

City of Moline

PLAN COMMISSION

Wednesday, December 12, 2018
4:00 p.m.
Council Chambers, 619 16th Street

AGENDA

1. Call to order
2. Approval of minutes from November 14, 2018
3. Other business

Zoning Code Discussion

4. Election of Officers for 2019
5. Review upcoming meetings
6. Public comment
7. 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.*

PLAN COMMISSION

MINUTES

Wednesday, November 14, 2018

Present: Butch Trevor (Chairman) Bill Fitzsimmons (Vice Chairman), Mike Crotty, Alan Hon, Dennis Kelly, Craig Mack, Jeff Nelson, Cindy Wermuth, John Wetzel

Absent: Pete McDermott, Matt Puck

Staff: Jeff Anderson, Chris Mathias

Others: None

1. Call to Order

Chairman Trevor called the meeting to order at 4:02 p.m.

2. Reading and approval of Minutes – September 26, 2018

A motion was made by Commissioner Wetzel and seconded by Commissioner Hon to approve the minutes of the September 26 meeting. The motion was approved by unanimous voice vote.

3. Other Business

Zoning Code Discussion

Chris Mathias introduced the topic of the Zoning Code discussion and referred the Commission to the Zoning Code Discussion memo attached to the agenda packet. Chris Mathias stated that the Zoning Committee had met recently to discuss the Zoning Code and to investigate how certain aspects of the Moline Zoning Code compared to the Bettendorf and Davenport Zoning Codes. Chris Mathias stated that the memo contained an individual paragraph for each item that was reviewed. The aforementioned memo is attached to these minutes for reference and additional detail as it served as the foundation of the following Zoning Code discussion.

Building Height: Chris Mathias stated that Bettendorf, Davenport, and Moline essentially measure building height in the same or similar manner; however, the language used in the Bettendorf and Davenport codes may be more straightforward. Commissioner Kelly noted that the Commission should look at how a building story is defined in relation to partially exposed lower level. Commissioner Nelson asked if buildings other than primary structures would be affected by a change in the building height definition. Chris Mathias stated that all buildings, e.g., primary, accessory, etc. would be

measured in the same manner. The Commission agreed that there was an opportunity to streamline the language used within the Code to describe how to measure the height of a building.

Home Occupation Parking on Street: Chris Mathias reviewed the citation from the Moline Zoning Code and acknowledged that the Bettendorf and Davenport Codes are similar in that staff could not find a limitation to the amount of on-street parking for home occupation businesses. The Commission members engaged in a discussion on the parking of vehicles associated with a home occupation.

Residential Accessory Buildings – Site & Coverage Limits: Chris Mathias initiated the discussion on this item by indicating that all three communities have similar limitations to the size of a residential accessory building. He reviewed the specific standards which can be found in the attached memo. Commissioner Kelly questioned how yard setbacks work with the different site and size standards. Mr. Mathias stated that some applicants seeking residential accessory building approval bump up against and are limited in terms of a structure's size or the number of structures by Moline's standards. A discussion ensued on whether lots of different sizes should or could be regulated different, e.g., a larger lot could potentially allow for a larger or additional accessory structure than what a smaller lot could accommodate. Mr. Fitzsimmons suggested that there could be expanded standards for larger lots, for example, lots over one acre could possibly have an expanded standard than lots under one acre. Chairman Trevor suggested that staff conduct additional research on the idea of varying standards based on lot area.

Fences: Chris Mathias reviewed front yard fence requirements found within the Moline, Bettendorf, and Davenport codes. Commission members then discussed various types of fence-related code violations that have been observed in Moline. A more specific discussion ensued on whether front yard fences should be permitted within the City. Chris Mathias then displayed graphics from the Davenport Zoning Code that displayed how the various fence regulations would be applied to various lot types (i.e., corner, interior, through, reverse corner, etc.) and different yards (i.e., front, rear, side) and he pointed how helpful such graphics can be for illustrating principles and regulations found within the Zoning Code text. The Commissioners seemed to agree that inclusion of such graphics within the Moline Code would be desirable.

Landscaping Compliance: Chris Mathias pointed out that Moline, Bettendorf, and Davenport have similar requirements for property owners to maintain landscaping that was installed per approved landscaping plans. Staff and the Commission members discussed issues associated with the maintenance of trees located within right-of-way that may or may not have been required per the Zoning Code. The Commissioners also discussed the importance of working with the Public Works Department personnel to ensure appropriate planting methods and materials when installing within the right-of-way or near utility and roadway infrastructure. Commissioner Nelson stated that he would like the Commission to consider the idea of a landscape "dowry" contribution whereby a certain amount of money could be paid to the City by the developer/applicant in lieu of installing landscaping in certain situations where achieving the landscaping requirements, and the goal or intent thereof, of the Code may be impractical or unachievable. The "dowry" could then be used to enhance City parks or other public areas. Commissioner Fitzsimmons acknowledged that meeting the landscaping requirements in certain situations can be problematic and given this, perhaps the Plan Commission should look into the

practicality and legality of such special exceptions per Commissioner Nelson's dowry concept. As such, the Commissioners asked staff to do some research on the practicality and legality of the foregoing concept.

