



**AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, MAY 12, 2021
5:30 PM AT CITY HALL AND VIA VIDEO CONFERENCE**

The meeting will also be accessible via video conference and the public may access/participate in the meeting in the following ways:

- a) By dialing the phone number +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 and when prompted, enter the meeting ID (access code) 886 2008 9534.
- b) iPhone one-tap: +13126266799,,88620089534# or +19292056099,,88620089534#
- c) Join via smartphone or computer using this link: <https://us02web.zoom.us/j/88620089534>.
- d) View the live stream on Channel 15 YouTube using this link: <https://www.youtube.com/channel/UCCzeig5nIS-dIEYisqah1uQ> (view only).
- e) Watch on Cedar Falls Cable Channel 15 (view only).

Call to Order and Roll Call

Approval of Minutes

- 1. Planning and Zoning Commission Regular Meeting Minutes of April 28, 2021

Public Comments

Old Business

- 2. **Amendment of Master plan for Autumn Ridge Development (10th Addition)**
Location: South of Thresher Court and West of Autumn Lane
Applicant: BKND, Inc., Owner; CGA Engineering, Engineer
Previous discussion: November 24, 2020
Recommendation: *Discuss and recommend approval of this partial update to the Master Plan*
P&Z Action: *Review and consider making a recommendation to City Council*
- 3. **Preliminary Plat and Final Plat for Autumn Ridge 10th Addition**
Location: South of Thresher Court and West of Autumn Lane
Applicant: BKND, Inc., Owner; CGA Engineering, Engineer
Previous discussion: November 24, 2020 (Preliminary Plat)
Recommendation: *Discuss and recommend approval*
P&Z Action: *Review and consider making a recommendation to City Council*
- 4. **Zoning Code Text Amendments – Downtown Character District Regulations**
Proposal: New zoning regulations and Regulating Plan for the Downtown Character District
Previous discussion: February 17 (draft presented); February 24, March 3, March 10, March 17 (work sessions); March 24 (set public hearing); April 14 and April 28 (public hearings, consideration of amendments)
Recommendation: *Recommend approval*
P&Z Action: *Recommend approval*
- 5. **Rezoning of property in the proposed Downtown Character District (Case #RZ21-004)**
Proposal: Rezone all property within the proposed Downtown Character District to CD-DT (Downtown Character District).
Previous discussion: April 28
Recommendation: *Hear any additional input from the public, close the hearing, and make a*

recommendation.

P&Z Action: *Hear any additional input from the public, close the hearing, and make a recommendation.*

New Business - None

Commission Updates

Adjournment

Reminders:

- * May 26 and June 9 - Planning & Zoning Commission Meetings
- * May 17 and June 7 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
April 28, 2021
City Hall and via videoconference
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on April 28, 2021 at 5:30 p.m. at City Hall and via videoconference due to precautions necessary to prevent the spread of the COVID-19 virus. The following Commission members were present: Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul, and Schrad. Sears was absent. Karen Howard, Community Services Manager, Jaydevsinh Atodaria, Planner I and Chris Sevy, Planner I, were also present.

- 1.) Chair Leeper noted the Minutes from the April 14, 2021 regular meeting and March 17 special meeting minutes are presented. Mr. Holst made a motion to approve the Minutes as presented. Ms. Saul seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.

- 2.) The first item of business was a Central Business District Overlay Site Plan review for a new mixed use building at 7th and Main Streets. Chair Leeper introduced the item and noted that the applicant would like to defer the item.

Mr. Schrad made a motion to defer the item. Ms. Prideaux seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.

- 3.) The next item for consideration by the Commission was a minor subdivision plat for Lot 2 of Blain's Corner 2nd Addition at 219 Brandilynn Boulevard. Chair Leeper introduced the item and Mr. Atodaria provided background information. He explained that this is the second time the item has been brought before the Commission and briefly re-capped the information previously discussed. Staff recommends approval of the item.

Mr. Holst made a motion to approve the item. Ms. Lynch seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.

- 4.) The Commission then considered a HWY-1 site plan for Aldi's grocery store at 219 Brandilynn Boulevard. Chair Leeper introduced the item and Mr. Atodaria provided background information, noting that this item was also discussed at the last meeting. He gave a brief re-cap of the project and noted that staff recommends approval of the site plan.

Ms. Saul made a motion to approve the item. Ms. Lynch seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.

- 5.) The next item of business was amendments to the zoning code text with regard to the Downtown Character District Regulations. Chair Leeper introduced the item and Ms. Howard provided background information. She noted that there are no additional requests received for amendments to the draft from what was discussed at the last meeting.

Mr. Hartley requested more discussion about the parking requirements that are in the draft code. Ms. Howard provided an overview of what was proposed for parking requirements in the code, noting the difference between the Urban General Frontages and in the Neighborhood Frontages. She explained the requirements for each area and discussed shared parking. The Commission discussed generally and confirmed that they were in agreement that the parking requirements that are proposed are where they should be for the downtown area. As there was no additional public comment, Mr. Leeper closed the public hearing. Ms. Howard briefly explained the next steps in the approval process.

- 6.) The next item for consideration by the Commission was rezoning of property in the proposed Downtown Character District. Chair Leeper introduced the matter and Ms. Howard provided background information. She explained that mailed notice of the rezoning was sent out to all property owners in the rezoning area and notice of the public hearing was also published in the Courier. The item is for initial discussion at this time and will be continued to the next meeting.
- 7.) The Commission then considered a HWY-1 site plan for property located at 315 Viking Plaza Drive. Chair Leeper introduced the item and Mr. Sevy provided background information. He explained that the request is to build a new Scooter's Coffee shop with a drive-thru on the southeast corner of Viking Road and Andrea. He outlined the general features of the site plan, landscaping, building design, and signage.

Since the proposal meets all zoning requirements and the design is consistent with neighboring buildings staff recommended approval of the site plan.

Mr. Schrad motioned to approve the site plan. Mr. Larson seconded the motion. There was little discussion, but members of the commission generally expressed approval of the site plan and the proposed use.

The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul, and Schrad), and 0 nays.

- 8.) The next item of business was a Central Business District Overlay Design Review for Taylor Vet Clinic at 315 State Street. Chair Leeper introduced the item and Mr. Atodaria explained the proposal for updating the façade and altering

the roofline for the Taylor Vet Clinic. He discussed how the proposal is to give a makeover to the existing building, creating a more modern and commercial look. The applicant will continue operating as Taylor Vet Clinic. Mr. Atodaria discussed the exceptions to the code requirements the applicant is requesting.

City staff is supportive of the requested exceptions as the original building was a house and was not designed as a storefront building. Mr. Atodaria noted that separate sign permits will have to be pulled to update the exterior signage on the building. He stated that the proposal meets the zoning ordinance requirements, provided the Commission approves of the exceptions and believes that the project will allow the applicant to update the façade of the building, blending well with site context. He noted that staff recommends approval of the submitted design review application.

Ms. Saul stated that the proposal looks like a nice improvement to the façade. Commission members expressed no concerns to the proposed item and agreed that the exceptions are warranted. Ms. Saul made a motion to approve the item. Mr. Holst seconded the motion. The motion was approved unanimously with 8 ayes (Holst, Hartley, Larson, Leeper, Lynch, Prideaux, Saul, and Schrad), and 0 nays.


- 9.) As there were no further comments, Ms. Lynch made a motion to adjourn. Mr. Holst seconded the motion. The motion was approved unanimously with 8 ayes (Holst, Hartley, Larson, Leeper, Lynch, Prideaux, Saul, and Schrad), and 0 nays.

The meeting adjourned at 6:12 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: 319-273-8600
 Fax: 319-273-8610
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Jaydevsinh Atodaria (JD), Planner I
DATE: May 4, 2021
SUBJECT: The Autumn Ridge Master Plan Amendment

REQUEST: Request to approve revised Autumn Ridge Master Plan

PETITIONER: BKND, Inc., Owner; CGA Engineering, Engineer

LOCATION: West of Union Road and south of W. 1st Street

PROPOSAL

It is proposed to amend the RP master plan for the Autumn Ridge development, which was originally approved in 2001. The proposed change includes minor revision from the previously updated Site Plan for Lot 3 Autumn Ridge 2nd Addition in 2005 with 50 units to 53 units distributed over 9 lots, thus slightly increasing the density of the area. In addition, as there have been several smaller changes over the years to the RP Plan, it is important to update the master plan for the entire development, so that it reflects changes made in previously platted areas, including the unplatted area proposed as Autumn Ridge 10th Addition, which will add 6 condo buildings, just north of Autumn Ridge 2nd Addition.

BACKGROUND

BKND, Inc. is proposing the next phase of the Autumn Ridge development with an amendment to the master plan. Autumn Ridge subdivision along Union Road has developed over the past 20 years beginning with a series of retirement condos and patio homes along Autumn Ridge Road coupled with an expansion of single-family dwellings along Paddington Drive, Berry Hill Road, and Shocker Road. A recent expansion in the Autumn Ridge Subdivision includes some single-family dwellings and duplexes along Thresher Court. In total, the entire Autumn Ridge development consists of approximately 105 acres of land reserved for a mixture of residential homes from single-family dwelling units, retirement units, and condominiums.

In 2005, the owner submitted an RP Plan amendment for Lot 3 of Autumn Ridge 2nd addition to updating the previously approved 22 unit senior condominium facility with 2 six-plex buildings and a five-plex building. At that time, a concept of similar continuation of 6 six-plexes on the area north of Lot 3 was presented which was to be done in the future. But it was noted that the area north will have to be platted prior to building anything in the future. With this application, the

developer has submitted a preliminary and final plat for Autumn Ridge 10th Addition, which includes the addition of 6 six-plexes, just north of Autumn Ridge 2nd addition (Same area as before). The RP master plan and the developmental procedures agreement must be updated to reflect these proposed changes, before approval of the new preliminary and final plat for Autumn Ridge 10th Additions.

For any proposed development that is not consistent with the approved RP master plan, an amendment is required to be approved by Planning and Zoning Commission and City Council. The proposed new master plan possesses minor changes from the previously approved master plan in terms of density of residential units, common public space/amenities and street connections. Therefore, both the Planning and Zoning Commission and City Council must first review and approve the revised RP master plan prior to the approval of the preliminary plat and final plat for Autumn Ridge 10th Addition located in the southern part of the Autumn Ridge development.

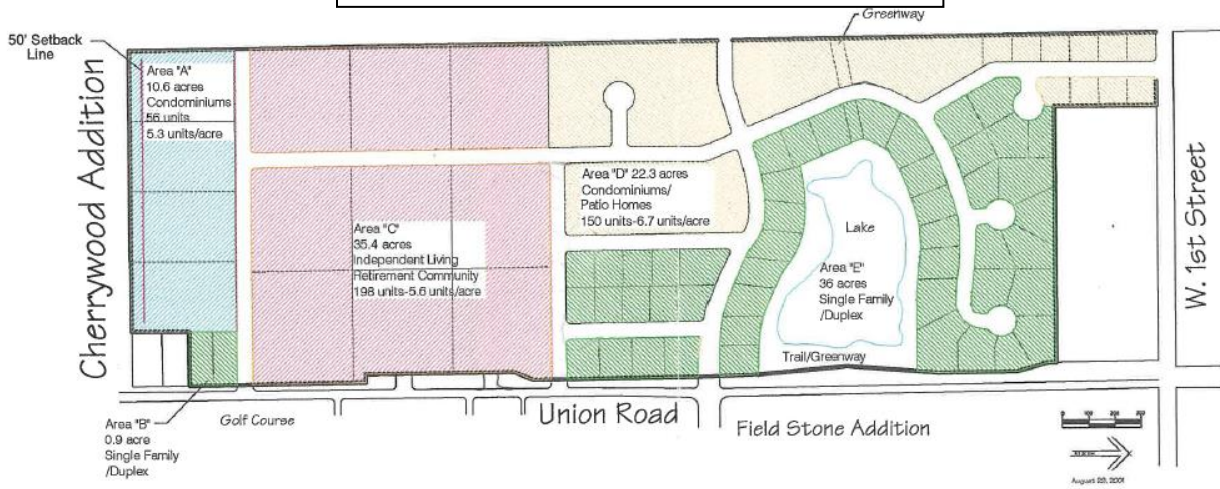
City staff notes that the proposed master plan was reviewed at a regular scheduled meeting on 24th November 2020 along with the new proposed 9th Addition. However, at this time applicant only wishes to continue forward with an update to the master plan for Autumn Ridge 10th Addition, therefore a new master plan exhibit has been attached in the packet for review.

ZONING

The purpose of the R-P Planned Residence District is to permit the establishment of multi-use and integrated use residential developments and to provide for the orderly planned growth of residential developments in larger tracts of land. The RP District allows flexibility in the types of dwellings, lot sizes, building heights, and setbacks. However, to ensure that the area is developed in an orderly manner, provides for efficient traffic circulation between neighborhoods, and includes the necessary infrastructure to meet the needs of the future residents, a master plan must be submitted with the rezoning, which is adopted through a developmental procedures agreement.

