



**AGENDA**  
**CITY OF CEDAR FALLS, IOWA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**WEDNESDAY, AUGUST 10, 2022**  
**5:30 PM AT CEDAR FALLS COMMUNITY CENTER, 528 MAIN STREET**

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**Call to Order and Roll Call**

**Approval of Minutes**

1. Planning and Zoning Commission Regular Meeting Minutes of July 27, 2022

**Public Comments**

**Old Business**

2. **Zoning Text Amendment – P&Z review of certain site plans in the CD-DT (TA22-003)**  
**Location:** Downtown Character District  
**Petitioner:** City Council  
**Previous discussion:** March 23, May 25, June 8  
**Recommendation:** *Discuss second petition from Council*  
**P&Z Action:** *Discuss and decide whether to consider additional code amendments*

**Commission Updates**

**Adjournment**

Reminders:

- \* August 24 and September 14 - Planning & Zoning Commission Meetings
- \* August 15 and September 6 - City Council Meetings

**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
July 27, 2022  
Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on July 27, 2022 at 5:30 p.m. at the Community Center. The following Commission members were present: Crisman, Grybovych, Larson, Leeper, Lynch and Moser. Hartley, Holst (recused) and Saul were absent. Karen Howard, Community Services Manager and Thomas Weintraut, Planner III, were also present.

- 1.) Chair Leeper noted the Minutes from the July 13, 2022 regular meeting are presented. Ms. Lynch made a motion to approve the Minutes as presented. Moser seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Larson, Leeper, Lynch and Moser), and 0 nays.
  
- 2.) The first item of business was the preliminary and final plats for the Western Home Communities 10<sup>th</sup> Addition. Chair Leeper introduced the item and Mr. Weintraut provided background information. He explained that this item had been brought before the Commission at previous meetings and briefly discussed the updated information that had been provided. Several lots are being combined in the Pinnacle Prairie Business Park North into two lots for Western Homes. He discussed the technical comments and noted that staff recommends approval with any comments or direction from the Commission and conformance with all city staff recommendations and technical requirements.

Ms. Lynch stated that she will need to abstain from the matter.

Mr. Larson made a motion to approve the item. Ms. Crisman seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Larson, Leeper and Moser), 1 abstention (Lynch) and 0 nays.

- 3.) As there were no further comments, Ms. Lynch made a motion to adjourn. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Larson, Leeper, Lynch and Moser), and 0 nays.

The meeting adjourned at 5:36 p.m.

Respectfully submitted,

  
 Karen Howard  
 Community Services Manager

  
 Joanne Goodrich  
 Administrative Assistant



## DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls  
 220 Clay Street  
 Cedar Falls, Iowa 50613  
 Phone: 319-273-8606  
 Fax: 319-273-8610  
[www.cedarfalls.com](http://www.cedarfalls.com)

### MEMORANDUM

#### *Planning & Community Services Division*

**TO:** Planning and Zoning Commission  
**FROM:** Karen Howard, AICP, Planning & Community Services Manager  
**DATE:** August 5, 2022  
**SUBJECT:** Petition from City Council to amend the Downtown Character District (TA22-003)

On July 18<sup>th</sup>, 2022, the City Council held a public hearing on an ordinance to amend the Downtown Character District zoning regulations recommended unanimously by the Planning and Zoning Commission at your June 8<sup>th</sup> meeting. In effect, this ordinance would require site plans for new buildings proposed in the Urban General, Urban General 2, and Storefront frontages to be reviewed by the Planning and Zoning Commission and approved by the City Council.

After the close of the public hearing the City Council discussed the proposed ordinance and a motion passed to refer the ordinance back to the Planning and Zoning Commission with a petition for additional amendments to the zoning ordinance “to include review of any site plan that would expand the floor plan or where residential is being added, similar to language in Section 26-196, C.2.b.” The minutes of this discussion are listed below. The staff report that was forwarded to City Council, the specific amendments recommended by the Commission, and a copy of the proposed ordinance are attached as background. The video recording of the July 18<sup>th</sup> meeting is also available at <https://www.cedarfalls.com/852/Public-Meeting-Agendas-With-Video>. The hearing for this item is item 8 on the agenda.

