ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 2018, BY AMENDING CHAPTER 165 UNIFIED DEVELOPMENT CODE §165.14 ESTABLISHMENT OF ZONING DISTRICTS AND §165.16 LAND USES AND REGULATIONS BY DISTRICT

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

SECTION 1. Chapter 165 Unified Development Code, Section 165.14 Establishment of Zoning Districts and §165.16 Land Uses and Regulations by District of the Code of Ordinances of the City of Hiawatha, Iowa, 2018, is hereby amended as follows:

165.14 ESTABLISHMENT OF ZONING DISTRICTS. The zoning districts established by this Code are named and described below. They consist of basic districts and overlay districts, both of which are considered zoning districts for the purposes of this Code. The relationship between the zoning districts established by this Code and zoning districts established under previous enactments of City Zoning Regulations is stated in Section 165.17(3).

17. CPR Center Point Road District. The CPR Center Point Road District is intended primarily to provide areas for the development of commercial and residential uses in the core area of the City located along Center Point Road. The CPR Center Point Road District shall be divided into districts each with its own requirements including uses and regulations. The districts within the Center Point Road zoning district area shall be designated as follows: CPR-1, CPR-2 and CPR-3.

18. Mixed Use Overlay District. The Mixed-Use Overlay District is intended to ensure consistent site development of properties located in and near the Neighborhood Village Centers. The standards will aid to unify the appearance, encourage a pedestrian friendly built environment, ensure the beautification and function of the centers of commerce located in and near residential uses.

165.16 LAND USES AND REGULATIONS BY DISTRICT. Land use regulations and standards for development in all districts are provided by zone districts.

18. Mixed-Use Overlay District (MUO)

A. Establishment. The Overlay is established as part of this title. The Mixed-Use Overlay District shall overlay all other zoning districts established within the boundaries as shown on the Zoning District Map. One and two-family uses are exempted from the regulations of this chapter. The requirements apply to all:

1) New construction of commercial, industrial and multifamily structures and sites.
2) Additions to buildings that exceed 25% of the gross square footage of the existing structure, or when the cost of the addition exceeds 50% of the assessed value of the structure within a consecutive twenty-four (24) month period the entire building and site will be required to conform. The assessed value shall be as most recently established by the Linn County Assessor office;

3) Substantial rehabilitation to commercial, industrial and multi-family structures and sites. Substantial rehabilitation shall be defined as modifications equal to fifty (50) percent of the assessed value of the structure or structures on a lot, exclusive of land assessed value, in a twenty-four (24) month period of time. The assessed value shall be as most recently established by the Linn County Assessor office: update with provision of this chapter.
4) The re-occupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months. Once fifty (50) percent or more of a building has been vacant for six months or more, it may not be reoccupied until such time that the entire structure has been brought into conformance with requirements of this Chapter;
5) All new signage shall comply with the limitations of this Chapter; and
6) Modification to more than 50% of the front facade area of the primary structure.

B. Land Uses. Land uses shall be as designated in the Land Use Matrix Figure 1, except as described below:
1) Uses Prohibited
a. Motor vehicle related uses
b. Business Services; all business services contractor limited uses
c. Retail and repair of large commodity uses
d. Storage and warehouse and distribution
e. Production and Manufacturing

C. Access Management
1) Curb cut widths and design shall be in accordance with adopted public works standards for access management as referenced in Section 165.58 of this code, including sight visibility standards.
2) Shared curb cuts (between properties) are encouraged.
3) Either one two-way curb-cut or two one-way curb cuts are allowed onto the public street where property has one hundred fifty (150) feet or more of street frontage. One curb cut is allowed on the applicable corridor street where property has less than one hundred fifty (150) feet of public street frontage.
4) For corner lots, a maximum of one curb cut is allowed on each intersecting side street that each property has frontage on regardless of the length of the frontage.

D. Pedestrian Facilities

1) A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's primary access door with the public sidewalk located in the public street right-of-way. An accessible route may be designated with painted markings on parking lot pavement.