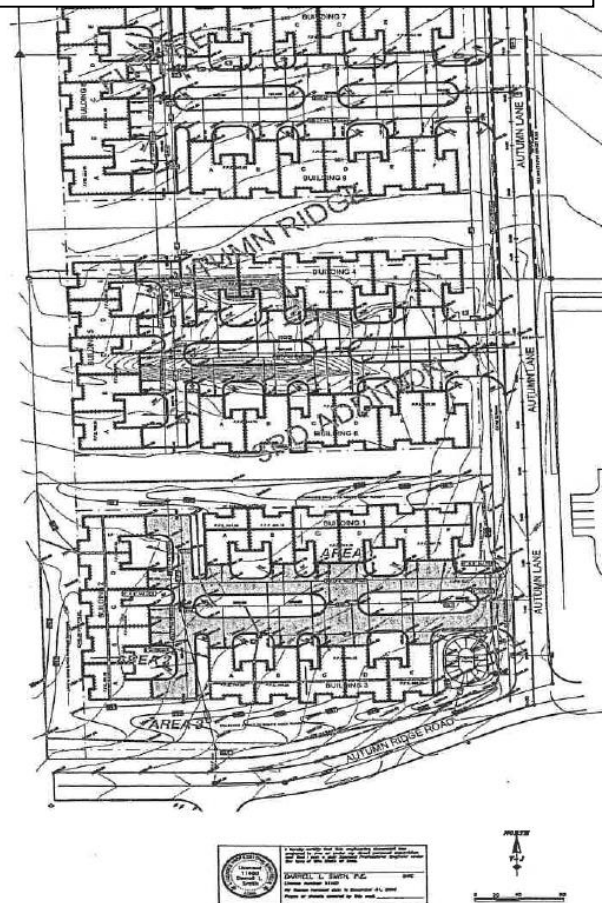
The entire Autumn Ridge development is about 105 acres and was rezoned to R-P, Planned Residential District from A-1, Agricultural Zoning District in 2001. As part of that rezoning, an RP master plan (shown below) along with a developmental procedures agreement was approved for the entire development area. The original master plan illustrates a mix of housing types, a proposed layout for the streets, and a 3 to 5-acre lake which would serve as both a stormwater retention/detention facility for much of the 105-acre development and as shared community space and trails around the perimeter of the lake. These various elements were also identified in the developmental procedures agreement.

Original 2001 RP Master Plan for Autumn Ridge



Over the past 20 years, Autumn Ridge has been developed in many phases with increasing density in some areas and reductions in others, altering street connections and changing the types of housing as per the developer's market strategy. There were amendments to the RP Plan in 2005 and 2006 to reflect changes south of the east-west drainage way (Autumn Ridge 2nd, 3rd, and 4th Additions). The illustration below particularly highlights the Autumn Ridge 2nd Addition and its RP Plan Amendment for Lot 3 to include 9 buildings, 50 units instead of originally proposed 22 unit senior condominiums. Over the years, other significant variations from the original plan include the elimination of the street connection across the drainage way and changes to the housing types and locations.

Original RP Master Plan for Autumn Ridge

RP Master Plan Amendment for Lot 3, Autumn Ridge 2nd Addition

STAFF ANALYSIS

The Master Plan exhibit submitted with the application highlights the proposed 10th addition in the subdivision in context with the rest of the development in Autumn Ridge. The updated RP master plan proposed by the developer is described below, with areas of change from the original plan highlighted and staff recommendations noted.

Proposed Revised RP Master Plan for Autumn

MASTER PLAN - AUTUMN RIDGE 10th ADDITION CEDAR FALLS, IOWA

AUTUMN RIDGE 10th LEGEND

PHASE	LOTS	UNITS
1	3	18
2	3	18
TOTAL	6	36

CONDOMINIUM LOT = 6



Autumn Ridge 10th Addition:

This subdivision is located just west of Autumn Lane and is accessed from Union Road from Thresher Court in the north and Autumn Ridge Road in the south. The proposed addition is a continuation of six plexes that are built just south of the proposed subdivision. The addition is planned with 6 lots in two phases with one 6-plex per lot. Access to the units will be from private drives, which will be extended westward from Autumn Lane. The private streets will not be connecting with any abutting street northward or southward. The proposal aligns with the RP plan amendment approved in 2005 with a marginal increase in density, which illustrated the six-plexes in place of the original proposal of independent living units, and will be a further continuation of the same in two phases once platted for development.

Proposed Autumn Ridge 10 th Addition		
Phase	No. of Lots	No. of Townhomes
One	3	18
Two	3	18
Total	6	36

Sidewalk Connections

Over 20 years of time, there have been many changes in the subdivision. Street connectivity is important to provide good access to properties, distribute traffic and reduce congestion and emergency response times, and provide opportunities for future development on abutting properties. In addition, establishing pedestrian connections throughout neighborhoods promotes walkability and safe passage for pedestrians.

With the proposal, the developer will be adding the public sidewalk along the west side of Autumn Lane, thus bridging the pedestrian connection gap between Autumn Ridge 2nd Addition on the south to Autumn Ridge 7th addition on the north. The same has been shown on the preliminary plat and mentioned under the public improvement section in the deed of dedication. City Staff notes the importance of following through on the commitment to install sidewalks as lots are developed to ensure better livability of the community.

As per City Code Section 20.5 – C-(10) and section 20.5 – C-(11), public sidewalks shall be installed at the time of new building construction on new or recently platted lots or within five years following final subdivision approval. The deed of dedication with the subdivision notes the same as well. City staff notes that the public sidewalks should be installed by the developer to continue allowing connected pedestrian movement across the subdivision to ensure walkability throughout the subdivision.

STAFF RECOMMENDATION

The Community Development Department has reviewed the proposed master plan and recommends approval of the proposed RP Master Plan to include Autumn Ridge 10th Addition with the following stipulation:

1. Any comments or direction specified by the Planning and Zoning Commission.
2. Conformance with all city staff recommendations and technical requirements.

PLANNING & ZONING COMMISSION

Discussion

05/12/2021

Item 2.



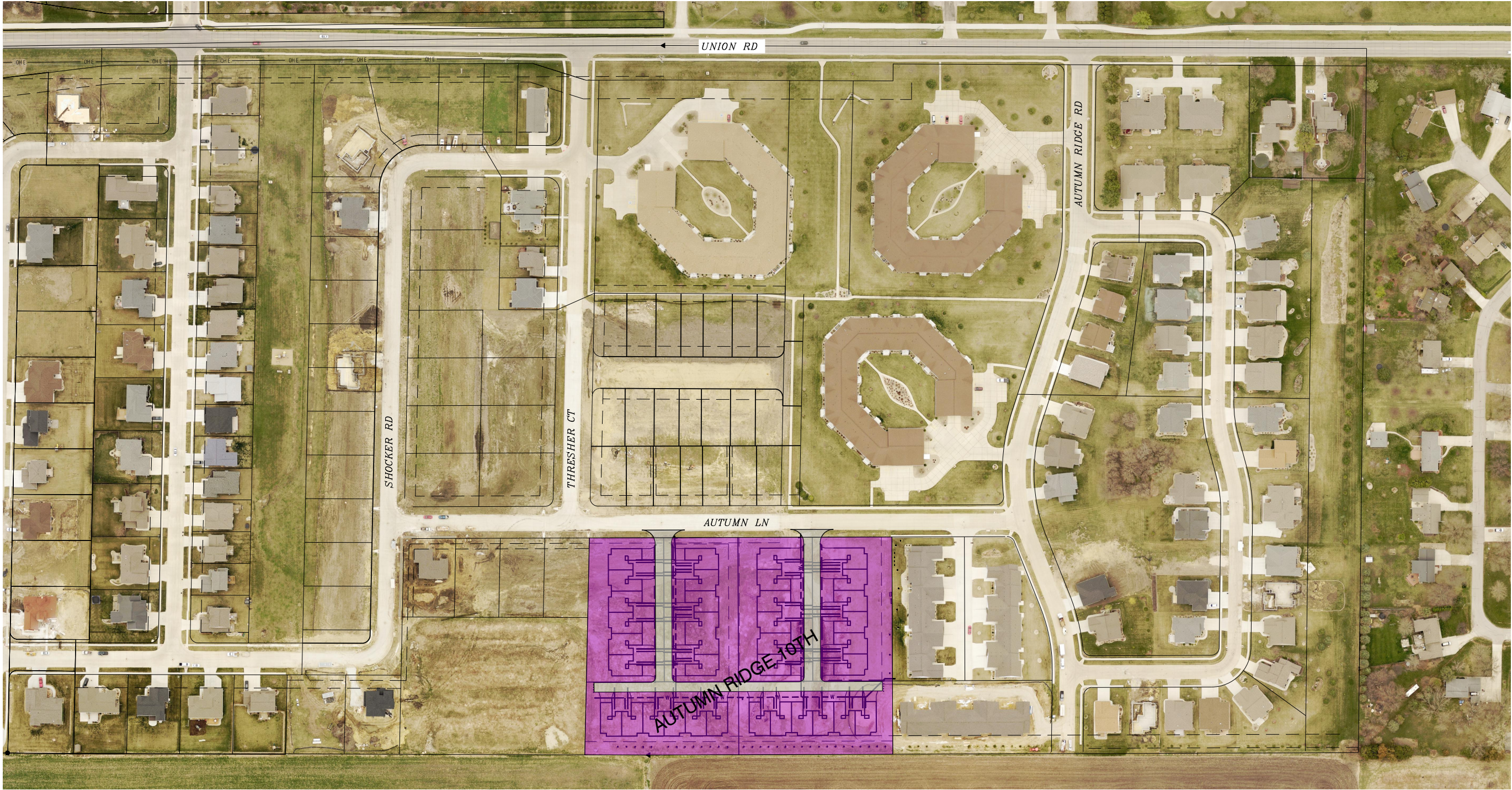
Master Plan Amendment for Autumn Ridge Subdivision

MASTER PLAN - AUTUMN RIDGE 10th ADDITION
CEDAR FALLS, IOWA

AUTUMN RIDGE 10TH LEGEND

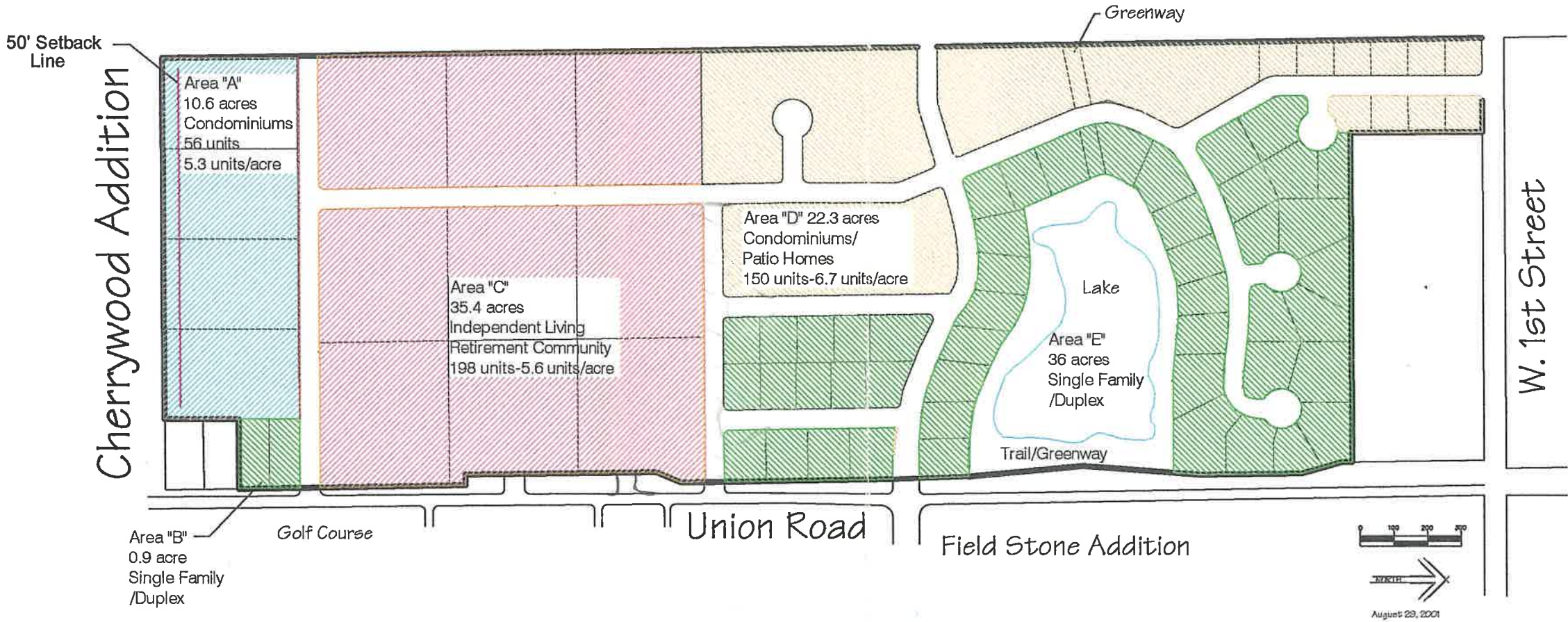
PHASE	LOTS	UNITS
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Autumn Ridge-Proposed Plan



Density Summary				
AREA	TYPE UNITS	NUMBER OF PARCELS	LIVING UNITS	DENSITY/ACRE
A	Condominiums	4 Lots (10.6 Acres)	56	5.3
B&E	Single Family / Duplex	50 +/- Lots (36.9 Acres)	75 +/-	2.0
C	Retirement / Independent Living Condominiums	9 Lots (35.4 Acres)	198	5.6
D	Condominiums and Patio Homes	14 Lots (22.3 Acres)	150	6.7
Total		77 Lots (105.2 Acres)	479 Units	4.6 Units/acre
Project Density: 479/105.2 = 4.6 Units per Acre				

Exhibit A
Sept. 24, 2001

FILE: 9/24/2001 11:38 AM

Union Road Aer1.dwg

REVISIONS

DATE	BY	DATE	BY

DRAWN BY:
DATE:
CHECKED:
APPROVED:

SHOFF CONSULTING ENGINEERS

Civil • Environmental • Land Surveying

Cedar Falls, Iowa

Rezoning Plat

Autumn Ridge Subdivision

B.N.K.D., Inc.