#### **Minutes from the July 18<sup>th</sup> City Council meeting:**

It was moved by deBuhr and seconded by Harding that an ordinance, amending Chapter 26, Zoning, of the Code of Ordinances relative to Planning & Zoning Commission review of site plans in the Downtown Character District (CD-DT), be passed upon its first consideration. Following questions by Councilmembers Harding and Kruse, and responses by City Attorney Rogers and Planning & Community Services Manager Howard, it was moved by Kruse and seconded by Sires to petition the Planning & Zoning Commission to include review of any site plan that would expand the floor plan or where residential is being added, similar to language in Section 26-196, C.2.b. Following comments and questions by Councilmembers deBuhr, Kruse, Dunn, Harding and Sires, and responses by Howard, it was moved by Harding to call the question on the original motion. Motion failed 3-4, with deBuhr, Kruse, Ganfield and Sires voting Nay. Following comments by Mayor Green, and questions and comments by Councilmembers deBuhr, Kruse, Harding, Dunn and Schultz, the Mayor put the question on the motion to petition

the Planning & Zoning Commission. Motion carried 4-3, with Dunn, Schultz and Harding voting Nay.

**RECOMMENDATION:** Staff recommends that the Commission discuss the petition from the City Council for further amendments to the Downtown Character District Code as outlined in the minutes from the July 18<sup>th</sup> City Council meeting.

Attachments:

- Staff Report regarding 1<sup>st</sup> petition from the City Council for amendments to the site plan review process.
- Red-lined draft of the proposed changes to the zoning code recommended by the Commission on June 8<sup>th</sup>.
- Ordinance with the changes to the zoning code recommended by the Commission on June 8<sup>th</sup>.



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### MEMORANDUM

#### *Planning & Community Services Division*

**TO:** Mayor Robert M. Green and City Council  
**FROM:** Karen Howard, AICP, Planning & Community Services Manager  
**DATE:** July 8, 2022  
**SUBJECT:** Petition from City Council to amend the Downtown Character District (TA22-003)

The City Council directed staff to forward to the Planning and Zoning Commission their request for additional amendments to the recently adopted Downtown Character District code. They request that the Planning and Zoning Commission reconsider their previous recommendation to have all site plans reviewed and approved administratively by staff without additional Planning and Zoning Commission review.

#### **Background**

The Downtown Character District regulations were adopted by City Council on November 1, 2021. These new zoning regulations are intended to implement the *Imagine Downtown! Vision Plan* adopted in November of 2019. The second phase of the project was to draft zoning regulations to encourage future development that is consistent with the adopted Vision. The draft code was presented to the public in February, 2021. The Commission considered the new code at four special work sessions and held 3 public hearings to consider public comments and suggestions for changes to the code. The Commission discussed all proposed changes to the draft and made decisions on each one before forwarding a final draft to the City Council for consideration in May 2021. The Planning & Zoning Commission's recommended draft was reviewed at five City Council Committee of the Whole/ Work Session before a public hearing was scheduled. The draft was discussed at three separate readings before being adopted on November 1, 2021.

#### **Council Petition: Re-establish Planning and Zoning Commission review of site plans for development in the Downtown Character District.**

During the initial review of the new code, the Planning and Zoning Commission discussed the pros and cons of continuing the practice of P&Z review of all site plans for development in the downtown. After discussion, the Commission decided to keep the new code as proposed without additional Planning and Zoning Commission Review. The following pros and cons are excerpted from the decision matrix, which was the tool used to carefully consider all requests for changes to the draft code (see item #8 in the attached decision matrix from April 2021).

**Issue: Include a design review process/role for P&Z**

Pros:

- Provides for more public scrutiny of development projects in the downtown area.
- Provides additional reassurance that a project will be consistent with the vision for downtown.

Cons:

- One of the goals of the Downtown Zoning Code update was to streamline the development review process and move toward by-right approvals for those projects that meet a set of objective form-based standards. The benefits of this approach are to a) provide a greater level of predictability for property owners, developers, and neighbors; b) move away from the time and expense of negotiating individual projects in the Downtown district, particularly if it requires project redesign or additional legal fees; and c) remove the subjectivity of the public review process, where individual opinions can cause projects that otherwise meet the standards to be redesigned adding cost to the project.
- From a fairness and equity standpoint, [review at P&Z] can also give undue influence to particularly persuasive or well-connected applicants or to those who may simply want to prevent development from occurring.
- The purpose of establishing the staff Zoning Review Committee is to ensure that development projects meet the adopted standards, but also to assist applicants in their understanding of the intent of the provisions of the code, so they can achieve a more cohesive design, so in essence will serve as an administrative design review.