2) The sidewalk on the applicable corridor street shall meet the standard as adopted in the Robin's Road Corridor Master plan, or as specified by the Public Works Department.

3) Construction or reconstruction of sidewalks and decorative street improvements shall be in accordance with adopted Public Works standards.

E. Off-Street Parking

1) The minimum number of parking stalls shall be as required in Section 165.35 of the Unified Development Code.
2) Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:
   a. The parking must not extend into the required front yard setback.
   b. A single parking aisle, which is adjacent to the building, and meets the minimum dimension of the City's parking space requirements, is allowable in the side yard, outside of the minimum front yard setback.
3) Parking areas shall be designed to minimize headlights shining into residential properties.
4) Parking areas shall be set back 5 feet from the property line and shall be landscaped with vegetation and/or turf grass. This requirement can be waived where parking lots adjoin and have cross access agreements/easements.

F. Planting, Landscaping and Buffering

1. A five (5) feet wide landscape frontage strip shall be installed on each property abutting the public street as measured from the property line. Planting in the landscape frontage strips shall include not less than the following:
   a. A minimum of one deciduous or evergreen shrub per four lineal feet of street frontage shall be planted in the landscaping strip. The vegetation is not required to be planted in a singular row and may be placed in a designed arrangement provided the full total of required shrubs is placed within the frontage strip.
2. Site planting requirements shall be in accordance with Chapter 165.47 of the Uniform Development Code, and additionally shall require the following:
   a. At least ten (10) percent of the gross site square footage shall be pervious, unpaved planted surfaces. The required planting strips shall be included in the calculation of planted areas.
   b. All planted surfaces shall be planted with grasses, shrubs, perennials, or groundcover plants so that they shall be completely covered by installed plants within three years of the planting date. Open mulch or rock beds shall not be accepted as planting area.
   c. Large deciduous shade trees shall be installed in parking lots in excess of thirty (30) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on site.
3. Screening
   a. Screening is required where uses abut residential zones. Planting, fencing, or some combination thereof is allowable.
   b. A visual barrier shall be established in accordance with Section 165.23(8)(E)(1).
   c. All dumpsters and exterior trash storage shall be screened in accordance with Section 106.06(1).
4. Maintenance
   a. property owners shall maintain all planting and irrigation systems located on private property. All planting shall respect city codes for sight lines at intersections and electric line restrictions.

G. Signs

1) A total of one detached on-premises sign shall be allowed for each property.
2) Detached signs shall be ground or monument signs. No support posts shall be visible on these signs. Monument signs shall not have more than two sign faces. The sides of the

monument sign that are not used for signage shall not exceed five feet in width. The maximum height for monument signs shall be eight (8) feet. The maximum allowable height and area of each monument sign face will be measured from the finish grade to the top of the monument structure and from one end of the monument structure to the other. The maximum allowable square feet per sign face shall not exceed 80 square feet. Pole signs shall not be permitted, except where a parcel is abutting Boyson Road, then said property may have one pole sign that must be oriented toward Boyson Road.

3) Off-premises signs are not permitted within the district.
4) Directional signs shall be as allowed in Chapter 166.10(K).
5) Discontinued use of non-conforming signs shall be subject to Chapter 166.34 (6).
6) Refacing existing signs are allowed only in conformance with Chapter 166.34 of the Uniform Development Code, as amended.

H. Architecture and Building Materials

1) All commercial, industrial and multi-family structures shall be constructed of wall materials including brick, stone masonry, stucco like exterior systems, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints. Building walls may also be constructed of wood, fiber cement board, architectural CMU block, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least seventy-five (75) percent of the street facade is constructed of approved masonry. In cases where the structure is viewable from a public right-of-way or space the structure shall utilize the above materials on all building elevations.
2) Walls shall extend above flat roofs as necessary to screen views of roof-mounted equipment. Cornice lines will be established using metal materials and shall be straight and true. Alternative screening system for roof top mechanical may be considered provided they completely screen the mechanicals from public view.
3) Awnings and architectural features shall not extend beyond property lines. They shall not be installed higher than building roof lines.
4) Pitched roofs and hipped roofs are not permitted. Check energy code for unintended conflicts related to multi-family structures
5) The front facade of any new non-residential building shall be comprised of at least fifty (50) percent windows and doors at the ground level.
6) Accessory structures shall be constructed of similar and/or complimentary materials as the primary structure and shall be required to be compromised of at least twenty-five (25) percent windows and doors at the ground level.
7) Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.
8) Screening walls, decorative walls and/or retaining walls shall not be made of smooth face concrete unless treated with another material or design element.

