

CHAPTER NO. 2459

AN ORDINANCE AMENDING CHAPTER 159, ZONING REGULATIONS, OF THE CITY OF CLINTON, IOWA.

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

Section 1. Purpose. The purpose of this ordinance is to amend the Zoning Regulations of the City of Clinton, Iowa.

Section 2. Amendment. The following sections of Chapter 159 is amended to read as follows:

Section 159.004 - Insert the following definition:

SIGN, MONUMENT. A free standing sign supported by an internal structural framework or integrated into landscaping or other solid structural features other than poles. The base of the structure shall be placed on or at ground level, and shall not be attached to any building wall, fence or other structure.

****Please note the following references to the Zoning Regulations are from the pre-codified version of the municipal code. The new city code has not yet incorporated the Liberty Square Overlay District Ordinance. ****

Delete Section 165.14A (2) and insert in lieu thereof the following:

165.14(A)2- "LSO" Liberty Square Overlay Zone. The "LSO" Liberty Square Overlay Zone is intended to promote a consistent and comprehensive development/redevelopment of the Liberty Square area.

- A. Zone designation. The "LSO" Liberty Square Overlay District shall be designated on the official zoning map by ordinance. The Liberty Square Overlay Zone includes the areas between Camanche Avenue and Liberty Avenue extending from 25th Place to South 4th Street and all properties with street frontage along the north side of Camanche Avenue within the same corridor. Designation of the overlay zone is by separate ordinance.
- B. Applicability. The requirements of this Section shall apply to all building construction/reconstruction, renovation and use of land within the LSO. Where the requirements of the LSO and underlying base zone are different, the more restrictive requirements shall apply. The following are exempt from the requirements of this Section:
 - (1) 1-family dwellings.
 - (2) Existing structures at the time of the adoption of the LSO. Any renovation or addition exceeding 50 percent of the total assessed value of the structure requires the entire structure to come into compliance with the provisions of this Section.
 - (3) This Section shall not prevent the routine maintenance of any exterior elements of any building, structure, or sign described in this Section. Routine maintenance includes work done to prevent deterioration or to replace parts of a building, structure, or sign with equivalent materials in order to correct any deterioration, decay of, or damage to any such building, structure, or sign.

C. Design standards. The Design Standards provide a clear set of architectural and site design criteria that will be used by land developers to create sustainable, high quality development for Liberty Square properties. The intent of development in the Liberty Square district is to create a “streetscape” and an environment for “street life.” The proximity of the buildings to the public street, coupled with the development of public and private activity spaces (e.g., entrance courts, patios, and outdoor display areas), will promote street character and human activity. Developers are required to meet the minimum parameters established by the Design Standards and are further encouraged to assist the City in maintaining high quality standards and exemplary development in the Liberty Square District.

(1) Design features.

- (a) Architectural features and building facades (faces) of new buildings will be constructed of permanent building materials (brick, stone, manmade stone, and concrete) and clear glass.
- (b) Parapet walls will be used to conceal flat roofs and/or roof mounted mechanical and electrical equipment from street level view. Both flat roofed buildings and gabled roofed buildings will have parapet features at building entrances and other architectural focal areas. The parapets will be accentuated with peaks and other architectural features.
- (c) Buildings will be one, two, or three stories.
- (d) Architectural variety and interest can be achieved by varying the heights of adjacent building facades. Lengthy building facades will be broken into bays (sections/divisions) or vertical/horizontal architectural treatments to suggest bays (sections/divisions) can be added.
- (e) Solid waste containers shall be placed on a concrete pad in the rear yard and screened from all public right-of-ways. Screening shall provide a solid visual barrier and shall not exceed the height requirements for fences. Screening shall be constructed of materials that are the same or similar to the primary structure.
- (f) All outdoor storage areas will be screened from all public right-of-ways. Screening shall provide a solid visual barrier and shall not exceed the height requirements for fences.
- (g) The architectural facades of accessory buildings will be constructed of permanent building materials and building design should be an extension of the architecture of the primary building served.
- (h) Synthetic plastic veneer, metal siding, and vinyl siding are not permitted in the Liberty Square District.

