F4abc

Memorandum

To: City Council
Cc: Kim Downs

From: Patrick Parsley

Date: 11/29/2017

Re: Unified Development Code (UDC) Summary Report

Purpose: Hiawatha has undergone many changes since the UDC was first written. The City has grown in area, added a set of new zoning districts, created a Design Guideline overlay district and developed a second Comprehensive Plan.

Planning and zoning concepts have also changed introducing:

- Concepts of zoning based on occupancy groupings rather than an "individual occupancy" matrix.
- Concepts of progression of occupancies in terms of types of traffic, amount of traffic, hazardous materials and processes and nuisance potential and exterior activities.
- Concepts for mixed uses which incorporates small "town centers" in close proximity to residential uses for convenience and for community identity.

Adjusting to these changes has made it evident our UDC could be more effective in planning and regulating the continued growth in our community. We have established policies necessary for change which have not been accurately reflected in the UDC. Staff initiated an extensive study and rewrite to simplify and update the code language to match the new planning concepts and reflect the vision and planning policies of the City of Hiawatha.

Scope: The scope of this project is limited to changes which:

A. Simplify the code and eliminate unnecessary regulations.

B. Updates the language and concepts to match Hiawatha's vision as stated in the Comprehensive Plan.

We are the Creative Corridor's most welcoming community to live, work and experience. Residents and visitors love our small town feel, walkable neighborhoods and the unique restaurants and shops in our vibrant Village Center.

C. Implement new zoning concepts reflected in the Comprehensive Plan and CPR district concepts through the evaluation of the existing zoning districts. This proposal is limited to maintaining existing allowable and conditional uses in the present zoning districts as much as possible.

D. Develop of a simplified matrix based on a combination of performance and prescriptive concepts eliminating the need to name specific occupancies. IE; A "retail" use will replace many of the named types of "stores". The new matrix will make it easier for staff, citizens, and developers to comprehend the intended uses for each district.

Process: The process of evaluating and proposing changes to the UDC is subject to the review and recommendation of the Planning and Zoning Commission and subsequent Council approval through a public hearing process. Due to the extensive rewrite of the "application" of our Comprehensive Plan, the process included input and review by a UDC Development Committee consisting of P&Z Commission members, a Council Person, community members and City Staff. The UDC Review Committee began meeting in July of 2017 and had five meetings to review proposed changes. All meetings were open to the public.

UDC Review Committee	
Mark Powers	Dennis Norton
Mark Ross	Patrick Parsley
Steve Dodson	Kim Downs
Jon Dusek	John Bender
Mike Freeman	Jim Fisher
Benton Frey	

Summary: The Committee completed their final review on November 9th and recommended approval of the proposed UDC changes to the Planning and Zoning Commission. The Planning and Zoning Commission considered the recommendations on November 27th and is also recommending adoption.

Finalized UDC 2017 Amendments

1. 165.13 INTERPRETATION OF REGULATIONS. Moved CPR zones into the Land Use Matrix
2. 165.14 Establishment of Zoning Districts: Adjusted formatting and
    a. Modify C-3 to reflect difference between C-3 and C-4 as per current policy
    b. Modify C-4 to reflect the nature of highway business.
3. 165.15 Land Use Regulations: Clarify and identify the Land Use Matrix: Figure 1
4. 165.16 Land Use Regulations by District:
    a. Removed the list of uses and referenced only the Land Use Matrix Figure 1
    b. Added outside storage and screening references
    c. The noted use changes for each occupancy group as follows:
        i. Various retail and professional service conditional uses removed from I-1.
        ii. Watchmen's quarters added in C-4.

iii. Added building height limit of 100' in C-4. Previously computed as a floor ratio usually used in compact "downtown" type developments.
iv. Rehab homes removed from C-WH and I-2.
v. Clubs and Lodges added in C-2.
vi. Fast food added in CPR-1.
vii. Public parks added in R-1 and all open parks added in C-ORS.
viii. Additional Business professional uses added in C-2.
ix. Mini storage corrections to match new ordinance in C-4 and I-2 with footnote.
x. Bus terminals added in C-3