I. Building Placement

1) Setback shall be as required in the underlying zoning, except:

a. Structures shall be placed a minimum of ten (10) feet and a maximum of fifteen (15) feet from the front property line.

J. Outdoor Dining

1) Outdoor dining shall comply with all local, state, federal liquor licensing requirements.
2) Outdoor dining areas shall be contiguous to the primary building and may not be located within the public right-of-way.

3) Structures used for providing shade or weather protection shall be designed of durable materials that will not deteriorate and must be maintained at all times.
4) Furnishings shall be made of durable materials.
5) Outdoor dining areas shall be designed so as not to encroach upon the required off-street parking spaces.
6) Walls and fencing material shall be subject to Section H: Architecture, above.

K. Lighting

1) Light pole materials shall be painted or finished aluminum or steel. Wood poles shall not be accepted.
2) Site lighting must not spread onto adjoining properties or the public right-of-way unless a shared parking lot is in use. This standard shall be in accordance with Chapter 168 of the Unified Development Code.

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 5th day of February, 2020.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kari Graber, City Clerk

DRAFT

I, Kari Graber, 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 5th day of February, 2020, and was posted as Ordinance No. ____ on the _____ day of February, 2020.

_____

Kari Graber, City Clerk

RESOLUTION NO. 20-001
Planning & Zoning Commission

RESOLUTION FOR RECOMMENDATION TO CITY COUNCIL TO APPROVE AN ORDINANCE AMENDING THE CITY UNIFIED DEVELOPMENT CODE 165 SECTIONS 165.14 AND 165.16 DESCRIBING THE MIXED-USE OVERLAY DISTRICT.

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISION OF HIAWATHA, IOWA, to recommend to City Council to approve an ordinance amending the City Unified Development Code 165 sections 165.14 and 165.16 describing the Mixed-Use Overlay District.

165.14 ESTABLISHMENT OF ZONING DISTRICTS. The zoning districts established by this Code are named and described below. They consist of basic districts and overlay districts, both of which are considered zoning districts for the purposes of this Code. The relationship between the zoning districts established by this Code and zoning districts established under previous enactments of City Zoning Regulations is stated in Section 165.17(3).

.....

17. CPR Center Point Road District. The CPR Center Point Road District is intended primarily to provide areas for the development of commercial and residential uses in the core area of the City located along Center Point Road. The CPR Center Point Road District shall be divided into districts each with its own requirements including uses and regulations. The districts within the Center Point Road zoning district area shall be designated as follows: CPR-1, CPR-2 and CPR-3.

18. Mixed-Use Overlay District. The Mixed-Use Overlay District is intended to ensure consistent site development of properties located in and near the Neighborhood Village Centers. The standards will aid to unify the appearance, encourage a pedestrian friendly built environment, ensure the beautification and function of the centers of commerce located in and near residential uses.

165.16 LAND USES AND REGULATIONS BY DISTRICT. Land use regulations and standards for development in all districts are provided by zone districts.

1. A-Agriculture Zone District.....

.....

18. Mixed-Use Overlay District (MUO)

A. Establishment. The Overlay is established as part of this title. The Mixed-Use Overlay District shall overlay all other zoning districts established within the boundaries as shown on the Zoning District Map. One and two-family uses are exempted from the regulations of this chapter. The requirements apply to all:

1) New construction of commercial, industrial and multifamily structures and sites.