(2) Site development.

(a) Building Orientation and Access

- (1) Liberty Square District buildings will be located along Camanche Avenue and/or Liberty Square side streets.
- (2) At least 75 percent of building facades will be located along the building setback line (15 feet).
- (3) Each building will be designed for pedestrian access from both the public street face and the building face opposite the public street face. The facades of buildings parallel with Camanche Avenue, or the Liberty Square street side, should have a public front that orients to street visibility and a public entrance on the street side of the building.
- (4) The majority of parking for buildings should be opposite the public street façade of the building. A minimal amount (20 percent) of parking may be placed between the buildings; however, parking should not front or abut the public rights-of-ways.

(b) Building Setbacks.

- (1) Building setbacks along public streets may not be less than 15 feet nor greater than 20 feet.

(c) Site Open Space.

- (1) Each development site will maintain a minimum 20 percent open space.
- (2) Open space will be landscaped "green space."
- (3) Open space may contain pedestrian improvements (e.g. walks, site furniture, lights, etc.); however, the majority of open space must be unencumbered "green space."
- (4) Building foundation-planting areas less than 6 feet wide and parking lot islands do not qualify as site open space.

D. Use regulations. Permitted uses listed in this Section shall be used instead of the permitted uses listed in the base "C-2" and "M-1" Zoning Districts. Regardless of specific uses, all operations within the subject district must be restricted to enclosed buildings and all outdoor storage is prohibited, unless otherwise specified.

(1) Permitted Uses - Land with a base zoning of "C-2."

- (a) "C-1" Permitted Use- Florist shop.
- (b) "C-1" Permitted Use- Restaurant.
- (c) "C-2" Permitted Use- Office use.

- (d) "C-2" Permitted Use- Retail sales and service.
 - (e) "C-2" Permitted Use- Entertainment.
 - (f) Accessory buildings or uses customarily incidental to any of the above uses.
 - (2) Permitted Uses – Land with a base zoning of "M-1."
 - (a) "M-1" Permitted Use- Wholesale trade.
 - (b) "M-1" Permitted Use- Industrial services.
 - (c) "M-1" Permitted Use- Warehousing and freight handling.
 - (d) Accessory buildings or uses customarily incidental to any of the above uses.
 - (3) Restrictions
 - (a) No fast food restaurants with drive through windows.
- E. Height and area requirements.
- (1) Yard Requirements
 - (a) Front: 15 feet minimum/20 feet maximum
 - (b) Side: 5 feet
 - (c) Rear: 15 feet minimum
 - (2) Minimum Lot Width
 - (a) 100 feet
 - (3) Minimum Lot Area
 - (a) 0.5 acres
 - (4) Maximum Building Height
 - (a) 45 feet
 - (5) Maximum Building Stories
 - (a) 3
- F. Parking and loading requirements. The vitality of the area will depend upon the accessibility, availability and distribution of parking.
- (1) At any time any building or structure is erected or structurally altered, off-street parking and loading spaces shall be provided in accordance with Section 165.23 and 165.24 except as modified herein.

- (a) Off-street parking areas will provide 75 percent of use requirement and no more than 115 percent of the use requirement.
 - (b) All parking areas will be constructed with an asphalt or concrete surface. Flexible pavement design must be a minimum 3 inch on a 6 inch crushed rock base. Rigid pavement design must be 6 inches of concrete on stabilized sub grade.
- (2) All parking areas will be accessible from either Camanche Avenue or Liberty Avenue and one Liberty Square side street.
 - (3) Shared parking arrangements will help to improve parking efficiency. To accomplish shared parking, agreements between area businesses and the City will be essential. Evening and daytime businesses and businesses with varying peak use periods can agree to share parking spaces. The net effect will be less surface parking and more efficient and cost effective utilization of area real estate.
 - (4) All surface-parking areas should contain 10 percent landscaped open space. To be recognized as parking open space, parking lot islands must be at least 9 feet wide. Perimeter parking lot islands may be included in the required open space.
 - (5) The minimum-parking setback along public streets is 10 feet. Parked vehicles may not overhang the parking setback.
 - (6) Parking areas will be screened from view. Screening may be accomplished with plantings, masonry walls, or a combination of walls and plantings. Cinder block walls and chain link fences with slats shall not constitute acceptable screening materials.