Staff notes that site plans in previous zoning districts that surrounded the Central Business District Overlay (R-3, R-4, C-2, C-1, etc.) did not require Planning and Zoning Commission and City Council review and approval. It was only within the Central Business District Overlay where all improvements to existing buildings and all new buildings proposed were subject to P&Z and Council review.

At the Commission's March 23, 2022 meeting staff forwarded the petition from the City Council for discussion. The Commission discussed the following non-exhaustive list of potential options for discussion ranging from least P&Z oversight to full review by P&Z and Council. At that meeting the Commission directed staff to bring back proposed code amendments according to the 3<sup>rd</sup> option below (highlighted) and noted that they would also like to be updated on site plans that are under review in the Downtown Character District on a monthly basis.

Options Considered by the Planning and Zoning Commission:

1. Maintain the currently adopted process for site plan review – administrative review by staff. If a proposed project meets the code requirements it will be approved. If it does not, it will be denied.

2. Maintain the currently adopted process for site plan review, but for an initial period of time (one year? two years?) have staff provide a monthly report to the Commission on the site plans under administrative review in the Downtown Character District, so that the Commission can monitor, ask questions, discuss concerns, and if necessary initiate code amendments if problems arise. This would also provide an opportunity for staff to note any code provisions that may not be working as intended and to suggest solutions.
3. Require new buildings in the Urban General, Urban General 2, and Storefront frontages to be reviewed by P&Z to confirm staff administrative review decisions.
4. Require all new buildings in the Downtown Character District to be reviewed by P&Z to confirm staff administrative decisions, including in the Neighborhood frontages.
5. Require all site plans (including all new buildings, all changes to existing buildings, projecting signs, site changes) to be reviewed by P&Z and approved by City Council (as was previously done in the CBD Overlay).

Staff drafted the attached amendments to the zoning code based on the Commission's direction, with an additional step to the approval process as advised by the City Attorney. He advised that if there is a desire to have Planning and Zoning Commission review certain site plans, that it would be best to establish a process that is similar to the other zoning districts (e.g. MU, HWY-1, MPC Districts) where the Commission is a recommending body to the City Council and the final decisions are made by the City Council. This would add an additional step to what is noted in option 3 above, which proposes that the Commission would be the decision-making body and additional review and approval by Council would not be needed.

In summary, the effect of these changes will be to require site plans for new buildings proposed in the Urban General, Urban General 2, and Storefront frontages in the Downtown Character District to be reviewed by the Planning and Zoning Commission and approved by City Council.

The proposed changes to the code language were introduced and discussed at the May 25<sup>th</sup> Commission meeting. The Commission agreed that what was proposed was consistent with their direction to staff with the additional change recommended by the City Attorney and various other minor adjustments to the language for clarification and consistency. The Commission set a public hearing on the proposed amendments for their June 8<sup>th</sup> meeting.

**RECOMMENDATION:** Following the public hearing on June 8<sup>th</sup>, on a vote of 9-0, the Planning and Zoning Commission recommended approval of the attached amendments to the zoning ordinance and forward the proposed ordinance to the City Council for consideration.

Attachments:

- Ordinance with the proposed changes to the zoning code
- Red-lined draft of the proposed changes to the zoning code
- P&Z Decision Matrix from April 2021
- Minutes from P&Z discussions attached on the following pages

PLANNING & ZONING COMMISSION MINUTES

Introduction  
03/23/22

The Commission then considered a zoning text amendment to add a requirement for Planning and Zoning review of site plans in the CD-DT. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that some commission members were not on the commission when the new code was discussed, so she will be providing some background information again. She explained that there was concern and frustration with the fact that it seemed as though a great deal of projects had to come through the commission for approval. The idea behind the new code was to create more clear and objective standards in the code, making less reason to have an extra review by the Commission. She discussed the role of the Commission, which includes planning for the future growth of the city, making recommendations on legislative matters related to planning and zoning (amendments to the zoning code, changes to zoning map, etc.) and making recommendations on subdivision of land, including street extensions and proposals for parks. Review of site plans was not one of the official listed duties and was added to the code later for certain newer zoning and overlay districts.

Ms. Howard discussed potential options which include:

1. Maintain the code as currently adopted
2. Maintain as currently adopted, but staff provides monthly report to the Commission on site plans under review.
3. Require new buildings in the UG, UG2 and Storefront frontages to be reviewed and approved by Planning and Zoning.
4. Require all new buildings in the Downtown Character District to be reviewed and approved by Planning and Zoning
5. Require all site plans to be reviewed by Planning and Zoning and approved by City Council as was previously done in the CBD Overlay.