2) Additions to buildings that exceed 25% of the gross square footage of the existing structure, or when the cost of the addition exceeds 50% of the assessed value of the structure within a consecutive twenty-four (24) month period the entire building and site will be required to conform. The assessed value shall be as most recently established by the Linn County Assessor office;
3) Substantial rehabilitation to commercial, industrial and multi-family structures and sites. Substantial rehabilitation shall be defined as modifications equal to fifty (50) percent of the assessed value of the structure or structures on a lot, exclusive of land assessed value, in a twenty-four (24) month period of time. The assessed value shall be as most recently established by the Linn County Assessor office: update with provision of this chapter.
4) The re-occupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months. Once fifty (50) percent or more of a building has been vacant for six months or more, it may not be reoccupied until such time that the entire structure has been brought into conformance with requirements of this Chapter;
5) All new signage shall comply with the limitations of this Chapter; and
6) Modification to more than 50% of the front facade area of the primary structure.

B. Land Uses. Land uses shall be as designated in the Land Use Matrix Figure 1, except as described below:

1) Uses Prohibited
    a. Motor vehicle related uses
    b. Business Services; all business services contractor limited uses
    c. Retail and repair of large commodity uses
    d. Storage and warehouse and distribution
    e. Production and Manufacturing

C. Access Management

1) Curb cut widths and design shall be in accordance with adopted public works standards for access management as referenced in Section 165.58 of this code, including sight visibility standards.
2) Shared curb cuts (between properties) are encouraged.
3) Either one two-way curb-cut or two one-way curb cuts are allowed onto the public street where property has one hundred fifty (150) feet or more of street frontage. One curb cut is allowed on the applicable corridor street where property has less than one hundred fifty (150) feet of public street frontage.
4) For corner lots, a maximum of one curb cut is allowed on each intersecting side street that each property has frontage on regardless of the length of the frontage.

D. Pedestrian Facilities

1) A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's primary access door

with the public sidewalk located in the public street right-of-way. An accessible route may be designated with painted markings on parking lot pavement.

2) The sidewalk on the applicable corridor street shall meet the standard as adopted in the Robin's Road Corridor Master plan, or as specified by the Public Works Department.

3) Construction or reconstruction of sidewalks and decorative street improvements shall be in accordance with adopted Public Works standards.

E. Off-Street Parking

1) The minimum number of parking stalls shall be as required in Section 165.35 of the Unified Development Code.
2) Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:
   a. The parking must not extend into the required front yard setback.
   b. A single parking aisle, which is adjacent to the building, and meets the minimum dimension of the City's parking space requirements, is allowable in the side yard, outside of the minimum front yard setback.
3) Parking areas shall be designed to minimize headlights shining into residential properties.
4) Parking areas shall be set back 5 feet from the property line and shall be landscaped with vegetation and/or turf grass. This requirement can be waived where parking lots adjoin and have cross access agreements/easements.

F. Planting, Landscaping and Buffering

1. A five (5) feet wide landscape frontage strip shall be installed on each property abutting the public street as measured from the property line. Planting in the landscape frontage strips shall include not less than the following:
   a. A minimum of one deciduous or evergreen shrub per four lineal feet of street frontage shall be planted in the landscaping strip. The vegetation is not required to be planted in a singular row and may be placed in a designed arrangement provided the full total of required shrubs is placed within the frontage strip.
2. Site planting requirements shall be in accordance with Chapter 165.47 of the Uniform Development Code, and additionally shall require the following:
   i. At least ten (10) percent of the gross site square footage shall be pervious, unpaved planted surfaces. The required planting strips shall be included in the calculation of planted areas.
   ii. All planted surfaces shall be planted with grasses, shrubs, perennials, or groundcover plants so that they shall be completely covered by installed plants within three years of the planting date. Open mulch or rock beds shall not be accepted as planting area.
   iii. Large deciduous shade trees shall be installed in parking lots in excess of thirty (30) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on site.