G. Signs.

- (1) Permitted Signs.
 - (a) Temporary signs in conformance with Section 165.26 (18) (C) (1), (2), (3), and (4).
 - (b) Monument signs. 1 monument sign for each developed parcel having frontage on a public right-of-way. A developed parcel having multiple public right-of-way frontages will be permitted a maximum of two monument signs, each to be located along a different street frontage with a minimum separation distance of 100 feet. The permitted sign area shall not exceed 25 square feet per sign. Where two or more uses are located on the same developed parcel, the sign(s) must be shared. The sign(s) shall be oriented perpendicular to the adjacent public right-of-way and installed in a landscaped area of not less than 12 square feet which will count towards site open space requirements. The sign(s) shall be constructed of permanent building materials consistent with the architecture of the primary building served.

- (c) Wall signs in conformance with Section 165.26 (20) (C) (3). Wall signs must be of the individual channel-letter type.
 - (d) Projecting signs in conformance with Section 165.26 (20) (C) (5).
 - (e) Directional signs in conformance with Section 165.26 (20) (C) (7).
 - (f) Awning, canopy or marquee sign in conformance with Section 165.26 (20) (C) (8).
- (2) Temporary Use Signs - Permits Required
- (a) All temporary signs in conformance with Section 165.26 (18) (C) (1), (2), (3), and (4).
 - (b) Special event signs in conformance with Section 165.26 (22).
 - (c) Wall sign in conformance with Section 165.26 (20) (C) (3).
- (3) Height and Setback Requirements
- (a) Minimum/Maximum Height
 - (1) Temporary signs. 12 feet/15 feet
 - (2) Monument signs. None/6 feet
 - (3) Wall signs. 12 feet/15 feet
 - (4) Projecting signs. 15 feet/20 feet
 - (5) Directional signs. None/ 4 feet
 - (6) Awning, canopy or marquee signs. 12 feet/15 feet
 - (b) Setback from Public Right of Way
 - (1) Temporary signs. 10 feet
 - (2) Monument signs. 10 feet
 - (3) Projecting signs. 5 feet
 - (4) Directional signs. 10 feet
 - (5) Awning, canopy or marquee signs. 5 feet
- (4) Prohibited signs
- (a) Roof signs.
 - (b) Portable signs.
 - (c) Pole mounted ground signs, except for directional signs.

- (d) Off-premises signs.
 - (e) Electronic changeable copy signs, other than signs which exclusively display the current time and temperature.
 - (f) Electronic changeable graphic signs.
 - (g) Painted wall signs.
- (5) Lighting
- (a) Monument signs. Monument signs shall be externally lit. External lighting shall be white and designed and shielded so that it illuminates the face of the sign and does not shine beyond the edge of the sign.
 - (b) Wall signs. Wall signs must include one of the following methods of illumination: back lit, halo-lit illumination, or reverse channel letters with halo illumination.

H. Landscaping

- (1) A variety of plants (shade trees, ornamental flowering trees, evergreen trees, deciduous and evergreen shrubs, groundcovers, perennial and annual flowers and grasses) will be used to augment site open spaces. Varying species of plants are encouraged to minimize disease risks and encourage environmental diversity. Each species of plant used will be adapted to the site microenvironment. All trees shall be selected from the City's Master Tree list.
- (2) Plants will be used to provide traditional environmental comforts (e.g., shade, temperature and wind buffering, etc.) and they will also be used to supplement site aesthetics.
- (3) Plants will be used to define public areas, direct pedestrian movement, and link private and public spaces.
- (4) The size and quantity of plants used will be ample to perform functional requirements (e.g., screening) and to create a landscape setting for the site.
- (5) Minimum plant sizes and root conditions
 - (a) Deciduous shade trees. 2.5 inch caliper; balled and burlapped root condition.
 - (b) Evergreen trees. 6.0 feet height; balled and burlapped root condition.
 - (c) Deciduous shrubs. 24 inch spread or 3.0 feet height; container grown stock.
 - (d) Evergreen shrubs. 15 inch spread or 2.5 feet height; container grown stock.