Sheet No. 2 of 2

13

Item 2.

Site Plan: Lots 2-9

AUTUMN RIDGE ADDITION - PHASE II

JUNE, 2002

Boundary Legal Description:

Part of the Northwest Quarter of the Southeast Quarter of Section 9, Township 89 North, Range 14 West of the 51th Principal Meridian in the City of Cedar Falls, Black Hawk County, Iowa, described as follows:

Concurrently at Midland came lead NorthWest Courier of the Southeast Courier; Thence North 89°33' East a distance of 55.00 feet to the West line of John Road; thence South 0°53'23" East a distance of 23.99 feet to the Point of Beginning; thence South 0°07'32" East a distance of 156.11 feet; thence North 89°24'37" East a distance of 20.00 feet; thence South 0°06'32" East a distance of 172.55 feet to the Northwest corner of Hildan Motor Fuel; thence South 68°22'17" West along the North line of Hildan Motor Fuel, a distance of 117.14 feet; thence South 0°03'17" East along the West line of Hildan Motor Fuel, a distance of 219.23 feet; thence South 0°03'19" West along the North line of Chalmers Avenue, a distance of 100.61 feet; thence North 0°03'19" West along the West line of Chalmers Avenue, a distance of 100.61 feet; thence South 0°03'19" West along the West line of NorthWest Courier of the Southeast Courier, a distance of 100.00 feet; thence South 89°39'15" East a distance of 1172.10 feet to the Point of Beginning; except that lot 1, containing 26.30 acres.

LAND OWNERS:

B.N.K.D., Inc.
Dennis & Ronda Hoppel
PO Box 53
Waverly, IA 50677

ZONING DATA: ZONED R-P

LAND USE: Planned Residential Units

Note: Lots 4-9 to be Single Family/Duplex

NOTES:

1. All City streets proposed for construction by the PAI shall be constructed in accordance with the City of Cedar Falls, Iowa Standard Specifications. Payment shall be 77 (thirty-seven and 7/10) percent of the total project cost, including the cost of the design, C.C.C. contract, 31.1, 27.2 B, with a truck special bid, 6" diameter E, 18' length, and 1" thick special composition of bitstock.
2. All existing water and storm sewers shall be constructed in accordance with the City of Cedar Falls, Iowa Standard Specifications.
3. All water mains to be constructed in accordance with the City of Cedar Falls, Iowa Standard Specifications.
4. All water mains shall be constructed in accordance with the City of Cedar Falls, Iowa Standard Specifications and shall be installed in accordance with the design and location of the water mains and sewer shall be determined by the City of Cedar Falls.
5. All utility easement/dedication statements shall be located as required by the Utility companies and the City of Cedar Falls.
6. All open manholes, utility enclosures, utility vaults, utility structures, and street light infrastructure locations shall be determined by the utility companies.
7. Stormwater detention areas shall be provided in accordance with the City of Cedar Falls standard requirements.
8. The USDA-Natural Resources Conservation Service (NRCS) has determined that the site does not contain cultural resources.

LEGEND:

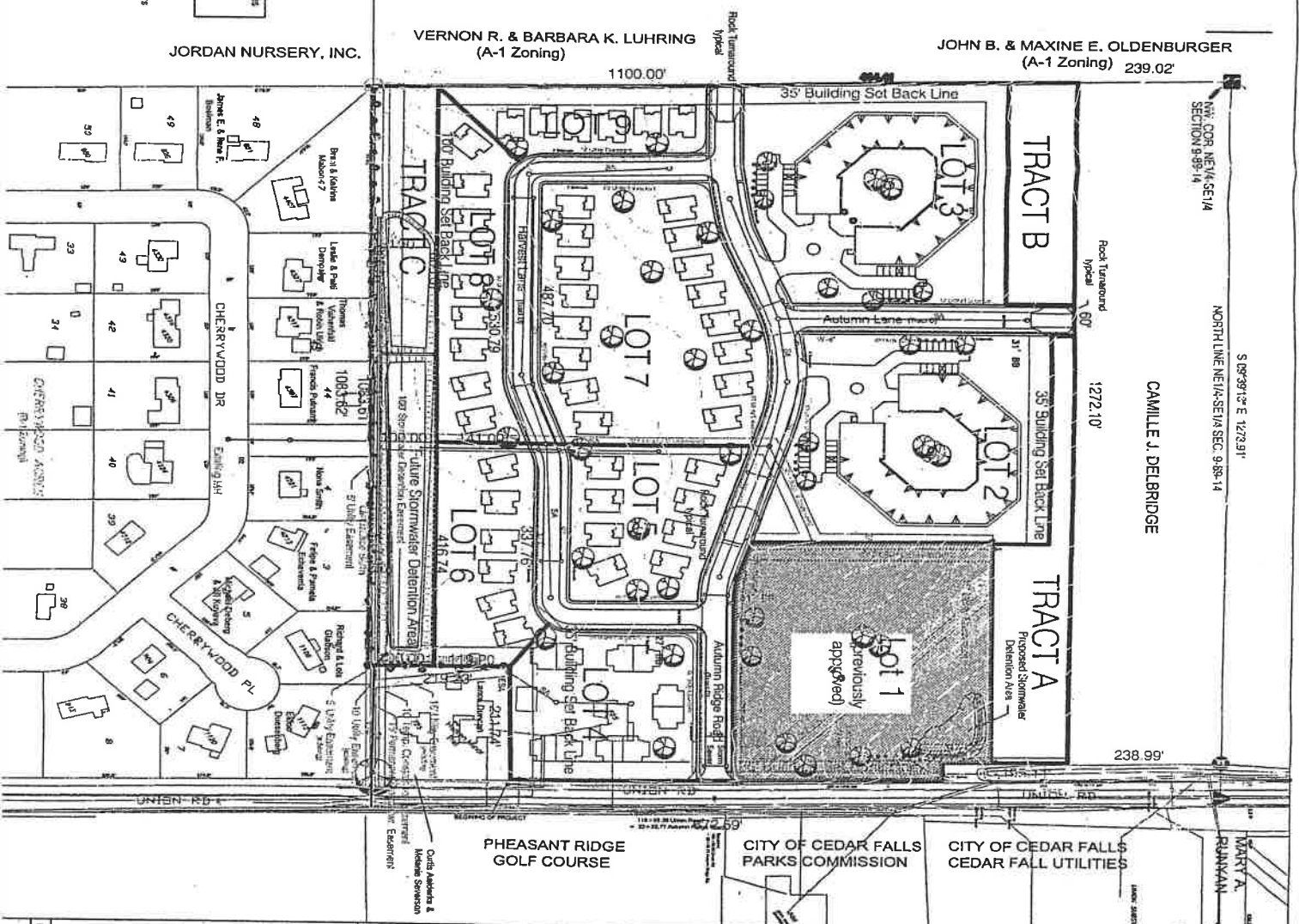
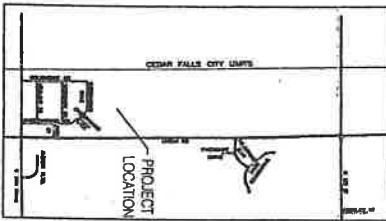
ESA	Denotes existing sanitary sewer
SA	Denotes proposed sanitary sewer
ST	Denotes proposed storm sewer
EW	Denotes existing water main
W	Denotes proposed water main
WG	Denotes existing gas main

Density Summary

Lot#	Type of Living Units	No. Units	Acres	Units/Acre
1-3	Senior Condominiums	66	12.8	5.2
4-9	Single Family/Duplex	56	16.1	3.5
Total:		122	28.9	4.2

PLAT PREPARER:

Shoff Consulting Engineers
2425 Woodland Drive
Cedar Falls, Iowa 50613



G:\Cedar Falls\Autumn Ridge\Autumn Ridge DP topo.dwg, 06/20/2002 02:48:26 PM

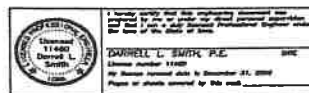
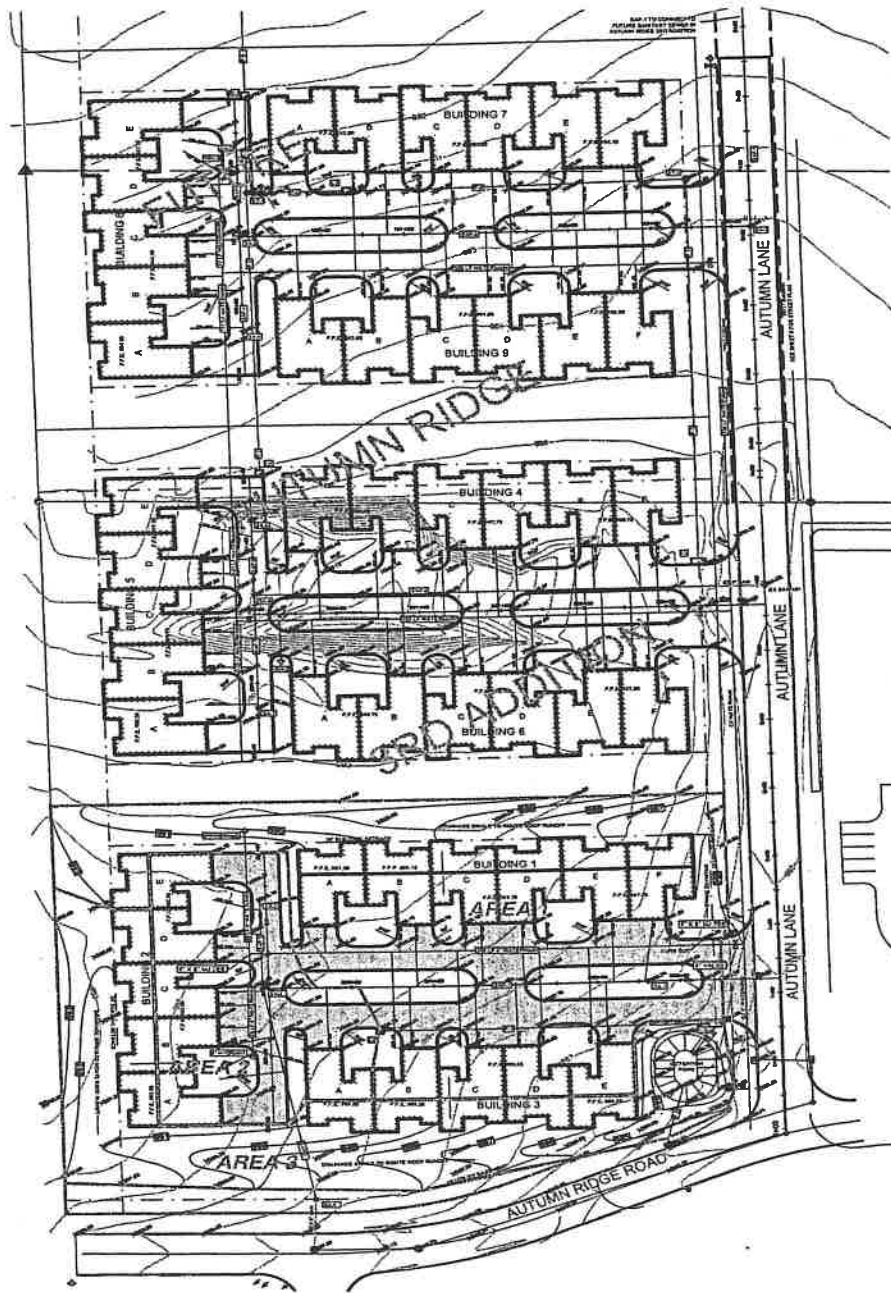
	REVISIONS			
DRAWN BY:	DATE	BY	DATE	BY
DATE:				
CHECKED:				
APPROVED:				

CONCEPTUAL SITE PLAN

AUTUMN RIDGE CONDOMINIUMS /

AUTUMN LANE EXTENSION

CITY OF CEDAR FALLS, IOWA



FEATURE LEGEND

- 1/4" CAPPED REBAR SET
- PROPERTY CORNER FOUND
- △ SECTION CORNER FOUND
- QUADREX OF SLAVEY
- 100.00 DIMENSION OF RECORD
- GAS— EXISTING GAS
- SEW— EXISTING SEW
- TEL— EXISTING TELEPHONE
- WAT— EXISTING WATER
- LIT— EXISTING LIGHT POLE
- UTL— EXISTING UTILITY POLE
- MNH— EXISTING MANHOLE
- FHT— EXISTING FIRE HYDRANT
- TRC— EXISTING TRAIL





DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
 Cedar Falls, Iowa 50613
 Phone: 319-273-8600
 Fax: 319-273-8610
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Jaydevsinh Atodaria (JD), Planner I
 Matthew Tolan, Civil Engineer II
DATE: May 5, 2021
SUBJECT: The Autumn Ridge 10th Addition Preliminary Plat and Final Plat

REQUEST: Request to approve Autumn Ridge 10th Addition Preliminary and Final Plat

PETITIONER: BKND, Inc., Owner; CGA Engineering, Engineer

LOCATION: The property is located west of Autumn Lane in Autumn Ridge Subdivision

PROPOSAL

The applicant proposes a preliminary plat for Autumn Ridge 10th Addition, which will include lots intended for 6 six-plexes along Autumn Lane in the Autumn Ridge development. The proposed subdivision includes the development of six plexes in two phases and it would be similar to the six-plexes which are already existing, just south of the proposed subdivision.