Nonconforming Use: Chris Mathias explained that while the Moline Code has a provision to allow the rebuilding of a non-conforming residential structure damaged by more than 50% of the fair market value, there is no such provision for non-conforming non-residential uses. Mr. Mathias suggested that taking a look at the incorporation of an appeal or variance process for rebuilding or re-establishing non-conforming uses or structures that are damaged by more than 50%.

Parking of Recreational Vehicles (RV's) on Residential Lots: Chris Mathias reviewed the basic requirements from the Moline, Bettendorf, and Davenport Zoning Codes for parking recreational vehicles on residential lots. Mr. Mathias acknowledged that the Moline code is more restrictive than the others in terms of not permitting storage on a residential lot if the RV is over 6 feet in height, 8 feet in width, or 20 feet in length.

Exceptions for required setbacks when established setback of adjacent property is less: Chris Mathias explained that older neighborhoods platted before the current zoning front yard setbacks were established may have setbacks less than the setbacks contained within the current Zoning Code. Mr. Mathias stated that this can create an issue for infill development when the current code requires a front yard setback in excess of the adjoining properties, and, consequently, the result is an irregular setback. Commissioner Nelson stated that to encourage development in such situations, the City may need to relax or adjust the front yard setback for infill development in order to maintain the pre-existing building setback line. Commissioners Wermuth and Fitzsimmons agreed with Commissioner Nelson's suggestion.

Quality Building, Site Design, and Building Standards: Chris Mathias stated that issues have come up which may suggest that modifications could be needed to the building materials standards. Chris shared several examples that involved cement fiberboard siding and steel siding (e.g., the use of metal shipping containers as building structures). A general discussion ensued on the national trends involving various building materials. The Commission members seemed to agree that this topic merits further investigation and review.

Sidewalk Requirement for Rebuild or Substantial Restoration: Chris Mathias stated that Bettendorf, Davenport, and Moline do not require sidewalk installation when a building is substantially restored remodeled and that sidewalk installation is only triggered by new construction or subdivision improvements.

Tree Placement: Chris Mathias reviewed the section of Moline's Zoning Code that requires street frontage tree placement as part of the landscaping standards. Chris indicated that staff have allowed trees to be planted on both private property along the property frontage and in right-of-way adjacent to the property frontage. Mr. Mathias affirmed that staff will confer with the City Arborist or other appropriate Parks and Public Works staff when street frontage trees are being considered for location in

public right-of-way. Commissioners Wetzel and Kelly also mentioned that MidAmerican Energy should be consulted regarding tree placement.

Appeals: Chris Mathias stated that it has been suggested that the City Council be notified of all appeals applications and that the appeal application fee should be refunded to the applicant if the decision of the Zoning Administrator is overturned. Mr. Mathias further stated that staff was surprised to learn that the City Council is no longer receiving Plan Commission and Zoning Hearing Agendas and attachments. Mr. Mathias added that staff can see that the Council receives the agendas, but thought it would be wise to check with legal staff on refunding application fees. Commissioner Fitzsimmons mentioned that there had been a limited number of times where the Plan Commission recommended a refund of application fees when the application was determined to be initiated based on what the Plan Commission identified as an error in the official City Zoning Map. Mr. Mathias said that staff would follow-up with legal staff on the validity of the various options discussed.

Small Cell Phone Towers: Chris Mathias informed the Plan Commission that the State of Illinois recently passed legislation allowing Small Cell facilities in public right-of-way as a permitted use. Mr. Mathias also stated that the City had recently adopted an ordinance related to small cell towers based on a model ordinance from the Illinois Municipal League. Mr. Mathias suggested that staff should monitor the new legislation and the related implementation of small cell towers in order to determine if any amendments in the City's Code are warranted and allowable in regards to strengthening local control of small cell tower facilities.

Commissioner Kelly asked for scheduling and procedure details on moving the above zoning items forward. Mr. Mathias stated that it was staff's intent to return to the Plan Commission's December meeting with additional information on the items that have been identified for further review or action.

Mr. Mathias provided the Plan Commission with an update on the City Council's recent discussion and direction to modify sign requirements related to video gaming.