3. Screening
    a. Screening is required where uses abut residential zones. Planting, fencing, or some combination thereof is allowable.
    b. A visual barrier shall be established in accordance with Section 165.23(8)(E)(1).
    c. All dumpsters and exterior trash storage shall be screened in accordance with Section 106.06(1).
4. Maintenance
    a. property owners shall maintain all planting and irrigation systems located on private property. All planting shall respect city codes for sight lines at intersections and electric line restrictions.

G. Signs
    1) A total of one detached on-premises sign shall be allowed for each property.
    2) Detached signs shall be ground or monument signs. No support posts shall be visible on these signs. Monument signs shall not have more than two sign faces. The sides of the monument sign that are not used for signage shall not exceed five feet in width. The maximum height for monument signs shall be eight (8) feet. The maximum allowable height and area of each monument sign face will be measured from the finish grade to the top of the monument structure and from one end of the monument structure to the other. The maximum allowable square feet per sign face shall not exceed 80 square feet. Pole signs shall not be permitted, except where a parcel is abutting Boyson Road, then said property may have one pole sign that must be oriented toward Boyson Road.
    3) Off-premises signs are not permitted within the district.
    4) Directional signs shall be as allowed in Chapter 166.10(K).
    5) Discontinued use of non-conforming signs shall be subject to Chapter 166.34 (6).
    6) Refacing existing signs are allowed only in conformance with Chapter 166.34 of the Uniform Development Code, as amended.

H. Architecture and Building Materials

    1) All commercial, industrial and multi-family structures shall be constructed of wall materials including brick, stone masonry, stucco like exterior systems, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints. Building walls may also be constructed of wood, fiber cement board, architectural CMU block, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least seventy-five (75) percent of the street facade is constructed of approved masonry. In cases where the structure is viewable from a public right-of-way or space the structure shall utilize the above materials on all building elevations.
    2) Walls shall extend above flat roofs as necessary to screen views of roof-mounted equipment. Cornice lines will be established using metal materials and shall be straight and true. Alternative screening system for roof top mechanical

may be considered provided they completely screen the mechanicals from public view.

3) Awnings and architectural features shall not extend beyond property lines. They shall not be installed higher than building roof lines.
4) Pitched roofs and hipped roofs are not permitted. Check energy code for unintended conflicts related to multi-family structures
5) The front facade of any new non-residential building shall be comprised of at least fifty (50) percent windows and doors at the ground level.
6) Accessory structures shall be constructed of similar and/or complimentary materials as the primary structure and shall be required to be compromised of at least twenty-five (25) percent windows and doors at the ground level.
7) Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.
8) Screening walls, decorative walls and/or retaining walls shall not be made of smooth face concrete unless treated with another material or design element.

I. Building Placement

1) Setback shall be as required in the underlying zoning, except:

a. Structures shall be placed a minimum of ten (10) feet and a maximum of fifteen (15) feet from the front property line.

J. Outdoor Dining

1) Outdoor dining shall comply with all local, state, federal liquor licensing requirements.
2) Outdoor dining areas shall be contiguous to the primary building and may not be located within the public right-of-way.
3) Structures used for providing shade or weather protection shall be designed of durable materials that will not deteriorate and must be maintained at all times.
4) Furnishings shall be made of durable materials.
5) Outdoor dining areas shall be designed so as not to encroach upon the required off-street parking spaces.
6) Walls and fencing material shall be subject to Section H: Architecture, above.

K. Lighting

1) Light pole materials shall be painted or finished aluminum or steel. Wood poles shall not be accepted.
2) Site lighting must not spread onto adjoining properties or the public right-of-way unless a shared parking lot is in use. This standard shall be in accordance with Chapter 168 of the Unified Development Code.

AYES: Darryl Cheney, Kevin Neef, Lisa Jepsen, Kenny Jones, Mark Ross, Mark Powers
NAYS: None
ABSENT: Terry Trimpe

PASSED AND APPROVED this 27th day of January, 2020.

Mark Powers

Mark Powers, Chairperson

ATTEST:

Tiffany Stinson

Tiffany Stinson, Permit Clerk