City staff notes that the case was already presented at the regular scheduled Planning and Zoning Meeting on 24th November 2020 along with the newly proposed Autumn Ridge 9th Addition and RP Master Plan Amendment for the entire subdivision. At this time, the applicant wishes to move forward with the Autumn Ridge 10th Addition and if approved would likely start the construction of the proposed 10th Addition. Attachments in the packet include both preliminary and final plat documents along with all the required legal paper work to process the cases.

BACKGROUND

BKND, Inc. is proposing the next phase of the Autumn Ridge development with an amendment to the master plan. Autumn Ridge subdivision along Union Road has developed over the past 20 years beginning with a series of retirement condos and patio homes along the Autumn Ridge Road coupled with an expansion of single-family dwellings along Paddington Drive, Berry Hill Road, and Shocker Road. A recent expansion in the Autumn Ridge Subdivision includes some single-family dwellings and duplex along Thresher Court. In total, the entire Autumn Ridge development consists of approximately 105 acres of land reserved for a mixture of residential homes from single-family dwelling units, retirement units, and condominiums. In 2013, the owner submitted and got the approval of a preliminary plat for the majority of the remaining area

of the development. However, there was no Master Plan amendment done at the time. At present, the developer proposes to update the RP Master Plan and proposes a new preliminary plat for Autumn Ridge 10th Addition in concert with the revised master plan.

Before approval of this preliminary and final plat, a Master Plan amendment is required to be approved by the Planning and Zoning Commission and City Council as it is one of the requisite items with R-P, Planned Residential Zone, and the development of the subdivision is per the approved Master plan. Therefore, both Planning and Zoning Commission and City Council must first review and approve the master plan before the review of the preliminary plat for the proposed Autumn Ridge 10th Addition.

ZONING

The proposed subdivision plat includes 6 lots on 5.41 (approx.) acres of land which will be accessed with two private drives from Autumn Lane. The property is zoned RP, Planned Residential which permits a variety of uses subject to an approved master development plan. In this case, there was an RP Plan amendment approved in 2006 to include the six-plexes in place of the proposed senior living facility. As described in the staff report for the updated RP Master Plan for Autumn Ridge, the new master plan illustrates the proposed concept for the 6-plexes in Autumn Ridge 10th Addition.

The purpose of the R-P Planned Residence District is to permit the establishment of multi-use and integrated use residential developments and to provide for the orderly planned growth of residential developments in larger tracts of land. The RP District allows flexibility in the types of dwellings, lot sizes, building heights, and setbacks. However, to ensure that the area is developed in an orderly manner, provides for efficient traffic circulation between neighborhoods, and includes the necessary infrastructure to meet the needs of the future residents, a master plan must be submitted with the rezoning, which is adopted through a developmental procedures agreement. It is also intended that such planned residence districts be designed and developed in substantial conformity with the standards of the comprehensive plan and with recognized principles of civic design, land use planning, and landscape architecture.

A 35-foot building setback will be continued around the “perimeter” of the RP district in this area. Lots 2 and 5 are located on the perimeter of the RP Zoning district; therefore a 35-foot rear yard setback is shown on the plat. The deed of dedication, developmental procedures agreement, along with a new revised Master plan and preliminary plat will outline the minimum building setback standards. City staff notes that the proposed lots appear to be of sufficient lot width and lot area to satisfy the RP district requirements.

STAFF ANALYSIS

Development of the proposed Autumn Ridge 10th Addition will proceed from south to north and will be located just west of Autumn Lane. The proposed addition will be accessed from Autumn Ridge Road on the south end and Thresher Court on the north end.

The developer proposes thirty-six (36) townhomes in the form of 6, six-plexes. The developer's request aligns with the latest updated “Master Plan” (if approved) and the proposal will not lead to any new density in the subdivision. Two phases of development are proposed with three six-plexes in each phase. Units will be accessed from private drives that extend from Autumn Lane.

Phase	No. of Lots	No. of Townhomes
One	3	18
Two	3	18
Total	6	36

City Staff notes that a public sidewalk will be required along the west side of Autumn Lane that will bridge the gap between existing sidewalks. In response, the applicant shows the proposed sidewalk along the west side of Autumn Lane in the preliminary plat, and also same has been noted under the “Public Improvement” section in the deed of dedication (Attached for review).

Details of the proposed lots for the six-plexes:

Setbacks:

As per the R-P, Planned Residential District, there are no minimum yard or height requirements except that the minimum yards, as specified in the R-4 residence district shall be provided around the boundaries of the planned residence district. The developer plans to continue the 35 feet perimeter setback as per the original approved plan for the lots located along the perimeter line of the subdivision. In addition, the developer proposes the following minimum setbacks for the development of six-plexes.

Minimum Front Yard setback = 20 feet

Minimum Side Yard setback = 8 feet

Minimum Rear Yard setback = 35 feet

City staff finds that the setbacks will be appropriate for the development of proposed six-plexes on the lots. City staff notes that the proposed setbacks should be mentioned in the deed of dedication.

Lot size

The proposed lot size varies from 0.88 acres to 0.94 acres in area. City staff notes that there are no details on the configuration of a multi-unit dwelling proposed by the developer. But the applicant indicates that the proposal will be similar to the existing six-plexes, just south of the proposed area.

Public Sidewalks:

A public sidewalk will be required along Autumn Lane along the frontage of the six-plex lots. Sidewalks must be continuous and connect to other sidewalks in the larger subdivision.

Utilities:

The proposed subdivision will be accessed with private drives and will be extending the utility lines from the adjacent existing development of the Autumn Ridge subdivision.

The developer has designated areas within the proposed lots for the private drive rights-of-way, utility easements, and drainage easements that will define the developable area of the lots intended for the six-plex buildings.

Notification of neighboring property owners:

City Staff sent courtesy notices to the surrounding property owners on 17th November 2020. And the city staff also sent out another courtesy notice to the surrounding property owners on 30th

April 2021. The applicant has submitted a deed of dedication for the subdivision, which has been attached with the packet for reference.

TECHNICAL COMMENTS

Utilities - City technical staff, including Cedar Falls Utilities (CFU) personnel, noted that the water, electric, gas and communication services are available to the site. The developer is responsible for the construction of a properly sized water system from the existing 8" water main on the west side of Autumn Lane and the private water main south of Autumn Ridge 10th. Included in the installation are valves, fire hydrants and water service stubs for the new lots. Water main sizing and fire hydrant and valve placement locations will need to be finalized during water construction plan review. The developer is responsible for the cost of the streetlights required for any City streets. See attached Developer Information Sheet for detailed information regarding utility installations. The easements identified on the plat satisfy CFU requirements.

Stormwater Management – The petitioner's engineer has submitted a stormwater management plan to the City and it has been reviewed by the City Engineer. The City Engineer has determined that the plan meets the City's subdivision requirements and also finds that the design will improve the drainage pattern that has developed over the years on this undeveloped parcel of land. Following is a summary of the proposed stormwater management system for the new subdivision.

A regional detention facility was constructed as a part of Autumn Ridge 6th addition. The stormwater facilities are platted currently under Autumn Ridge 6th Addition. However, this stormwater facility is designed to serve this tract of land now known as Autumn Ridge 10th Addition. Conveyance to the regional detention on Autumn Ridge 10th Addition is collected either in the private street with intakes or captured by overland swales protected in drainage easements. Collection from private street intakes will be captured and piped to the north fringe of the detention basin previously established in Autumn Ridge 6th Addition. Likewise, the overland drainage swales will convey rear-yard drainage within the swales into intakes to be collected by the private storm sewer network or by overland route towards the northern basin.

During construction, it will be the developer's responsibility to develop and maintain a Storm Water Pollution Prevention Plan that will limit onsite erosion from construction-related activities, as outline by City Code.

Sanitary Sewer - The sanitary sewer currently runs along Autumn Lane. The developer will be extending private sanitary sewer service connections from existing manholes located on Autumn Lane. The private sanitary sewer will be extended westerly along the private street network to service each unit.

Other – City staff notes that all the legal paperwork for the final plat of Autumn Ridge 10th Addition has been submitted to city staff and is attached in the packet for review. City staff notes that any outstanding permit issues regarding building, SWPPP, and land use permit be sorted out prior to commencing construction work for the project.

STAFF RECOMMENDATION

The Community Development Department has reviewed the proposed preliminary and final plat for 10th Addition and recommends approval of the proposed Autumn Ridge 10th Addition Preliminary and Final Plat with the following stipulation:

1. Any comments or direction specified by the Planning and Zoning Commission.
2. Conformance with all city staff recommendations and technical requirements.

Staff notes that the proposed preliminary plat cannot be approved before the approval of the revised RP Master Plan. Staff notes that if the plats are approved tonight by Planning and Zoning Approval, the case will move forward to the next available City Council meeting for review.

PLANNING & ZONING COMMISSION

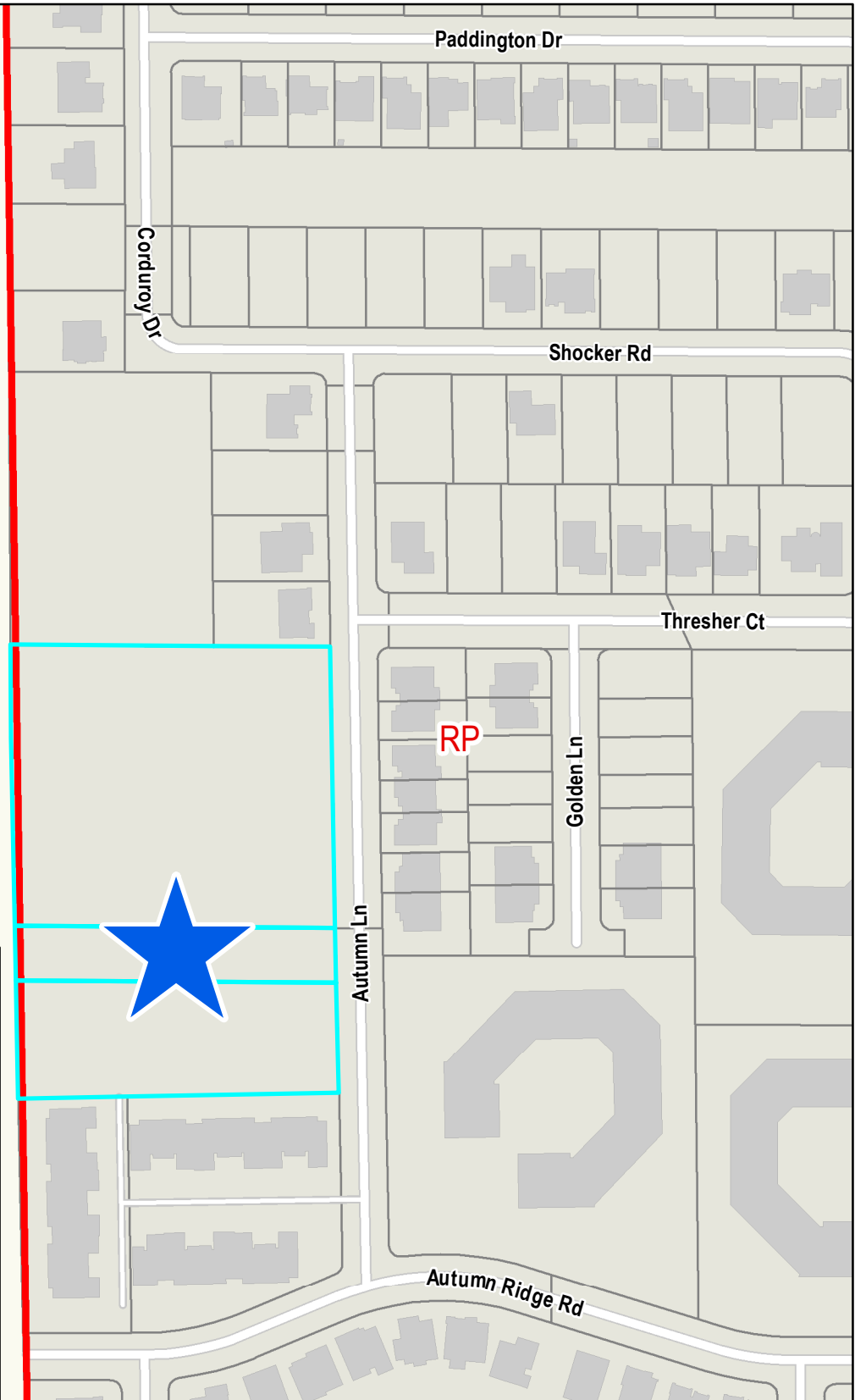
Discussion

05/12/2021

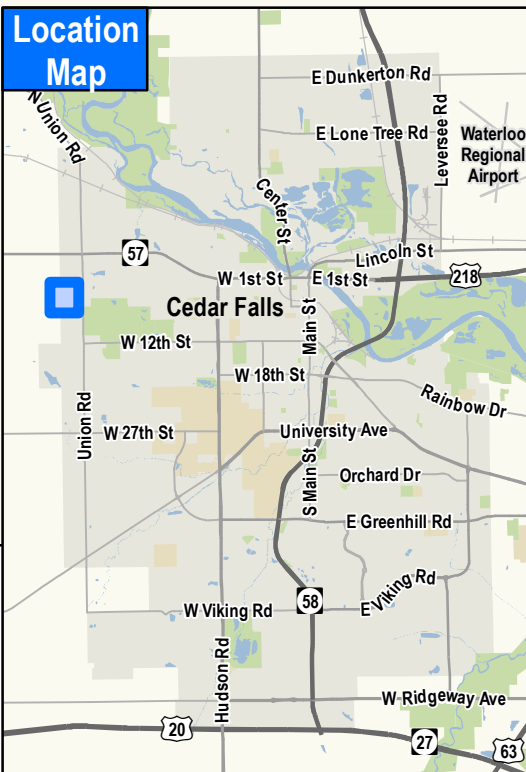
Cedar Falls Planning and Zoning Commission

May 12, 2021

Item 3.