4. Review upcoming meetings

In addition to acknowledging the follow-up on Zoning Code items at the December meeting, the Commission discussed the need to schedule the annual election of officers.

5. Public Comment

There was no public comment

6. Adjourn

Being no further business, the meeting was adjourned.

Respectfully submitted,
Jeff Anderson, AICP, City Planner & Recording Secretary



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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.

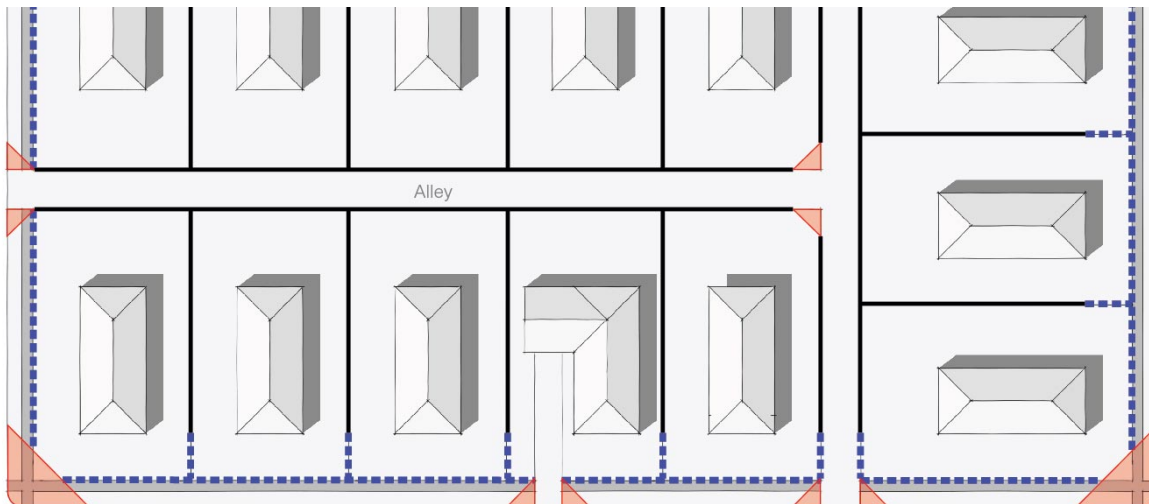
H. Impervious Surface Coverage

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



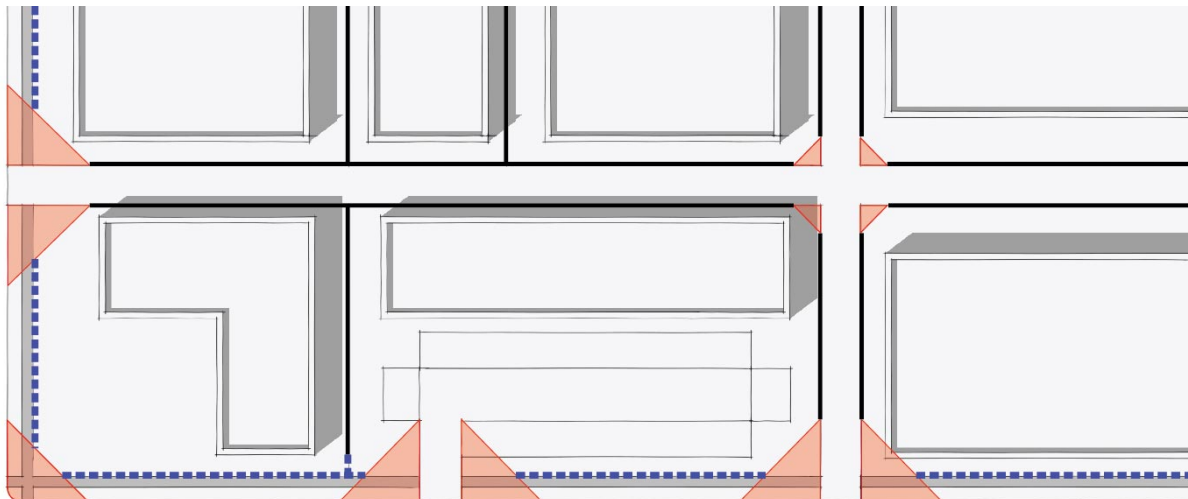
FENCES IN RESIDENTIAL, C-T, C-1, C-D, AND C-V DISTRICTS

----- 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.