Mr. Larson feels that one of the primary objectives of the new zoning ordinance was to provide a clear set of rules and make it easier for developers and to potentially remove an often unnecessary step for the process. He suggested trying out option two to make sure there is some kind of a review.

Ms. Crisman also likes the second option and stated that she feels a bit discouraged by how many things have been coming back from council that the commission has put so much work into. She's not sure that adding another thing for approval is a great idea if things that have been worked so hard on are going to come back again. She likes the idea of staying in the loop and checking in on the work already done.

Mr. Holst feels that the new zoning process is a lot more efficient and less subjective so it is easier to check things through. The only thing that will be unfortunate to lose is the chance for public input. He also said that Planning and Zoning is a check for staff.

Mr. Leeper agreed with the comments from the Commission and stated that it is a tough place to be. He likes the second option and asked if there is a mechanism that would allow the planning and zoning commission to pull an item in for approval.

Mr. Hartley feels that it would be nice to have an overview for projects, maybe in the form of a monthly report so that the Commission can decide if they should take a closer look. His concern isn't just with the Commission not being able to see what is going to happen, but to give the public a chance to comment as well.

Ms. Howard stated that there needs to be a clear path created to deciding on whether a project needs to be considered by the Commission. After further conversation, the



general direction from the Commission to go with a mixture of options two and three.

Review of  
proposed  
amendments  
5/25/2022

The Commission then considered Zoning Text Amendment and review of certain site plans in the Downtown Character District (CD-DT). Chair Leeper introduced the item and Ms. Howard provided background information with regard to previously discussed potential options for the review of site plans in the Downtown Character District. She discussed the proposed code language and showed a rendering of the frontage designations within the downtown area where P&Z and Council review of site plans would be required if these changes are adopted. She displayed the clarified/updated code language being proposed and explained what those changes mean and asked if there were any questions. Staff recommended that the Commission discuss the draft text amendment, provide direction, and consider setting a date of public hearing for the June 8 meeting.

Ms. Saul commented that the code changes proposed reflect what the Commission discussed and asked for. There was brief discussion with regard to different aspects of the changes.

A public hearing was set for the Commission meeting on June 8, 2022.

Public hearing and  
Vote  
6/8/2022

The next item for consideration by the Commission was a zoning text amendment with regard to review of certain site plans in the CD-DT District. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that it is currently on the table to change the zoning code to require new buildings in the Urban General (UG), Urban General 2 (UG2) and Storefront frontages to be reviewed by the Planning and Zoning Commission. She displayed a rendering of the Character District and the frontage destinations where the proposed amendments would apply. She offered to answer any questions about the proposed code changes and recommended that that Commission open the public hearing, discuss and make a recommendation to City Council on the proposed amendments.

Ms. Saul asked about the process if a residence is going to add square footage. Ms. Howard stated that this text amendment only addresses new buildings.

Mr. Holst clarified that this amendment addresses concerns about new construction and public input. Mr. Leeper added that this is a check and balance for significant projects in the area. Mr. Larson noted that the amendment could be revisited after a year to see if it is still necessary.

Mr. Larson made a motion to approve the item. Ms. Lynch seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

Note that in the red-lined version of the proposed code amendments, the strike-through notation indicates language to be deleted. Underlined text is new language added. All other language is unchanged and is included to provide context for the changes proposed.

**Amend Section 26-191C., Applicability, as follows:**

C. Applicability and Development Review

- 1. Where an adopted Regulating Plan is shown on the zoning map, these Character District standards immediately apply at the parcel level.
- 2. The process for developing or redeveloping within a Character District is delineated in Section 26-36 through Section 26-39. All applications for development or redevelopment within a Character District shall be reviewed and approved according to the procedures set forth in Section 26-36 through Section 26-39. Applications shall be administratively reviewed and approved, except for site plans for new buildings on property designated as Urban General, Urban General 2, or Storefront on an adopted Regulating Plan. For new buildings on property designated as Urban General, Urban General 2, or Storefront on an adopted Regulating Plan, the Zoning Administrator, in consultation with the Zoning Review Committee and Technical Review Committee, shall prepare and forward a report along with the site plan and supporting documents to the Planning and Zoning Commission and City Council for review and approval according to procedures set forth in Section 26-36(d), Review and Decision-making.