Location Map



Preliminary and Final Plat for Autumn Ridge 10th Addition

PRELIMINARY PLAT

AUTUMN RIDGE TENTH ADDITION

CEDAR FALLS, IOWA

LEGEND

EXISTING	PROPOSED	
		EVERGREEN TREE
		DECIDUOUS TREE
		SHRUBS (BUSHES)
		TREE LINE
		SIGN (TYPE AS NOTED)
		FENCE
		SILT FENCE
		CONTOUR LINE
		WATERLINE
		WATER VALVE
		FIRE HYDRANT
		SANITARY SEWER LINE
		STORM SEWER LINE
		MANHOLE
		CLEANOUT
		INTAKE
		BEEHIVE INTAKE
		GAS LINE
		GAS VALVE
		OVERHEAD ELECTRICAL LINE
		BURIED ELECTRICAL LINE
		POWER POLE
		STREET LIGHT
		ELECTRICAL BOX/TRANSFORMER
		TELEPHONE LINE
		TELEPHONE PEDESTAL

LEGAL DESCRIPTION

AN UNPLATTED TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST ONE-HALF OF THE NORTHEAST QUARTER, ALL IN SECTION 9, TOWNSHIP 89 NORTH, RANGE 14 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 15, AUTUMN RIDGE SEVENTH ADDITION, AS RECORDED ON INSTRUMENT #2017-10235; THENCE SOUTH 0°11'36" EAST, 360.10 FEET TO A POINT ON THE NORTH LINE OF TRACT "B", AUTUMN RIDGE 2ND ADDITION, AS RECORDED ON INSTRUMENT #2004-36806; THENCE NORTH 88°47'58" WEST, 410.16 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE NORTH 0°12'39" WEST, 239.02 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE NORTH 0°11'08" EAST, 121.06 FEET ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTH 88°48'01" EAST, 409.43 FEET ALONG THE SOUTH LINE OF TRACT "C", AUTUMN RIDGE SIXTH ADDITION, AS RECORDED ON INSTRUMENT #2017-6522 AND THE SOUTH LINE OF SAID LOT 15, TO THE POINT OF BEGINNING.

AND

TRACT "B", AUTUMN RIDGE 2ND ADDITION IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 89 NORTH, RANGE 14 WEST OF THE 5TH PRINCIPAL MERIDIAN IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, AS RECORDED ON INSTRUMENT #2004-36806.

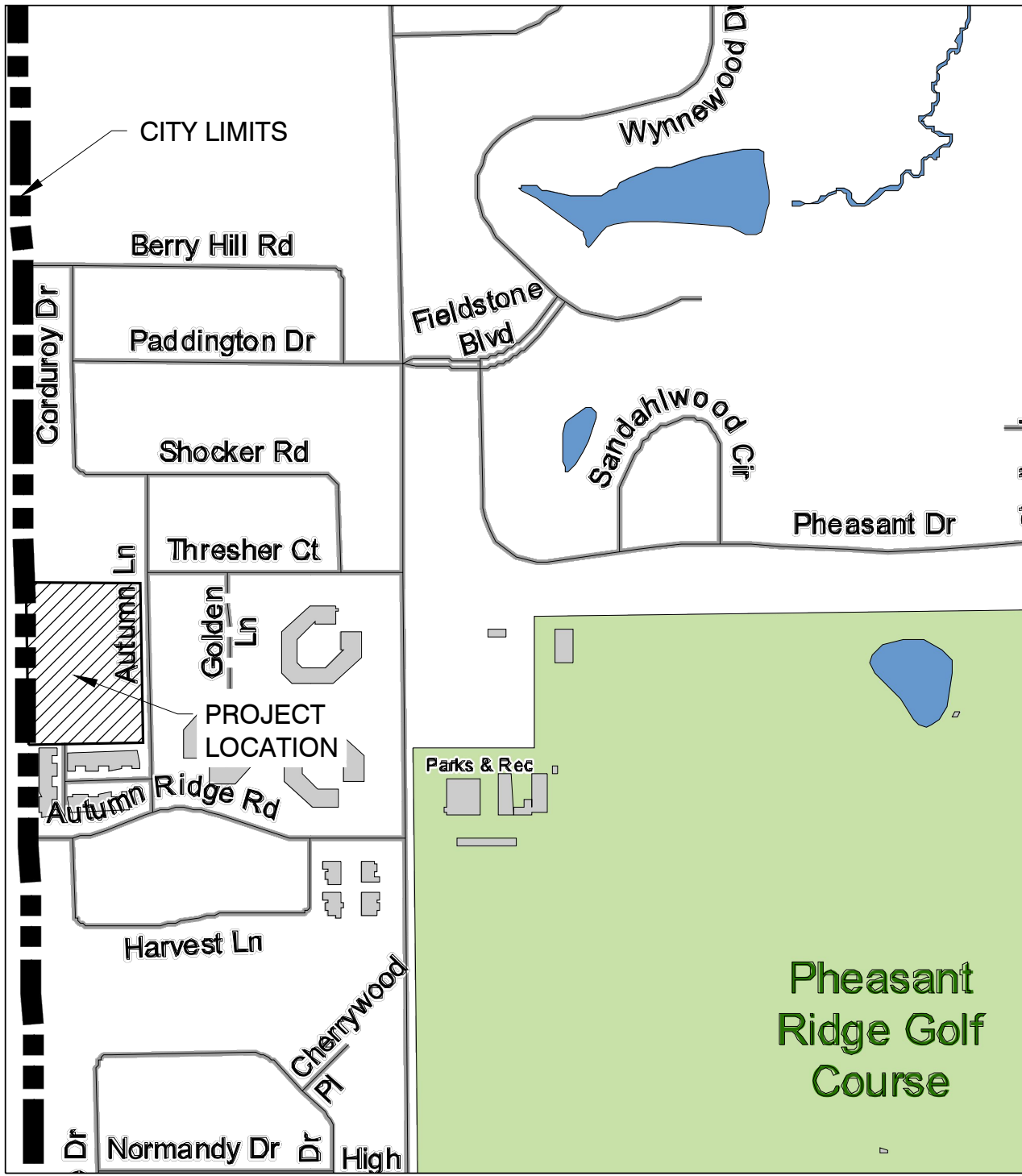
AND

THAT PART OF LOT 2, AUTUMN RIDGE 2ND ADDITION IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 89 NORTH, RANGE 14 WEST OF THE 5TH PRINCIPAL MERIDIAN IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, AS RECORDED ON INSTRUMENT #2004-36806, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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THIS PARCEL CONTAINS 5.42 ACRES.

SITE NOTE:

- NO ABOVE GROUND UTILITIES TO BE PLACED ON OVERLAND FLOW PATHS AND ESTABLISHED DRAINAGE EASEMENTS.



VICINITY MAP
NOT TO SCALE

OWNERS OF RECORD

B.N.K.D., INC.
1603 RUBBLE ROAD
WAVERLY, IOWA 50677

FLOOD ZONE

(ZONE X)
PANEL # 19013C0161F
EFFECTIVE DATE: JULY 18, 2011

SETBACK DATA

FRONT YARD = 20 FT
REAR YARD = 35 FT
SIDE YARD = 8 FT

*SETBACKS LISTED ARE MINIMUM, REFER TO PLAT FOR SHOWN SETBACKS.

SURVEY LEGEND

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- PARCEL OR LOT CORNER MONUMENT FOUND AS NOTED ON PLAN
 - SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
 - SET MAG NAIL
 - () RECORDED AS

SURVEYOR AND ENGINEER

TRAVIS R. STEWART, P.L.S.
ADAM DATERS, P.E.
CLAPSADDLE-GARBER ASSOCIATES
P.O. BOX 754 - 16 E. MAIN STREET
MARSHALLTOWN, IOWA 50158
(641)752-6701

ZONING INFORMATION:

CURRENT: RP (PLANNED RESIDENCE DISTRICT)

SURVEY REQUESTED BY:

B.N.K.D., INC.
1603 RUBBLE ROAD
WAVERLY, IOWA 50677

CLOSURE:

- ALL SUBDIVISION BOUNDARIES ARE WITHIN THE 1:10,000 ERROR OF CLOSURE REQUIREMENT
- ALL LOTS ARE WITHIN THE 1:5000 ERROR OF CLOSURE REQUIREMENT.

NOTE:

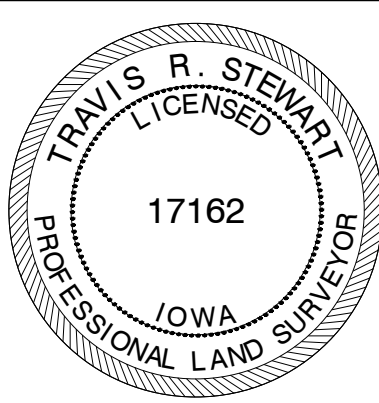
ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS USING NAD83 IOWA STATE PLAN NORTH ZONE

MAILBOX NOTES:

- CLUSTER MAILBOX UNITS SHALL COMPLY WITH ALL USPS STANDARDS & SPECIFICATIONS.
- CONTRACTOR WILL CONSULT WITH THE CITY OF CEDAR FALLS PRIOR TO INSTALLATION.
- ALL CLUSTER MAILBOXES SHALL BE PLACED IN THE R.O.W.

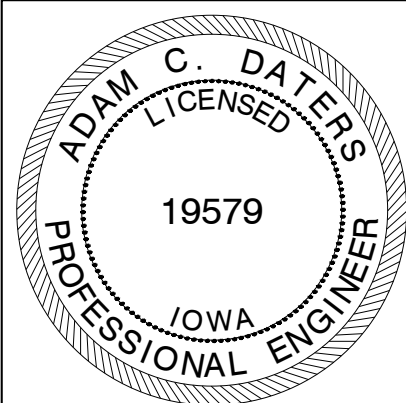
DATE PREPARED : 10-22-20

I hereby certify that this land surveying document was prepared and related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.



Signature _____ Date _____
Travis R. Stewart, PLS
Iowa License Number 17162
My license renewal date is December 31, 2021

Pages or sheets covered by this seal: SHEET 1 OF 3, SHEET 2 OF 3, AND SHEET 3 OF 3.



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

Signature _____ Date _____
Adam C. Daters, PE
Iowa License Number 19579
My license renewal date is December 31, 2020

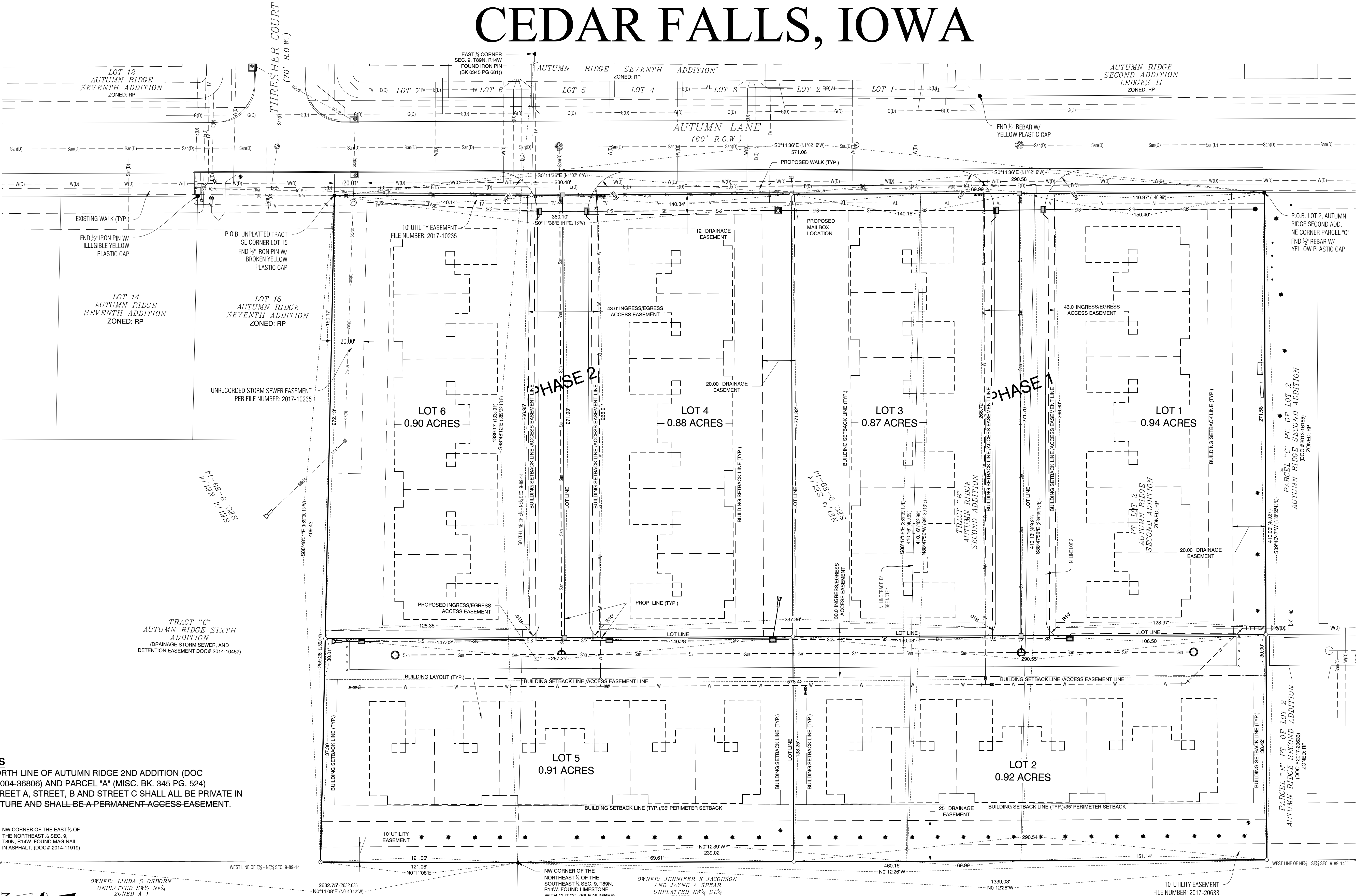
Pages or sheets covered by this seal: _____