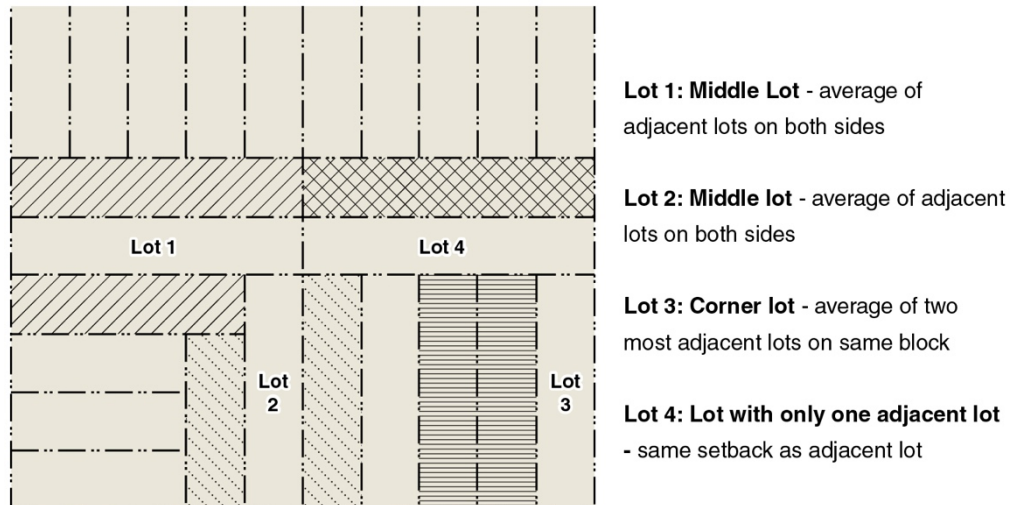
- i. A build-to zone or build-to line is considered a required setback.
 - ii. In the case of a build-to line it is where the principal building must be located.
 - iii. In the case of a build-to zone, it is the defined area (defined by minimum and maximum build-to lines) where the principal building 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





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MEMORANDUM

TO: Plan Commission
FROM: Christopher Mathias, AICP
SUBJECT: Agenda items – December 12 meeting
DATE: December 6, 2018

The Plan Commission will meet on December 12th to discuss the following items.

Zoning Code Follow-up Discussion:

Building Height:

Staff recommendation:

- (1) Add illustrations to Sec. 35-1203(30) to better explain how building heights is measured.
- (2) Change lower reference point to the average grade of the building at the front building line to mirror Bettendorf and Davenport Codes.

Residential Accessory Building – Site & Coverage Limits:

Staff will present different options to Plan Commission on Accessory Building Size. Staff will make the following findings to help guide the process:

- 1) The existing Code is generally working well and perhaps unique situations could be handled with a variance.
- 2) Staff does not recommend allowing accessory structures that have a footprint larger than the footprint of the principal structure
- 3) Staff is researching allowing the **total** footprint of all accessory structures to be larger than the footprint of the principal structure and perhaps limiting each lot to two major accessory structures (garages or sheds larger than 120 SF) and limiting the total footprint of all major accessory structures to 30% of the rear yard.

Fences:

Staff recommendation to add illustrations to Sec. 35-5209 and Sec. 35-5210.

Landscaping Variance and “Dowry” option:

Staff have sent this proposal to Law Dept. for a legal opinion.

Nonconforming Use:

Staff is proposing two options for your consideration:

- (1) Add language similar to Davenport that allows all non-conforming uses damaged by more than 50% to continue provided no new conformities are created, and the degree of nonconformity and intensity of the land use is not increased.

OR

- (2) Create a mechanism in the Code to have a public hearing to review if a non-conforming use damaged by more than 50% should be allowed.

Exceptions for Required Setbacks when established setback of adjacent property is less:

Staff is recommending to add the language below but would like to have a discussion on how this will be interpreted. Also is there a concern that this could block the view of existing properties?

Sec. 35-3108(b) FRONT YARD SETBACK EXCEPTION:

- (1) If 40% or more of the lots on one side of a street between two intersecting public streets have a front setback less than the required front yard setback listed in 35-3201.1 or 35-3301.1, the established setback line, shall establish the required front yard setback for the entire block-face.

- (2) If there is no established setback line, the average front yard setback of those lots, shall establish the required front yard setback for the entire block-face.
- (3) This exception only applies to the principal structure of residential land uses, i.e. new construction, additions, porches, etc
- (4) This exception does not apply to accessory structures, decks or other obstructions.

Election of Officers for 2019:

The Plan Commission must nominate and elect a Chairman and Vice Chairman for 2019. The By-Laws state that the Chairman cannot serve more than two consecutive terms (2 years). Butch Trevor has served two terms (2 years) as Chairman and a new chair must be elected. There is no term limit for Vice Chairman, currently Bill Fitzsimmons.