**Amend Section 26-36 and 26-37, as follows:**

Sec. 26-36. Administrative Determination Site Plan Review, Proportionate Compliance Determinations, and Minor Adjustments

(a) **APPLICABILITY GENERAL APPLICATION REQUIREMENTS**

~~The Zoning Administrator shall review and decide upon applications for the following administrative reviews and code adjustments in consultation with the Zoning Review Committee(ZRC) and/or the staff Technical Review Committee, as applicable. Some of these processes have additional review and approval requirements; a cross-reference to those requirements is provided in the right column.~~

<del>Permit or Adjustment</del>	<del>Additional Review Requirements</del>
<del>Site Plan</del>	<del>Section 26-37.D</del>
<del>Proportionate Compliance</del>	<del>n/a</del>
<del>Minor Adjustment</del>	<del>Section 26-39.E</del>

Applications and submittal materials required for site plan review, proportionate compliance determinations, and minor adjustments under this Chapter shall be submitted on forms and in such numbers as required by the City. The applicable filing fee shall be paid at the time the application is filed. Additional fees may be required for re-submittals. Fees are determined by resolution of the City Council.

(b) **APPLICATION COMPLETENESS REVIEW**

- (1) Applications shall not be processed until all fees and materials have been submitted and are deemed sufficient complete in form and content such that recommendations,

as required, and a decision may be made on the application by the Zoning Administrator, or other decision-making body, as specified in this chapter. The Zoning Administrator shall determine application ~~sufficiency~~ completeness.

- (2) If an application is deemed ~~insufficient~~ incomplete, the Zoning Administrator shall inform the applicant of the specific submittal requirements that have not been met. ~~The Zoning Administrator may provide notice in writing, electronically, or in conversation with the applicant.~~
- (3) If an application is deemed ~~insufficient~~ incomplete, the applicant must resolve and resubmit the materials required to complete the application within 30 days of the date informed of the insufficiency of the application.
  - a. An ~~insufficient~~ incomplete application that has not been revised to meet the completeness requirements shall expire on the 30<sup>th</sup> day. An expired application shall be returned to the applicant along with any original documents submitted in support of the application.
  - b. The City, at its discretion, may retain the application fee paid. Once an application has expired, the application must be resubmitted in full, including payment of the application fee.

**(c) REVIEW, REFERRAL, AND RECOMMENDATION**

- (1) Upon submission of an application, the Zoning Administrator shall review the application and accompanying documentation to determine whether the information included in the application is sufficient to evaluate the application against the approval criteria of the procedure or permit requested.
- (2) The Zoning Administrator may refer any application to the Zoning Review Committee (ZRC) or Technical Review Committee (TRC) for review and recommendation.

**(d) REVIEW AND DECISION-MAKING**

- (1) ~~The Zoning Administrator shall review the Applications shall be reviewed~~ for conformance with all applicable provisions of this Code chapter.
- (2) To be approved, an application shall be fully consistent with the standards of this ~~chapter~~ Code unless a minor adjustment is concurrently approved to allow specified deviation from applicable standards. ~~An administrative approval may include instructions and clarifications regarding compliance with this Code, but shall not be approved with conditions that require action beyond the specific requirements of the City Code of Ordinances.~~
- (3) Except as specified in paragraphs (4) below, after consultation with the TRC and ZRC, as applicable, the Zoning Administrator shall approve or deny ~~the applications for site plan review and minor adjustments and shall make determinations regarding proportionate compliance~~ and provide written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial. Administrative decisions are appealable pursuant to Section 26-62.
- (4) For any site plan that requires Planning and Zoning Commission and/or City Council review and approval, as set forth in this Chapter, the Zoning Administrator shall prepare a staff report and recommendation based on the approval criteria, standards and requirements of this Code, and any other applicable policies and regulations. The staff report and recommendation shall be forwarded to the Planning and Zoning Commission for its review and recommendation to the City Council. If the Planning and Zoning Commission recommends denial, the site plan shall not be forwarded to the City Council, unless so requested by the applicant in writing. After consideration of the staff report and the Planning and Zoning Commission's recommendation, the City Council may approve, approve with conditions, or deny the site plan. If a site plan is

denied, the Planning and Zoning Commission and/or City Council, as applicable, shall state the reasons for denial.