AUTUMN RIDGE TENTH ADDITION
CEDAR FALLS, IOWA

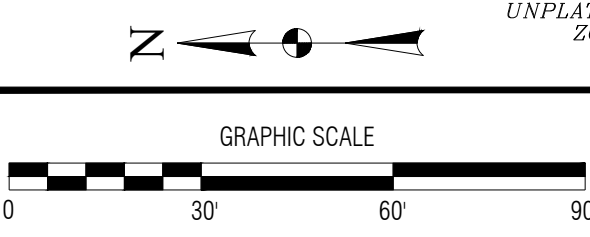
PRELIMINARY PLAT

PROJECT NO.
5684
SHEET NO.
1 OF 3

PRELIMINARY PLAT - AUTUMN RIDGE TENTH ADDITION CEDAR FALLS, IOWA



- NOTES**
1. NORTH LINE OF AUTUMN RIDGE 2ND ADDITION (DOC #2004-36806) AND PARCEL "A" (MISC. BK. 345 PG. 524)
 2. STREET A, STREET, B AND STREET C SHALL ALL BE PRIVATE IN NATURE AND SHALL BE A PERMANENT ACCESS EASEMENT.



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA
Clapsaddle-Garber Associates, Inc.
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0258
www.cgaconsultants.com

DESIGNED: MJS DATE: 02-16-18
DRAWN: SJC DATE: 10-22-20
CHECKED: TRS DATE:
APPROVED: DATE:
OWNER: JENNIFER K JACOBSON
AND JAYNE A SPERL
UNPLATTED NW 1/4 SE 1/4
ZONED A-1

AUTUMN RIDGE TENTH ADDITION
CEDAR FALLS, IOWA

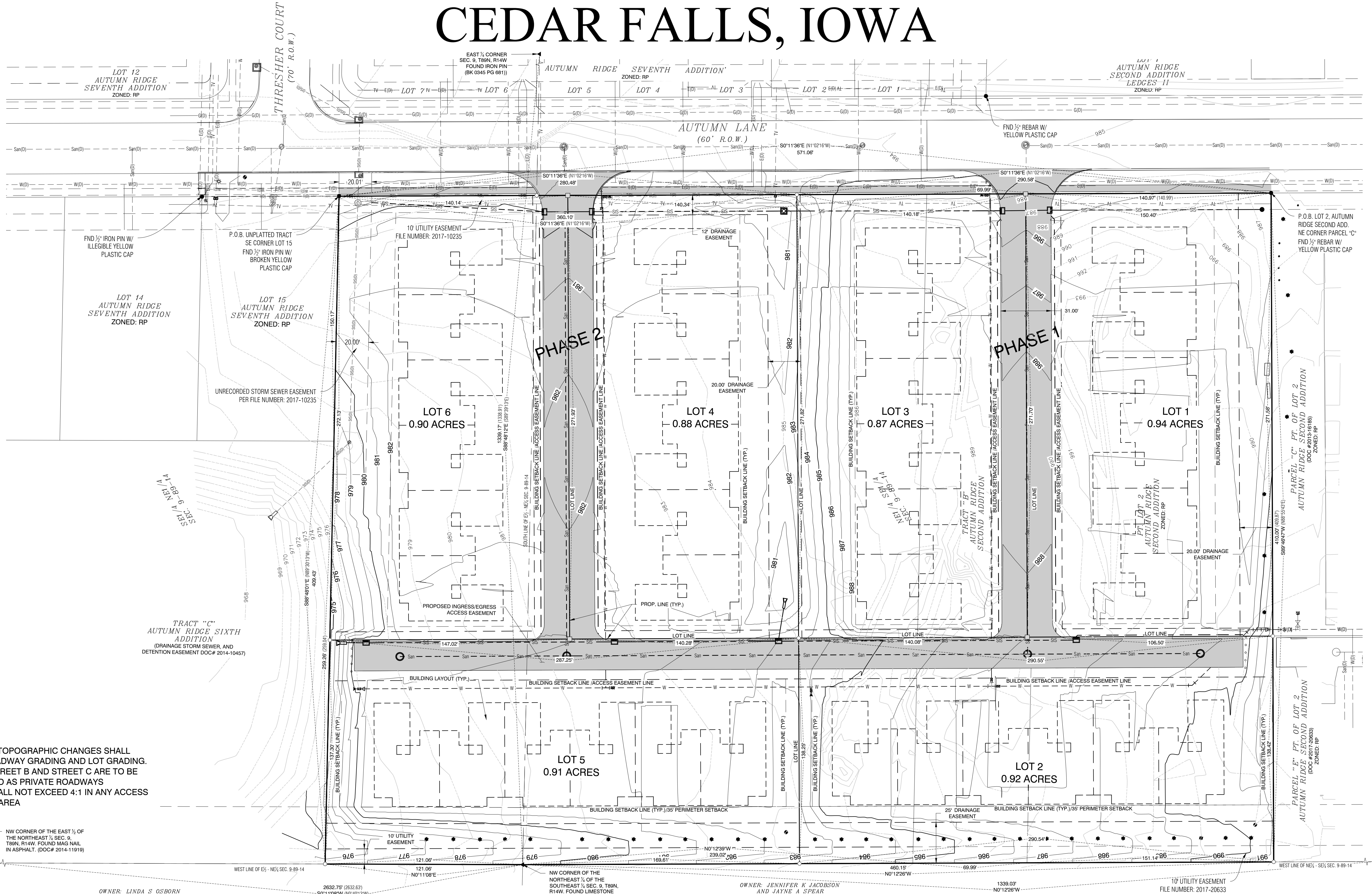
PRELIMINARY PLAT

DATE PREPARED : 10-22-20
PROJECT NO. 5684
SHEET NO. 2 OF 3

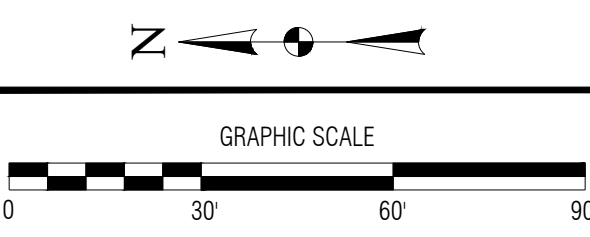
J:\5684\wg\Survey\Preliminary Plat\5684 Preliminary Plat.dwg - PP 2 of 3 - 11-11-20 - 10:48am - sjc325

PRELIMINARY PLAT - AUTUMN RIDGE TENTH ADDITION

CEDAR FALLS, IOWA



NOTES
THE EXTENT OF TOPOGRAPHIC CHANGES SHALL
CONSIST OF ROADWAY GRADING AND LOT GRADING.
• STREET , STREET B AND STREET C ARE TO BE
DESIGNATED AS PRIVATE ROADWAYS
• SLOPES SHALL NOT EXCEED 4:1 IN ANY ACCESS
EASEMENT AREA



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA
Clapsaddle-Garber Associates, Inc.
5108 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0268
www.cgaconsultants.com

DESIGNED: MJS DATE: 02-16-18
DRAWN: SJC DATE: 10-22-20
CHECKED: TRS DATE:
APPROVED: DATE:
OWNER: JENNIFER K JACOBSON
AND JAYNE A SPEAR
UNPLATTED NW 1/4, SE 1/4
ZONED: RP

AUTUMN RIDGE TENTH ADDITION
CEDAR FALLS, IOWA

PRELIMINARY PLAT

DATE PREPARED : 10-22-20

PROJECT NO.
5684
SHEET NO.
3 OF 3

FINAL PLAT

AUTUMN RIDGE TENTH ADDITION

CEDAR FALLS, IOWA

LEGAL DESCRIPTION

AN UNPLATTED TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST ONE-HALF OF THE NORTHEAST QUARTER, ALL IN SECTION 9, TOWNSHIP 89 NORTH, RANGE 14 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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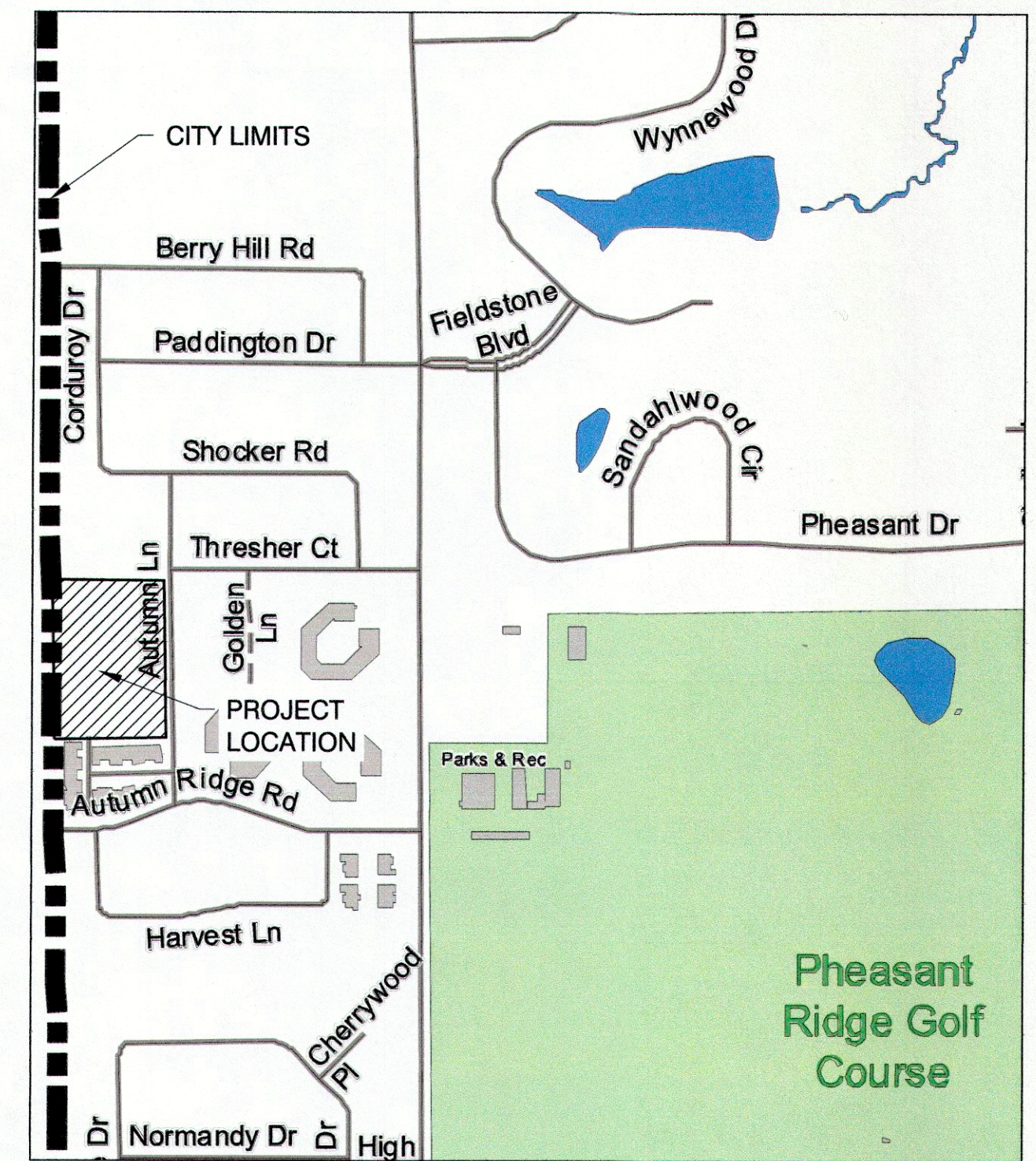
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THIS PARCEL CONTAINS 5.42 ACRES.

