

City of Moline

PLAN COMMISSION

Wednesday, November 14, 2018

4:00 p.m.

Council Chambers, 619 16th Street

AGENDA

1. Call to order
2. Approval of minutes
3. Other business

Zoning Code Discussion

4. Review upcoming meetings
5. Public comment
6. Adjourn

*Any person with disabilities who wishes to attend the meeting who requires a special accommodation or any other person requiring a special accommodation in attending the meeting should notify
The Department of Planning & Development, 524-2030.*



Planning & Development
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Divisions

Planning & Administration
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MEMORANDUM

TO: Plan Commission
FROM: Chris Mathias, AICP
SUBJECT: Zoning Code Discussion
DATE: November 7, 2018

The Zoning Committee and City Staff recently met to discuss the Zoning Code. The Committee directed Staff to research how the City of Moline Zoning Ordinance compares to the Bettendorf Zoning Ordinance and the new Davenport Zoning Ordinance (currently in the process of adoption) and also directed Staff to facilitate a discussion of these issues at the November 14th Plan Commission meeting. During this research, Staff also gave some thought to additional potential problem areas of the Code and researched how Davenport and Bettendorf handle those situations. Each issue is presented below in a separate paragraph. If the Plan Commission feels that a change is warranted, that change could come in the form of an amendment to the Code or a policy change to be implemented by Staff.

Building Height:

All three Codes use similar upper reference points on the roof to determine building height. For a flat roof, this is the tallest point of the roof. Moline and Bettendorf measure to the highest point of the coping or parapet wall while Davenport measures just to the flat roof itself. In all three Codes, a mansard roof is measured to the deck line and a gable roof is measured to the average height of the highest gable. The Moline ordinance has a different lower reference point that is more complicated to calculate and involves checking the elevation within a five-foot horizontal distance from the exterior wall. Davenport and Bettendorf simply use the grade at the exterior wall or the grade at the front lot line for a lower reference point. The Davenport ordinance includes many illustrations throughout the Code that help to explain requirements such as this. From a Staff standpoint, Building height has not been an issue. It's easily understood by residents and contractors and our height limitation has not prevented large garages from being constructed. *Please see attachment ex. "1" for the Davenport Code illustrations on this issue.*

Home Occupation Parking on Street:

The Davenport and Bettendorf Codes are similar to Moline in that Staff could not find a limitation to the amount of on-street parking for home occupation businesses. This could be because zoning does not typically regulate on-street parking. Sec 35-3411(3)(a)(8) states that the home business "shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located, including commercial and general delivery services."

Residential Accessory Buildings – Site & Coverage Limits:

All three Cities have similar limitations to the size of a residential accessory building. Moline allows the max coverage of all accessory buildings to be equal to the coverage of the principal structure or 30% of the rear yard setback, whichever is less. Davenport states that the size of an accessory structure can be no larger than the footprint of the principal building. The Bettendorf Code specifies that the maximum size of a detached garage shall not exceed the larger of 1,000 square feet, or 75 percent of the building coverage area of the main residential structure. In addition, detached garages, along with all other accessory buildings, must not exceed the maximum 40 percent coverage of the required rear yard limitation.

Landscaping Compliance:

Davenport and Bettendorf have similar requirements for property owners to maintain landscaping on approved landscaping plans. In Moline, landscaping requirements cannot be waived without an approved variance from the Plan Commission. The Plan Commission's decision can be appealed to the City Council. For development completed after May 2006, a landscaping plan is required as part of site plan review and as such Staff can require that property owner to maintain

their landscaping or replace dead plants as shown on the approved plan. Staff enforce this provision through the court system as with other zoning violations.

Sidewalk Requirement for Rebuild or Substantial Restoration:

Davenport, Bettendorf and Moline do not require installation of sidewalks when a building is substantially restored or remodeled. The sidewalk installation requirement only applies for new development, and/or subdivisions. In Moline, Sec 35-3112 requires maintenance and restoration projects of significant value to bring landscaping, parking or building materials into a corresponding percentage of compliance, or in some cases full compliance.

