St during the Experience Deaf QC event from 9:00 a.m. - 10:00 p.m. on Saturday, November 2, 2019. [Ward 3] **PASSED 2019-383**

27. Motion approving noise variance request(s) for various events on the listed dates and times. **PASSED 2019-384**

Dwayne Hodges; Westend Park Party; Herington Park 935 Brown St; Saturday, September 14, 2019 1:00 p.m. - 7:00 p.m.; Outdoor music, over 50 dBa. [Ward 3]

Mary's on 2nd; Quad Cities Fall Pride; 832 W 2nd St; Friday, September 20, 2019 4:00 p.m. - 12:00 a.m. and Saturday, September 21, 2019 12:00 p.m. - 12:00 a.m.; Outdoor music/performances, over 50 dBa. [Ward 3]

City of Davenport; Halloween Parade; Downtown; Saturday, October 26, 2019
12:00 p.m. - conclusion of parade; Outdoor music/performances, over 50 dBa.
[Ward 3]

28. Motion approving beer and liquor license applications.

PASSED 2019-385

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

Ward 3

Jaycees of the Quad Cities Brew Ha Ha (Davenport Jaycees) - 400 W
Beiderbecke Dr - Outdoor Area September 20 - 21, 2019 - License Type: B Beer

Mary's on 2nd (Birdland, Inc) - 832 W 2nd St - Outdoor Area September 20 - 21,
2019 "Fall Pride Fest" - License Type: C Liquor

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

Ward 2

Probstei Inn Bar & Grill (Mayberry Homestead Inc) - 6315 W Kimberly Rd -
License Type: Class C Liquor - On Premise

Ward 3

Fresh Deli By Nostalgia Farms (Nostalgia Farms Market Inc) - 421 W River Dr
Suite 2- Outdoor Area License Type: Class C Liquor- On Premise/T

Van's Pizza Pub And Grill (TJM QC LLC) - 217 Brady Street - License Type: Class
C Liquor - On Premise

Ward 4

QC Mart (Bethany Enterprises, Inc) - 1556 W Locust St - License Type: Class C
Beer - Carry Out

The Putnam (Putnam Museum And Science Center) - 1717 West 12th St -
Outdoor Area License Type: Class C Liquor - On Premise

Ward 5

QC Marts (Bethany Enterprises, Inc.) - 1313 E River Dr - License Type: Class C
Beer - Carry Out

Ward 6

The Mound (Mound QC, LLC) - 1029 Mound St - License Type: Class C Liquor - On Premise

Ward 7

Theisen's Of Davenport (Theisen's Inc) - 3808 Brady St - License Type: Class C Beer - Carry Out/WB

Ward 8

Harold's Jack & Jill (Slagle Foods, Inc) - 6723 NW Blvd Unit 1 – License Type: Class C Beer - Carry Out/WB

Harold's Jack N Jill (Slagle Foods, Inc) - 6723 NW Blvd Unit 2 - License Type: Class E Liquor - Carry Out

Leisure Lanes (Four Bros, LLC) - 2802 W 73rd St - Outdoor Area License Type: Class C Liquor - On Premise

29. Motion awarding the Underground Storage Tank Removal project at the Davenport Municipal Airport to Impact7G, Inc of Clive, IA in the amount of \$67,194.12, CIP #20011. [Ward 8] **PASSED 2019-386**

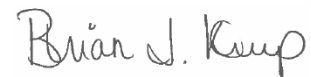
30. Motion waiving the remaining annual lease payment of \$53,245.24 by Main Street Iowa, LLC for the use of Modern Woodmen Park due to 2019 Mississippi River flooding and restricted access caused by Canadian Pacific's rail raising project. [Ward 3] **PASSED 2019-387**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:03 p.m.**



Brian J. Krup
Deputy City Clerk