SITE NOTE:

1. NO ABOVE GROUND UTILITIES TO BE PLACED ON OVERLAND FLOW PATHS AND ESTABLISHED DRAINAGE EASEMENTS.



VICINITY MAP
NOT TO SCALE

OWNERS OF RECORD

B.N.K.D., INC.
1603 RUBBLE ROAD
WAVERLY, IOWA 50677

FLOOD ZONE

(ZONE X)
PANEL # 19013C0161F
EFFECTIVE DATE: JULY 18, 2011

SETBACK DATA

FRONT YARD = 20 FT
REAR YARD = 35 FT
SIDE YARD = 8 FT

SURVEY LEGEND

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET
1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- PARCEL OR LOT CORNER MONUMENT FOUND
AS NOTED ON PLAN
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC
ID CAP #17162
- SET MAG NAIL
- () RECORDED AS

ACREAGE BREAKDOWN

NE 1/4 - NE 1/4 SEC 9-89-14	1.14 ACRES
NE 1/4 - SE 1/4 SEC 9-89-14	4.28 ACRES
TOTAL	5.42 ACRES

SURVEYOR

TRAVIS R. STEWART, P.L.S.
CLAPSADDLE-GARBER ASSOCIATES
5106 NORDIC DRIVE
CEDAR FALLS, IOWA 50613
(319) 266-0258

ZONING INFORMATION:

CURRENT: RP (PLANNED RESIDENCE DISTRICT)

SURVEY REQUESTED BY:

B.N.K.D., INC.
1603 RUBBLE ROAD
WAVERLY, IOWA 50677

CLOSURE:

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- ALL LOTS ARE WITHIN THE 1:5000 ERROR OF CLOSURE REQUIREMENT.

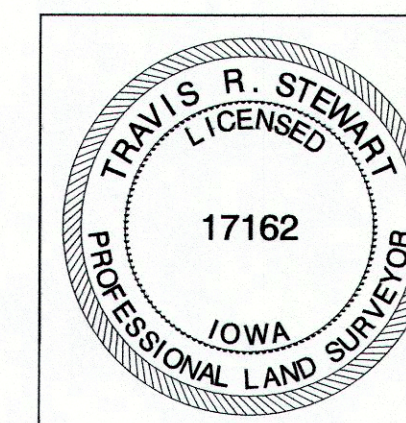
NOTE:

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MAILBOX NOTES:

1. CLUSTER MAILBOX UNITS SHALL COMPLY WITH ALL USPS STANDARDS & SPECIFICATIONS.
2. CONTRACTOR WILL CONSULT WITH THE CITY OF CEDAR FALLS PRIOR TO INSTALLATION.
3. ALL CLUSTER MAILBOXES SHALL BE PLACED IN THE R.O.W.

DATE PREPARED : 10-22-20



I hereby certify that this land surveying document was prepared and related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Signature: *Travis R. Stewart* Date: 4/21/2021
Travis R. Stewart, PLS
Iowa License Number 17162
My license renewal date is December 31, 2021

Pages or sheets covered by this seal: SHEET 1 OF 3, SHEET 2 OF 3, AND SHEET 3 OF 3.

NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE
1	ADDRESS CITY COMMENTS	SJC	04-21-2021				



Clapsaddle-Garber Associates, Inc.
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0258
www.cgaconsultants.com

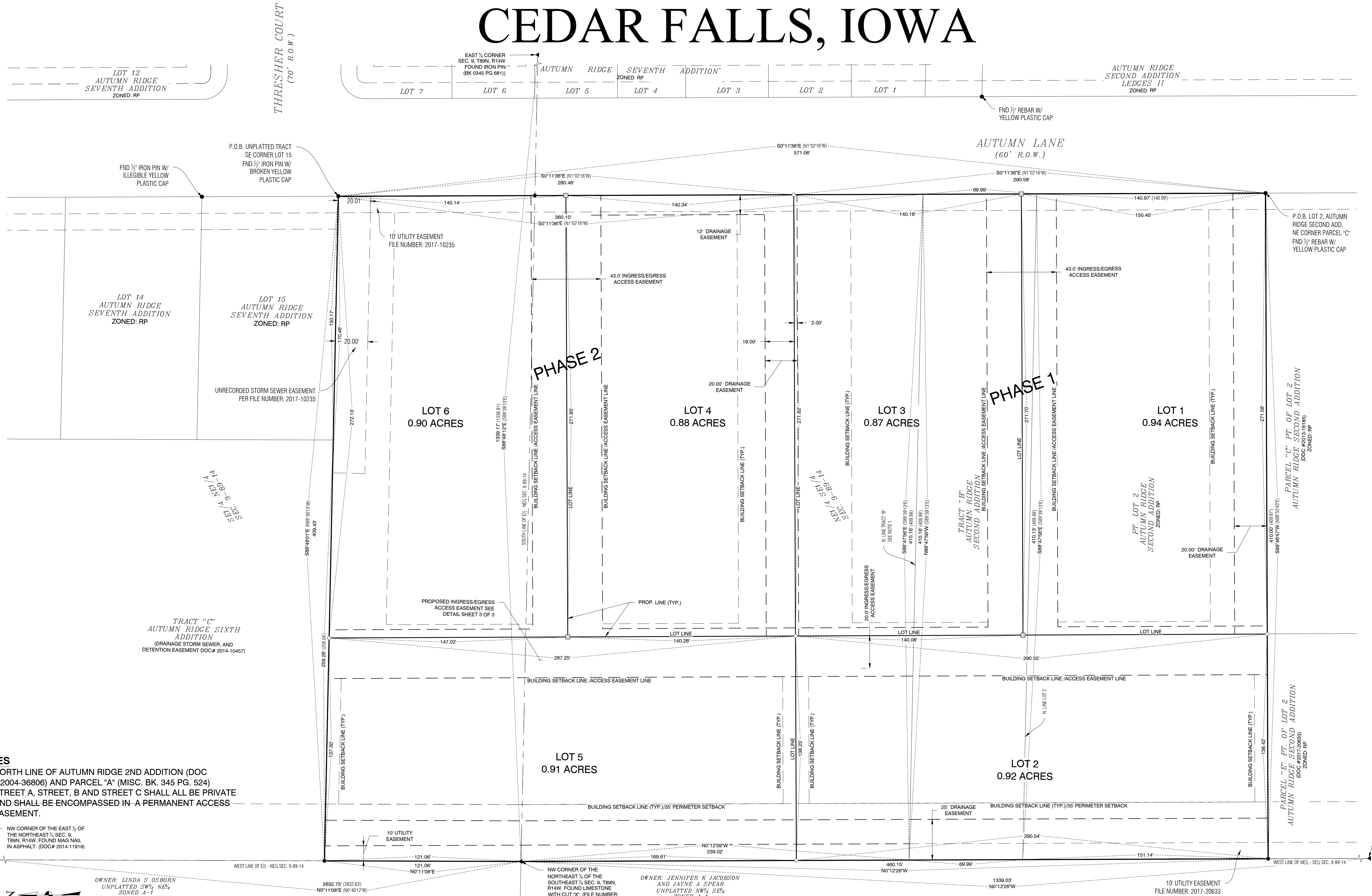
DESIGNED: MJS DATE: 02-16-18
DRAWN: SJC DATE: 10-22-20
CHECKED: TRS DATE: _____
APPROVED: _____ DATE: _____

AUTUMN RIDGE TENTH ADDITION
CEDAR FALLS, IOWA

FINAL PLAT

PROJECT NO.
5684
SHEET NO.
1 OF 3

FINAL PLAT - AUTUMN RIDGE TENTH ADDITION CEDAR FALLS, IOWA



NOTES

1. NORTH LINE OF AUTUMN RIDGE 2ND ADDITION (DOC #2004-36806) AND PARCEL "A" (MISC. BK. 345 PG. 524)
2. STREET A, STREET, B AND STREET C SHALL ALL BE PRIVATE AND SHALL BE ENCOMPASSED IN A PERMANENT ACCESS EASEMENT.

NW CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 SEC. 9, T89N, R14W, FOUND MAG NAIL IN ASPHALT. (DOC# 2014-11919)

OWNER: LINDA S OSBORN
UNPLATTED SW 1/4 NE 1/4
ZONED A-1

NW CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 SEC. 9, T89N, R14W, FOUND LIMESTONE WITH CUT "X". (FILE NUMBER: 2015-12480)

OWNER: JENNIFER K JACOBSON
AND JAYNE A SPEAR
UNPLATTED NW 1/4 SE 1/4
ZONED A-1

NE CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 SEC. 9, T89N, R14W, FOUND 1" PINCH PIPE. (FILE NUMBER: 2015-12479)



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE
1	ADDRESS CITY COMMENTS	SJC	04-21-2021				

CGA
Clapsaddle-Garber Associates, Inc.
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0266
www.cgaconsultants.com

DESIGNED: MJS DATE: 02-16-18
DRAWN: SJC DATE: 10-22-20
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APPROVED: DATE:

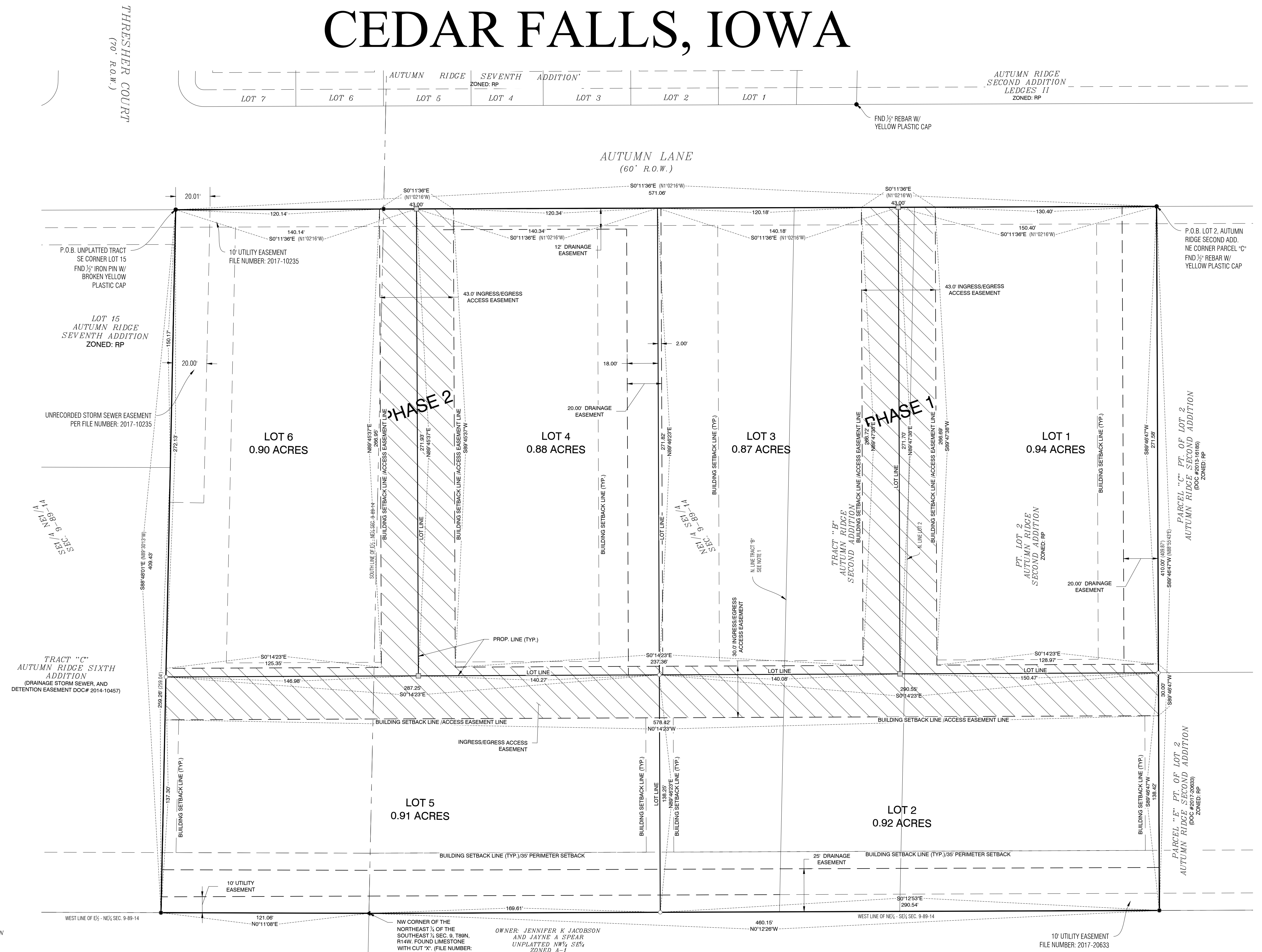
AUTUMN RIDGE TENTH ADDITION
CEDAR FALLS, IOWA

FINAL PLAT

PROJECT NO.
5684
SHEET NO.
2 OF 3

DATE PREPARED : 10-22-20

FINAL PLAT - AUTUMN RIDGE TENTH ADDITION CEDAR FALLS, IOWA



OWNER: LINDA S OSBORN
UNPLATTED SW 1/4 NE 1/4
ZONED A-1

OWNER: JENNIFER K JACOBSON
AND JAYNE A SPEAR
UNPLATTED NW 1/4 SE 1/4
ZONED A-1

CGA
Clapsaddle-Garber Associates, Inc.
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-268-0268
www.cgaconsultants.com

DESIGNED: MJS DATE: 02-16-18
DRAWN: SJC DATE: 10-22-20
CHECKED: TRS DATE:
APPROVED: DATE:

AUTUMN RIDGE TENTH ADDITION
CEDAR FALLS, IOWA

FINAL PLAT

DATE PREPARED : 10-22-20

PROJECT NO.
5684
SHEET NO.
3 OF 3

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**OWNER'S STATEMENT AND DEED OF DEDICATION
FOR
AUTUMN RIDGE TENTH ADDITION
CEDAR FALLS, IOWA**

KNOW ALL MEN BY THESE PRESENTS:

That B.N.K.D., Inc. ("Owner" and "Developer"), being desirous of setting and platting into lots and streets the land described in the attached Certificate of Survey by Travis R. Stewart, P.L.S., dated the 21st day of April, 2021, does by these presents designate and set apart the aforesaid premises as a subdivision of the City of Cedar Falls, Iowa, the same to be known as

AUTUMN RIDGE TENTH ADDITION

Cedar Falls, Iowa, hereinafter "Development", all of which is with the free consent and desire of the undersigned, and the undersigned does hereby designate and set apart for public use the streets and avenues as shown upon the attached plat, and set apart for the City of Cedar Falls, Iowa, the easements shown on the attached plat.