Fences:

All three Cities allow front yard fences in some form. For the City of Moline, fences in the front 25 feet (required front setback) are limited to a height of 42 inches. In residential areas, chain link (wire fences) fences in the front yard must be screened from view from adjoining properties, streets, and right-of-ways with landscaping. Davenport allows solid front yard fences to 48 inches and open front yard fences to 72 inches. Bettendorf limits all front yard fences to 48 inches and has similar requirements to the other two communities for fences located outside of the front yard, however Bettendorf does have additional requirements for fences located in the rear yard of a through-lot that is adjacent to a major thoroughfare. In these cases, the fence is limited to four feet in height within the ten feet adjacent to that rear property line and one evergreen tree shall be planted for every 25 linear feet of fence located within 15 feet of the right of way. *Please see attachment ex. "2" for the Davenport Code illustrations on this issue.*

Small Cell Phone Towers:

The State of Illinois recently passed legislation allowing Small Cell facilities in public right-of-way. The City of Moline passed a Small Cell Ordinance that was based on language and guidance from the Illinois Municipal League. With the new Ordinance, small wireless facilities are not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use. The Iowa communities are operating under different statewide requirements. Staff identifies that the City is restricted to what we can do to limit these facilities. That being said, Staff will work with the Law department to research the new small cell ordinance and existing wireless communication ordinance to determine if there are ways to make small cell facilities more restrictive anywhere in the City of Moline.

Tree Placement:

Sec 35-5203 requires Street Frontage Landscaping trees to be installed, one for each 50 feet of property line along a public street right-of-way. Staff have allowed these trees to be planted on private property or on the public right-of-way. Staff should certainly be consulting with Public Works in regards to potential utility conflicts, drainage concerns, future road construction, etc. While current Staff cannot speak to everything that former Staff members did, current staff will make sure that the City Arborist or appropriate Parks Dept. official is notified of new trees that will be installed on the public right-of-way.

Appeals:

It has been suggested to Staff that the City Council be notified of all appeals applications and that the appeal application fee cost be refunded to the applicant if the decision of the administrator is overturned. Current Staff were surprised to find out that the City Council is no longer receiving all Plan Commission and Zoning Hearing Agendas and attachments. Staff feels that the distribution of these agendas to the City Council or other individuals can certainly be arranged either by email or a full hard copy. On the topic of refunding the application fee, Law department staff would need to be consulted and the City Council would likely need to approve any change to the fee schedule. It is also important to note that staff time would still be spent handling the appeal request regardless of the outcome of the appeal and fees are typically based on cost-recovery.

Nonconforming Use:

While the City of Moline currently has a provision for residential non-conforming uses to be rebuilt if damaged by more than 50% of the fair market value, there is no provision for a non-residential non-conforming use to do the same. In fact, there is no variance or appeal for this type of non-conforming use either. Davenport has the following provision for all non-conforming uses: "In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased."



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Parking of Recreational Vehicles on Residential Lots:

Recreational vehicles over 6 feet in height, 8 feet in width or 20 feet in length are not allowed anywhere on a residential lot in Moline. Davenport and Bettendorf do allow these type of vehicles under certain conditions. In Bettendorf: One recreational vehicle may be parked in the rear or side yard not closer than two feet from the rear lot line or buildable area of the lot. Other recreational vehicles may be parked on the lot when stored in an enclosed, permanent structure. Davenport requires that: 1) no recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front or corner side yard, including on a residential driveway in such yards, for more than four days. 2. Recreational vehicles must be stored within the interior side yard behind the front building line or in the rear yard. If a recreational vehicle and any trailer that is more than six feet in height as measured to the highest point of the vehicle, it must be located at least ten feet from any lot line.

Exceptions for required setbacks when established setback of adjacent property is less:

Currently, Moline has no exception for the 25 foot required front yard setback other than a 25% variance when the lot is nonconforming due to insufficient size or width, or a 10% administrative variance that can only vary a 25 foot setback by 2.5 feet. Staff identifies that with an older housing stock, there are certain older neighborhoods in Moline that have established building lines of much less than 25 feet. Both Davenport and Bettendorf have mechanisms in their Code to reduce the required front yard setback if a lesser front yard setback is already established in the neighborhood. In Bettendorf, where 50 percent or more of the frontage between two intersections is developed with buildings that have a front yard different in depth than required, new buildings can be built at the average front yard established by existing buildings, or in some cases at a line drawn between the closest front corners of two existing buildings. In Davenport, Where front yard averaging is permitted, the average front setback of the adjacent lots on either side of a lot may be used to establish the required front setback. Averaging is based on the two adjacent lots on either side or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback is that of the adjacent lot. Alternatively to using an average, a new setback could be established that is defined by either adjacent properties or the setback utilized by a majority of properties on the block. *Please see attachment ex. "3" for the Davenport Code illustrations on this issue.*

Attachments:

- Ex "1" – Davenport Building Height
- Ex "2" – Davenport Fence Regulations
- Ex "3" – Davenport Front Yard Averaging

BUILDING HEIGHT



E. Caliper

Tree caliper is the diameter of a tree trunk, measured at four and one-half feet above the adjacent ground.