~~(e) APPEAL~~

~~1. Administrative determinations are appealable pursuant to Section 26-62.~~

Sec. 26-37. Site Plan

(a) APPLICABILITY

The purpose of this section is to set forth the procedures and criteria for review and approval of site plans, which shall include when referenced in this Chapter, site development plans, development plans, or similar. Site plans are technical documents that illustrate how the structure(s), layout of an area, and proposed uses meet the requirements of this chapter and any other applicable ordinances, standards, regulations, and with all previously approved plans applicable to the property.

(b) AUTHORITY

A site plan is required for:

(1) Character Districts

- a. Any application for development in a character district.
- b. All requests for structures, architectural elements or accessory structures (front porch, front yard fence) at or forward of the required building line, and accessory or temporary uses; however, for minor accessory structures not located forward of the required building line, such as sheds, fences, or decks, the site plan shall only be required to show the location of the proposed structure or addition in relation to property boundaries, required setbacks, easements, and terrain changes as more fully detailed in this Code;

~~(2) Traditional Zone Districts~~ All other Zoning Districts

- a. Any application for a commercial, industrial, institutional, or multi-unit residential dwelling project development;
- b. Any application for development requiring site plan review, site development plan review, development plan review, plan review, or similar review as set forth elsewhere in this chapter.

(c) APPLICATION PROCEDURES

- (1) A pre-application meeting with the Zoning Review Committee (ZRC) is required prior to the submission of a site plan application for development in a character district. Pre-application meetings are optional and encouraged for all other applications.
- (2) The applicant shall submit the site plan application to the Planning and Community Services Division. Application submittal deadlines and requirements shall be established on submittal forms available from the Planning and Community Services Division and on the City's website.

(d) DECISION CRITERIA

The site plan shall be reviewed against the following criteria:

- (1) The site plan is consistent with all applicable adopted plans and policies;
- (2) The site plan is consistent with any prior approvals, including any conditions that may have been placed on such approvals; and
- (3) The site plan conforms with all applicable requirements of this Code ~~the Code of Ordinances~~, or with all applicable requirements as modified by ~~a request for a~~ an approved minor adjustment.

~~(e) LIMITATION OF APPROVAL~~

~~Zoning Administrator approval of a site plan does not in any way imply approval by any other City department.~~

**(f) EFFECT**

- (1) Approved site plans shall be binding upon the property owner(s) and their successors and assigns.
- ~~(2) No permit shall be issued for any building, structure, or use that does not conform to an approved site plan.~~
- (3) No building, structure, use or other element of the approved site plan shall be modified without amending the site plan, unless it is determined by the City that such modification will not require an amended site plan.
- (4) All buildings, structures and uses shall remain in conformance with the approved site plan or be subject to enforcement action.

**(g) POST-APPROVAL ACTIONS**

**(1) Expiration**

- a. Approved site plans shall expire one year after approval if the applicable permit(s) for the proposed development a building permit has have not been issued. ~~or the approved use established.~~ In the event that the documents expire due to the passage of this time period, new site plan review documents must be submitted for approval in the same manner as an original application for development review.
- b. For good cause, an extension not to exceed one year may be granted by the Zoning Administrator. Requests for an extension must be in writing stating the reasons for such request.

**(2) Modifications to Site plans**

The holder of an approved site plan may request an adjustment to the document, or the conditions of approval, by submitting either an application for minor adjustment or an amended site plan, whichever is appropriate, to the Zoning Administrator. An amended site plan shall be filed and processed in accordance with the procedures specified in this Chapter for the an initial site plan submittal, or as otherwise specified in this Chapter.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO CLARIFY TERMINOLOGY AND ESTABLISH NEW PROCEDURES FOR REVIEW OF SITE PLANS FOR DEVELOPMENT IN THE DOWNTOWN CHARACTER DISTRICT BY AMENDING SECTION 26-191, INTRODUCTION TO CHARACTER DISTRICTS AND DEFINITIONS, UNDER DIVISION 2, SPECIFIC DISTRICTS, ARTICLE III, DISTRICTS AND DISTRICT REGULATIONS; AND SECTION 26-36, SITE PLAN REVIEW, PROPORTIONATE COMPLIANCE DETERMINATIONS, AND MINOR ADJUSTMENTS, AND SECTION 26-37, SITE PLAN, UNDER DIVISION 1, GENERALLY, UNDER ARTICLE II, ADMINISTRATION AND ENFORCEMENT; ALL WITHIN CHAPTER 26, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR FALLS, IOWA**