5. 165.17 Zoning District and Zoning District Map
    a. Noted all zoning districts which have been changed by these amendments
    b. No district boundaries have been changed by these amendments.
    c. No zoning districts have been added or eliminated by these amendments.
6. 165.20 Supplemental Regulations: section has been eliminated and incorporated into 165.16
7. 165.21 General Supplemental Regulations:
    a. Clarified "essential service" includes any governmental use and government buildings.
    b. Added wind generators for exceptions to height restrictions.
    c. Eliminated exterior prescriptive requirements for accepting dwelling construction.
    d. Added a reference to "temporary accessory structures"
8. 165.23 Supplemental Yard Regulations:
    a. Clarified open deck encroachment on the front yard and eliminated height restriction.
    b. Clarified fence and screening allowances on property lines and in required yards to match current policy.
    c. Added allowance and permitting process for "temporary accessory structures".
    d. Referenced outside storage allowances in 165.16 for clarity.
    e. Added a screening exception for I-2 zoning lots.
    f. Added an allowance for storage containers in C-4 and C-WH zoning districts.
9. 165.25 RESIDENTIAL CHILD DAY CARE FACILITIES
    a. Changed number of allowed children to match State Statute for licensure
    b. Eliminated annual renewal and inspection of residential day cares.
10. 165.28 and 165.29 PERFORMANCE STANDARDS
    a. 165.28 has been incorporated into 168.29
    b. The lighting Chapter 168 is referenced as the new standard for lighting.
11. 165.34 DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS: eliminated redundant screening language and referenced 165.23 instead.

12. 165.35 OFF-STREET PARKING SPACES
    a. Eliminated "parking classes" and reformatted the parking table to match the land use matrix Figure 1
    b. Designated parking requirements in the new "Off Street Parking Table" Most parking requirements will remain the same and some uses will see reduced minimums
        i. General business uses are reduced from 4/1,000gfa to 3/1,000 gfa.
        ii. General retail parking was reduced by eliminating the 6/1000 gfa for retail spaces less than 18,000 sq. feet. Now most retail requires 4/1,000 gfa.
        iii. Changed golf course parking to 5/hole plus other uses as required in this table.
        iv. Changed salon parking requirement from 6/1,000 gfa to 5/1,000 gfa
        v. Changed medical clinic parking from 10/1,000 gfa to 7/1,000 gfa
13. 165.70. NONCONFORMING BUILDINGS, STRUCTURES AND USES: The new language allows for a 24 month cessation of a legal non-conforming use if approved by BOA for extenuating circumstances.
14. 165.82 VARIANCES & 165.90 INITIATION OF AMENDMENTS TO THE ZONING DISTRICT MAP: Reformatted to match conditional use process for public notice and public hearing process. There are no changes to the requirements in these processes.
15. 165.96 DEFINITIONS: These definitions have been added, deleted or modified:
    a. "Accessory Structures": added solar panels and wind generators to the definition
    b. "Apartment Hotel": deleted
    c. "Beer Garden": Modified to separate from restaurant outdoor seating.
    d. "Dwelling attached", "Dwelling detached"," Dwelling mixed use": modified to coordinate with new Land Use Matrix categories.
    e. "Dwelling Unit": eliminate reference to family to comply with State Housing Standards
    f. "Extended Health Care Facility": now the same as "Health Care Facility"
    g. "Lodging House": extended the definition to include all similar occupancies as defined in the International Building Code.
    h. "Mobile Home Park": Updated the correct reference to the State Standard.
    i. "Opaque": Added to define qualifying screening design.
    j. "Storage Container": added to clarify outside storage allowances.
    k. "Yard, required": added to clarify fence and accessory structure location limits.
    l. "Yard, Non required": eliminated because it is no longer referenced in the UDC.
16. Land Use Matrix Figure 1: Modified uses by performance. Reduced 350 uses to approximately 50 categories plus 10 individual uses.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 165 UNIFIED DEVELOPMENT CODE IN ITS ENTIRETY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 165 Unified Development Code of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended in its entirety as follows:

Refer to attached Exhibit "A" showing mark-up changes to the following sections throughout Chapter 165 Unified Development Code:

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165.96 DEFINITIONS
FIGURE 1 LAND USE MATRIX

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 20th day of December, 2017.

DRAFT

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 20th day of December, 2017, and was posted as Ordinance No. _____ on the ____ day of December, 2017.

_____
Kelly Kornegor, City Clerk