F. Grade

The average of the finished ground level at the midpoint of each wall of a building.

G. Gross Floor Area (GFA)

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

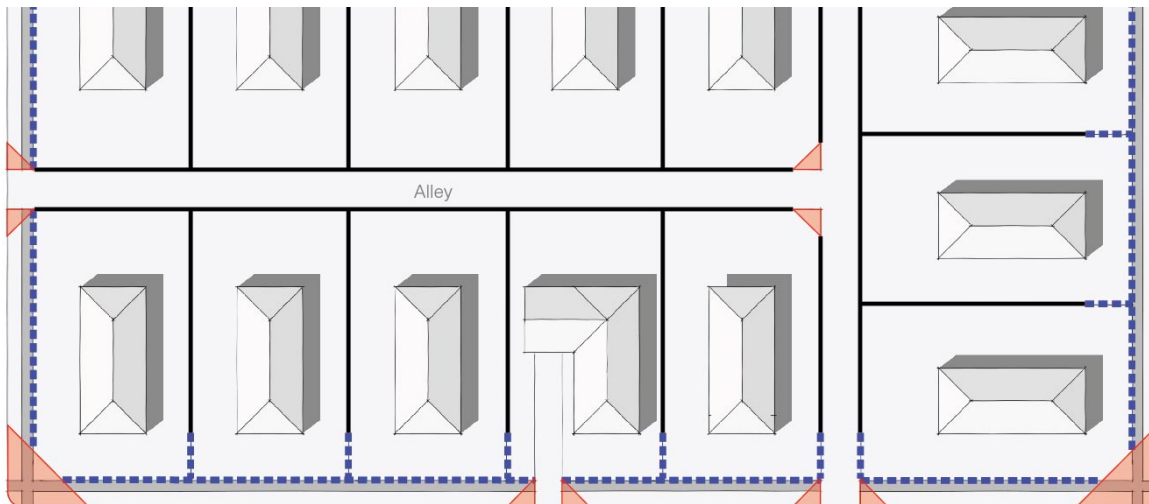
H. Impervious Surface Coverage

1. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.
2. When pervious paving is used, it is calculated at a reduced percentage of impervious coverage, as follows:
 - a. Pervious concrete and open grid paving systems are calculated as 50% impervious surface, provided that no barrier to infiltration is installed beneath the material. Open grid pavers must be installed on a sand base, without an impervious liner, to qualify.
 - b. Other types of pervious surfaces, such as permeable pavers, porous asphalt, or gravel-crete, are credited based upon field performance data and coefficients of permeability provided by the manufacturer.

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

- a. Within the required front, corner side, or reverse corner side setback, solid fences are limited in height to four feet and open fences are limited to a height of six feet.
- b. Within the required minimum interior side or rear setback, fences are limited to a height of six feet (open or solid).
- c. Where a lot line abuts an arterial or collector street and the lot does not take access from that street, fences within that setback may be up to six feet in height and may be open or solid.
- d. When constructed outside the required minimum setback, within the buildable area, all fences are limited to eight feet.
- e. Fences may be constructed at the boundaries of a lot without setback except in the following circumstances:
 - i. Fences are prohibited within a 30 foot visibility triangle at the intersection of two streets as measured along the back of curb or edge of roadway pavement, as applicable.
 - ii. Fences are prohibited within a ten foot visibility triangle at the intersection of a street and an alley or at the intersection of a street and a private driveway as measured along the back of curb or edge of roadway pavement, as applicable, or along the driveway edge.
 - iii. Fences are prohibited within a ten foot visibility triangle at the intersection of two alleys as measured along the edge of alley pavement.