WHEREAS, the Downtown Character District zoning regulations, adopted November 1, 2021, established procedures for the review of site plans for development within the Downtown Character District; and

WHEREAS, the City Council has petitioned the Cedar Falls Planning and Zoning Commission to consider requiring Planning and Zoning Commission Review of development proposals in the Downtown Character District rather than administrative review and approval; and

WHEREAS, at a public hearing on June 8, 2022, the Planning and Zoning Commission recommended approval of zoning code amendments to clarify the procedures for review of site plans in the Downtown Character District and to require Planning and Zoning Commission review and City Council approval of site plans for new buildings in the Urban General, Urban General 2, and Storefront frontages, with all other site plans to be reviewed administratively (TA22-003);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR FALLS, IOWA, THAT:

*Section 1: Subsection C, Applicability, of Section 26-191, Introduction to Character Districts and Definitions, within Division 2 Specific Districts, of Article III, Districts and District Regulations, of Chapter 26, Zoning, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby deleted and the following substituted in lieu thereof:*

**C. Applicability and Development Review**

1. Where an adopted Regulating Plan is shown on the zoning map, these Character District standards immediately apply at the parcel level.
2. All applications for development or redevelopment within a Character District shall be reviewed and approved according to the procedures set forth in Section 26-36 through Section 26-39. Applications shall be administratively reviewed and approved, except for site plans for new buildings on property designated as Urban General,

Urban General 2, or Storefront on an adopted Regulating Plan. For new buildings on property designated as Urban General, Urban General 2, or Storefront on an adopted Regulating Plan, the Zoning Administrator, in consultation with the Zoning Review Committee and Technical Review Committee, shall prepare and forward a report along with the site plan and supporting documents to the Planning and Zoning Commission and City Council for review and approval according to procedures set forth in Section 26-36(d), Review and Decision-making.

*Section 2: Section 26-36, within Division 1, Generally, of Article II, Administration and Enforcement, of Chapter 26, Zoning, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby deleted and the following substituted in lieu thereof:*

**Sec. 26-36. Site Plan Review, Proportionate Compliance Determinations, and Minor Adjustments**

**(a) GENERAL APPLICATION REQUIREMENTS**

Applications and submittal materials required for site plan review, proportionate compliance determinations, and minor adjustments under this Chapter shall be submitted on forms and in such numbers as required by the City. The applicable filing fee shall be paid at the time the application is filed. Additional fees may be required for re-submittals. Fees are determined by resolution of the City Council.

**(b) APPLICATION COMPLETENESS REVIEW**

- (1) Applications shall not be processed until all fees and materials have been submitted and are deemed complete in form and content such that recommendations, as required, and a decision may be made on the application by the Zoning Administrator, or other decision-making body, as specified in this chapter. The Zoning Administrator shall determine application completeness.
- (2) If an application is deemed incomplete, the Zoning Administrator shall notify the applicant of the specific submittal requirements that have not been met.
- (3) If an application is deemed incomplete, the applicant must resubmit the materials required to complete the application within 30 days of the date notified of the insufficiency of the application.
  - a. An incomplete application that has not been revised to meet the completeness requirements shall expire on the 30<sup>th</sup> day. An expired application shall be returned to the applicant along with any original documents submitted in support of the application.
  - b. The City, at its discretion, may retain the application fee paid. Once an application has expired, the application must be resubmitted in full, including payment of the application fee.

**(c) REVIEW, REFERRAL, AND RECOMMENDATION**

- (1) Upon submission of an application, the Zoning Administrator shall review the application and accompanying documentation to determine whether the information included in the application is sufficient to evaluate the application against the approval criteria of the procedure or permit requested.
- (2) The Zoning Administrator may refer any application to the Zoning Review Committee (ZRC) or Technical Review Committee (TRC) for review and recommendation.

**(d) REVIEW AND DECISION-MAKING**

- (1) Applications shall be reviewed for conformance with all applicable provisions of this Code.