- (e) Groundcovers and other perennial plants. Container class, #SP5; container grown stock
- (6) All landscape plants will meet the requirements of the current American Standard for Nursery Stock published by the American Nursery and Landscape Association.
- (7) Upon installation of required landscape materials, each owner shall take appropriate actions to maintain the health of the plant materials in order to provide an aesthetically pleasing appearance and to assure that the buffer actually serves the purpose for which it is intended. Required landscaping that does not remain healthy shall be replaced consistent with this Section and the approved landscaping plan for the project.

I. Site Plan Required

- (1) All new development and existing facility renovations or additions exceeding 50 percent of the total assessed value of the structure are required to submit 8 twenty-two (22) inch by thirty-four (34) inch and 16 eleven (11) inch by seventeen (17) inch site plans. The site plan must indicate the following information:
 - (a) Title block with sheet number, title name, address, telephone and fax number of the firm or individual who prepared the plans and date(s) of submission.
 - (b) Revision block with date(s) of any revision(s) and a summary of the revision(s).
 - (c) Legal description, address, and parcel identification number of property.
 - (d) Name and address of the property owner(s).
 - (e) Name and address of the developer(s) (if different).
 - (f) Seal and expiration date, signature, registration number and address of the professional engineer, surveyor, architect, landscape architect or other design professional licensed in the State of Iowa who assisted in the development of the site plan.
 - (g) Title, Engineer's scale (not to exceed 1 in. equaling 20 feet), legend, north arrow and date listed on each sheet.
 - (h) Stamped survey from a licensed surveyor in the State of Iowa.
 - (i) Survey information including distances with angles or bearing.
 - (j) All notes from previous plans and plats.
 - (k) Location map with a 1,000 foot minimum radius of site to surrounding area.

- (l) Existing and finished grade elevations using 2-foot contours.
- (m) Drainage flow arrows.
- (n) Existing zoning classification(s).
- (o) Lot dimensions.
- (p) Total lot area in square feet and acres.
- (q) Building setback lines.
- (r) Location and dimensions of proposed and existing streets, curbs, sidewalks, easements, and right-of-way.
- (s) Location, dimensions, and area (in square feet) of all present and proposed structures.
- (t) Architectural renderings of all sides of each structure, including accessory buildings.
- (u) Proposed use of structure including the estimated number of employees.
- (v) Location of all parking lots including driveways, direction of vehicular traffic flow, maneuvering widths, number of parking spaces and loading spaces required and typical parking space dimensions. Reference Section 165.23 of the Zoning Regulations when determining the required number of parking spaces.
- (w) Location of all loading bays and docks.
- (x) Location, type, and height of proposed and existing fencing.
- (y) Location of nearest existing and/or proposed fire hydrant(s).
- (z) Location of all solid waste containers.
- (aa) Location of exterior lighting.
- (ab) Location of all utilities including water and sewer lines/connections.
- (ac) Location, size, and height of all proposed signage.
- (ad) Stormwater detention/erosion control plan.
- (ae) Landscaping plan including the percentage of open space (in square feet).
- (af) Other data may be required if deemed necessary by city staff to determine compliance with the provisions of the Zoning Regulations.

J. Variance

- (1) Variances from the requirements under this Section shall be heard by the Zoning Board of Adjustment in accordance with Section 165.27.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. Effective Date. This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

Rodger E.J. Holm, MAYOR

Attest: _____
Patricia VanLoo
CITY CLERK

ADOPTED: August 23, 2011