FENCES IN RESIDENTIAL DISTRICTS AND THE C-T, C-1, C-D, AND C-V DISTRICTS



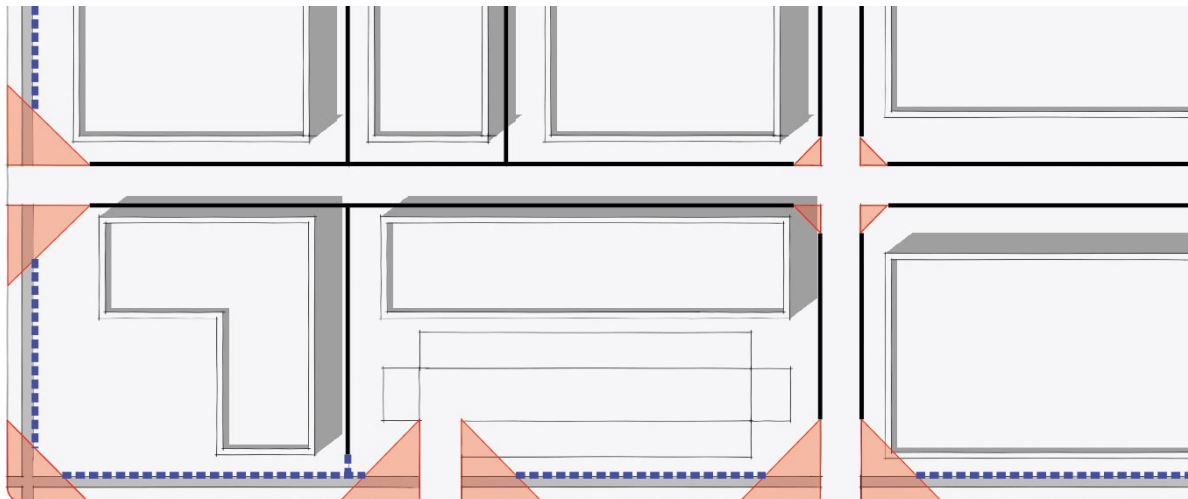
FENCES IN RESIDENTIAL, C-T, C-1, C-D, AND C-V DISTRICTS

- Solid Fence: 4' Max. Open Fence: 6' Max.
- Visibility Triangle - No Fences Permitted
- Interior side or rear: 6' max., Open or Solid

3. Fences in All Other Districts

- a. Within the required front or corner side setback, fences are limited in height to eight feet, unless the front or corner side lot line faces a residential district or is located within 50 feet of a residential district. When the front or corner side lot line faces a residential district or is located within 50 feet of a residential district, fences are limited to a height of four feet.
- b. Within the required minimum interior side or rear setback, fences are limited to a height of eight feet.
- c. When constructed outside the required minimum setback, within the buildable area, all fences are limited to eight feet.
- d. Fences may be constructed at the boundaries of a lot without setback except in the following circumstances:
 - i. Fences are prohibited within a 30 foot visibility triangle at the intersection of two streets as measured along the back of curb or edge of roadway pavement, as applicable.
 - ii. Fences are prohibited within a 30 foot visibility triangle at the intersection of a street and an alley or at the intersection of a street and a private driveway as measured along the back of curb or edge of roadway pavement, as applicable or along the driveway edge.
 - iii. Fences are prohibited within a ten foot visibility triangle at the intersection of two alleys as measured along the edge of alley pavement.

FENCES IN ALL OTHER DISTRICTS



FENCES IN ALL OTHER DISTRICTS

- Front or corner side: 8' max. height, unless facing or within 50' of a residential district, then 4' max.
- Interior side or rear: 8' max. height
- ▲ Visibility Triangle - No Fences Permitted

I. Flagpoles

1. Flagpoles are limited to the maximum of three poles.
2. Flagpoles are limited to a maximum height of the district or 40 feet, whichever is less.
3. Flagpoles must be setback a minimum of five feet from any lot line.
4. External illumination of flags is permitted but must be focused on the flagpole and flag.

- i. A build-to zone or build-to line is considered a required setback.
 - ii. In the case of a build-to line it is where the principal building must be located.
 - iii. In the case of a build-to zone, it is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.
- c. A setback may be equal to or lesser than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is located between a principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. A front setback is measured from the right-of-way line.
- d. Front setbacks on irregular lots are subject to the additional provisions:
 - i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line follows the curve of the lot line.
 - ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street.
- e. Where front yard averaging is permitted, the average front setback of the adjacent lots on either side of a lot may be used to establish the required front setback. Averaging is based on the two adjacent lots on either side or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback is that of the adjacent lot.

FRONT YARD AVERAGING