- (2) To be approved, an application shall be fully consistent with the standards of this Code, unless a minor adjustment is concurrently approved to allow specified deviation from applicable standards.
- (3) Except as specified in paragraph (4) below, after consultation with the TRC and ZRC, as applicable, the Zoning Administrator shall approve or deny applications for site plan review and minor adjustments and shall make determinations regarding proportionate compliance and provide written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial. Administrative decisions are appealable pursuant to Section 26-62.
- (4) For any site plan that requires Planning and Zoning Commission and/or City Council review and approval, as set forth in this Chapter, the Zoning Administrator shall prepare a staff report and recommendation based on the approval criteria, standards and requirements of this Code, and any other applicable policies and regulations. The staff report and recommendation shall be forwarded to the Planning and Zoning Commission for its review and recommendation to the City Council. If the Planning and Zoning Commission recommends denial, the site plan shall not be forwarded to the City Council, unless so requested by the applicant in writing. After consideration of the staff report and the Planning and Zoning Commission's recommendation, the City Council may approve, approve with conditions, or deny the site plan. If a site plan is denied, the Planning and Zoning Commission and/or City Council, as applicable, shall state the reasons for denial.

*Section 3: Section 26-37, Site Plan, within Division 1, Generally, of Article II, Administration and Enforcement, of Chapter 26, Zoning, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby deleted and the following substituted in lieu thereof:*

## **Sec. 26-37. Site Plan**

### **(a) APPLICABILITY**

The purpose of this section is to set forth the procedures and criteria for review and approval of site plans, which shall include when referenced in this Chapter, site development plans, development plans, or similar. Site plans are technical documents that illustrate how the structure(s), layout of an area, and proposed uses meet the requirements of this chapter and any other applicable ordinances, standards, regulations, and with all previously approved plans applicable to the property.

### **(b) AUTHORITY**

A site plan is required for:

#### **(1) Character Districts**

- a. Any application for development in a character district.
- b. All requests for structures, architectural elements or accessory structures (e.g., front porch, front yard fence) at or forward of the required building line, and accessory or temporary uses; however, for minor accessory structures not located forward of the required building line, such as sheds, fences, or decks, the site plan shall only be required to show the location of the proposed structure or addition in relation to property boundaries, required setbacks, easements, and terrain changes as more fully detailed in this Code.



**(2) All Other Zoning Districts**

- a. Any application for commercial, industrial, institutional, or multi-unit residential development;
- b. Any application for development requiring site plan review, site development plan review, development plan review, plan review, or similar review as set forth elsewhere in this chapter.

**(c) APPLICATION PROCEDURES**

- (1) A pre-application meeting with the Zoning Review Committee (ZRC) is required prior to the submission of a site plan application for development in a character district. Pre-application meetings are optional but encouraged for all other applications.
- (2) The applicant shall submit the site plan application to the Planning and Community Services Division. Application submittal deadlines and requirements shall be established on submittal forms available from the Planning and Community Services Division and on the City's website.

**(d) DECISION CRITERIA**

The site plan shall be reviewed against the following criteria:

- (1) The site plan is consistent with all applicable adopted plans and policies; and
- (2) The site plan is consistent with any prior approvals, including any conditions that may have been placed on such approvals; and
- (3) The site plan conforms with all applicable requirements of this Code, or with all applicable requirements as modified by an approved minor adjustment.

**(e) EFFECT**

- (1) Approved site plans shall be binding upon the property owner(s) and their successors and assigns.
- (2) No building, structure, use or other element of the approved site plan shall be modified without amending the site plan, unless it is determined by the City that such modification will not require an amended site plan.
- (3) All buildings, structures and uses shall remain in conformance with the approved site plan or be subject to enforcement action.

**(f) POST-APPROVAL ACTIONS**

- (1) Expiration
  - a. Approved site plans shall expire one year after approval if the applicable permit(s) for the proposed development have not been issued. In the event that the documents expire due to the passage of this time period, new site plan review documents must be submitted for approval in the same manner as an original application for site plan review.
  - b. For good cause, an extension not to exceed one year may be granted by the Zoning Administrator. Requests for an extension must be in writing stating the reasons for such request.
- (2) Modifications to Site Plans
 

The holder of an approved site plan may request an adjustment to the document, or the conditions of approval, by submitting either an application for minor adjustment or an amended site plan, whichever is appropriate, to the Zoning Administrator. An amended site plan shall be filed and processed in accordance with the procedures specified in this Chapter for the initial site plan submittal, or as otherwise specified in this Chapter.

INTRODUCED: \_\_\_\_\_

PASSED 1<sup>ST</sup> CONSIDERATION: \_\_\_\_\_

PASSED 2<sup>ND</sup> CONSIDERATION: \_\_\_\_\_

PASSED 3<sup>RD</sup> CONSIDERATION: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Robert M. Green, Mayor

ATTEST:

\_\_\_\_\_  
Jacqueline Danielsen, MMC, City Clerk