I. DEDICATION OF STREETS AND EASEMENTS

The Owner hereby grants and conveys to the City of Cedar Falls, Iowa, for public use the streets shown on the attached plat. Said streets will be constructed at a 31-foot width.

The Owner hereby grants and conveys to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm, or person furnishing utilities for the transmission and/or distribution of water, gas, electricity, communication service or cable television, perpetual easements for the construction, erection, laying, building, and maintenance of said services over, across, on and/or under Development as shown on the attached plat. No building structures, landscaping structures, private gardens or any other possible obstruction can be placed in the easements.

II. RESTRICTIVE COVENANTS

Be it also known that the Owner does hereby covenant and agree for itself and its successors and assigns that each and all of the Lots in Development shall be and the same are hereby made subject to the following restrictions upon their use and occupancy as fully and

effectively, to all intents and purposes, as if the same were contained and set forth in each deed of conveyance or mortgage that the undersigned, or its successors in interest, may hereafter make for any of the said Lots and that such restrictions shall run with the land and with each individual Lot thereof for the length of time and in the particulars hereafter stated, to wit:

1. The development of these Lots shall consist of thirty-six (36) townhomes and shall be in accordance with the R-P Zoning classification set forth in the Cedar Falls Zoning Ordinance.

2. No structure, building, fence, or other object, including landscaping, may be built, placed, or located on the exterior of any townhome unless written approval is first received from the Developer. No replacement, maintenance, repair and remodeling, or restoration after damage or destruction, may use siding, roofing or other exterior components, of a different design, material or color scheme, unless written approval is first received from the Developer.

3. No detached accessory structures or buildings shall be permitted.

4. All private drives, private parking areas, and entryways shown on the attached plat shall be maintained by the townhome owners, excluding snow removal.

5. No swing sets or basketball hoops shall be allowed.

6. All buildings erected on said Lots shall be constructed in accordance with the building, plumbing, and electrical Codes of the City of Cedar Falls, Iowa.

7. Any townhome that is erected on said Lots shall have a minimum setback as shown upon the attached plat. These setbacks shall apply to the main building structure, as well as any attached decks, porches, or sunrooms. In addition, no dwelling or other structure of any kind shall be placed in drainage easement areas, as the same are shown on the attached plat. Any and all drainage easements will be required to follow the "Stormwater Management Plan" and no building, fence structures, landscaping structures, private gardens or any other possible obstruction can be built in and over said drainage easements. Said Lot owners and/or contractors working on said Lots will be responsible to maintain said easements to be free and clear of any physical obstruction(s), thus allowing the conveyance of overland storm water runoff as intended per "Stormwater Management Plan" on record with the City of Cedar Falls Engineer's Office.

8. Pursuant to a Maintenance and Repair Agreement filed November 18, 2013, as Document No. 2014-10456, and amendments thereto ("Maintenance and Repair Agreement"), certain real estate as described therein shall be a storm water management facility ("the Facility"), which shall benefit real estate as described therein, and this Development (collectively "the Benefited Property"). The Owner, B.N.K.D., Inc., shall perform the duties as required under

the Maintenance and Repair Agreement, which affect such Facility, until, at the discretion of B.N.K.D., Inc., the maintenance is turned over to the Autumn Ridge Storm Water Drainage Association. The Developer has filed Articles of Incorporation and adopted Bylaws of the Autumn Ridge Storm Water Drainage Association. The purpose of the Association shall be to ensure compliance with the Maintenance and Repair Agreement with this Development and to perform such other functions as may be set forth in the Articles of Incorporation and Bylaws of said Association. This Association shall have authority to establish annual fees for membership in the Association, and shall have authority to adjust the annual membership fees as it deems appropriate to carry out maintenance duties described in this paragraph and as required under the Maintenance and Repair Agreement. The members of such Association shall consist of one representative each from the Homeowners Associations of each subdivision (whether currently or hereafter platted) for which any part is included in the Benefited Property, and the Owner. Each of the aforesaid Associations and Owner shall pay such annual fee to the Association to fund the activities of the Association, which fee shall be based upon the proportional square footage of real estate included in such subdivision (or, in the case of Owner, unplatted real estate) as compared to the Benefited Property. All such membership fees which are unpaid shall be assessed as a lien in the manner and as provided for in the Articles of Incorporation or Bylaws of the Association. The Owner reserves the right to plat unplatted areas of the Benefited Property, thereby adding additional member(s) to the Association. Upon conveyance of all real estate in the Benefited Property, the Owner shall no longer be a member in the Association.

9. No trailer, basement, tent, shack, garage, or shed erected in said Development shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary nature be permitted on any Lot.

10. The owner of each townhome, vacant or improved, shall keep said lot free of weeds and debris.

11. No townhome shall be used as a place of business, except an in-home office, daycare, or community center as permitted by the City of Cedar Falls Zoning Ordinance. Permanent business signs of any kind will not be allowed in the Development. Developer reserves the right to rent, lease, or occupy a townhome for purposes of a sales office until said townhome is sold.

12. No obvious or offensive trade or activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the Development.

13. Occupancy of any townhome will not be allowed until the exterior and interior are substantially complete and an occupancy permit has been issued by the City of Cedar Falls.

14. All approaches and driveways in the Development shall be concrete.
15. No trailers, campers, boats, trucks, buses, RVs, semi-tractors, or garden tractors will be allowed to be parked outside a townhome or on the street for a period exceeding 48 hours. After said time, such vehicles must be removed from the Development or completely stored within the garage of the townhome.
16. No radio wave producing equipment shall be used that interferes with other property owners. All TV, radio or other antennas, towers, and dishes must be installed and enclosed in an attic or garage, except that satellite dishes no larger than 24" in diameter will be allowed, but must not be visible from the street.
17. All electrical transmission lines and service entrances, all telephone lines and services therefor, all cable TV/fiber optic cable and service therefor, and all other utilities of whatever kind or nature, shall be installed underground on all Lots.
18. No animals, livestock, or poultry of any kind shall be kept on any Lots, except that dogs, cats, or other household pets may be kept, not exceeding two in number, provided they are not kept for commercial purposes. No pets of any kind will be allowed in any fenced-in areas of the Development green space not owned by individual townhome owners. Pets are not to be left outside and must be cleaned up after promptly. Obnoxious animals must be removed. No outdoor dog runs are allowed.
19. Any footing drain tiles or sump pump systems installed in conjunction with the construction of a residence shall be connected to sub-drain tile and shall not be expelled into any sanitary sewer system, onto the street or surface of the property.
20. The Developer or its successors will install a 4-foot wide concrete sidewalk four inches thick across the entire frontage of any Lot, and side of the Lot on any corner Lots, at the time of construction upon said Lot. It will install handicap ramps as provided by state law. Any Lots remaining vacant for five (5) years after the date of final approval of the plat, shall also be improved with sidewalks as soon as the construction season permits.
21. Tract "A" is hereby conveyed to the City of Cedar Falls, Iowa to be used for road purposes.
22. All electrical transmission lines and service entrances, all telephone lines and services therefor, all cable TV/fiber optic cable and service therefor, and all other utilities of whatever kind or nature, shall be installed underground.
23. The undersigned and all persons and entities hereafter acquiring any right, title, or

interest in any of the townhomes shall be taken and held to have agreed and covenanted with the owners of all other townhomes and with the respective successors and assigns of all of the rest of such other townhomes to conform to and observe all of the foregoing covenants, restrictions, and stipulations as to the construction of building thereon, for a period of 21 years from the date of filing of said plat, and this deed of dedication for record. Within the period of 21 years and in accordance with Iowa Code § 614.24 and § 614.25 or their successor provisions, these covenants, restrictions, and stipulations may be extended for an additional period of 21 years upon compliance with § 614.24 and § 614.25 of the Code of Iowa. In the event an extension of the covenants, restrictions, and stipulations is not filed within the period of 21 years or successive 21-year periods, then the covenants, restrictions, and stipulations contained herein shall terminate at the end of the existing period of 21 years.

24. Invalidation of any of these covenants by judgment, decree, or court order, shall in no way affect any of the other provisions of this dedication and such other provisions shall remain in full force and effect.

25. If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions here, it shall be lawful for any other person owning property in said addition to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and for the purpose of preventing such acts or recovering damages for such violations or both, and for costs and reasonable attorney fees as determined by the court.

26. In an effort to minimize damage to adjacent properties and down stream water systems, each owner is required to comply with City of Cedar Falls requirements in regard to construction yard waste and storm water runoff.

27. Owner of each townhome shall comply with all requirements of the US Post Office for mail receptacles. All mailboxes shall be clustered or grouped for the units, and shall be placed between the curb line and the property line abutting the Lots. The area around said mailboxes shall be kept free and clear by the owner of the lots on which said mailboxes are located. Location of the clustered mailboxes shall be reviewed and approved by the City of Cedar Falls, Iowa.

III. PUBLIC IMPROVEMENTS REQUIRED IN PLAT

Developer agrees:

1. That the streets shown in the Development, as shown on the attached plat, will be brought to City grade and that the streets will be thirty-one (31) feet, back of curb to back of

curb, with approved hard surface pavement in accordance with City of Cedar Falls Standard Specifications.

2. The undersigned shall provide sanitary sewers for each Lot, together with all necessary manholes and sewer service line, to all Lots in the Development.

3. The underground utilities as required by the City of Cedar Falls Subdivision Ordinance, or as agreed upon with the City of Cedar Falls, shall be installed.

4. That City water will be provided for each Lot as required by the Cedar Falls Municipal Utilities.

5. The municipal fire hydrants will be provided as required by the Cedar Falls Municipal Utilities.

6. That storm sewer will be provided, along with subdrain tile along paving, as required by the City Engineer.

7. That a 4-foot wide concrete sidewalk 4 inches thick will be installed along Autumn Lane. That a 4-foot-wide concrete sidewalk 4 inches thick will be installed on any unsold Lots, within 5 years after the date the plat is filed in the Office of the Recorder of Black Hawk County, Iowa, and the sidewalk shall be across the full width of the Lot, and on corner Lots, also across the parking and full length of the Lot. That handicap ramps will be provided as required by law. In the event that the City is required to construct the sidewalk as permitted in paragraph 8 below, a lien or liens may only be imposed against the Lot or Lots which require city construction and no other in the Development.

8. That the work and improvements called for herein shall be in accordance with City specifications under the supervision of the City Engineer. In the event that the undersigned, its grantees and assigns fail to complete work and improvements called for herein within one year from the date of the acceptance of said final plat by the City of Cedar Falls, Iowa, except as provided in Paragraph 7 above, the City may then make the improvements and assess the costs of the same to the respective Lots, and the undersigned agree that said assessments so levied shall be a lien on the respective Lots with the same force and effect as though all legal provisions pertaining to the levy of such special assessment have been observed, and further authorize the City Clerk to certify such assessments to the County Auditor as assessments to be paid in installments as provided by law. The owners, for themselves, their successors, grantees and assigns, waive all statutory requirements of notice of time and place of hearing and waive all statutory protections and limitations as to cost and assessments and agree that the City may install said improvements and assess the total costs thereof against the Lots.

9. That the work and improvements called for herein shall be in accordance with City specifications under the supervision of the City Engineer, and shall be completed within one year of the date of approval of the final Plat, except as provided in Paragraph 7 above. Further, the undersigned and its successors shall comply with site plan review and approval by the Cedar Falls Planning and Zoning Commission and the Cedar Falls City Council, relating to building and architecture, onsite parking, pedestrian access, and onsite landscaping and signage.

10. Developer shall construct and install all required public improvements within the subdivision plat, to conform with approved construction plans which meet the specifications of the City of Cedar Falls, Iowa. Such required public improvements shall meet the following requirements:

- a. Shall be constructed and installed in a good and workmanlike manner;
- b. Shall be free of defects in workmanship or materials;
- c. Shall be free of any conditions that could result in structural or other failure of said improvements;
- d. Shall be constructed and installed in accordance with the design standards and technical standards established for such public improvements by the City and by Cedar Falls Utilities;
- e. Shall be constructed and installed in strict compliance with the minimum acceptable specifications for the construction of public improvements set forth in the Cedar Falls Code of Ordinances, including without limitation, Chapter 24, Subdivisions, and as such specifications shall be recommended for approval by the City Engineer from time to time, and approved by the city council.

The Developer's construction plans are now on file in the Office of the City Engineer.

IN WITNESS WHEREOF, this instrument has been signed at _____
Iowa, this 21 day of April, 2021.

B.N.K.D., Inc.

By: _____

Ronda A. Happel, Vice President



STATE OF IOWA)
COUNTY OF BLACK HAWK)ss.

This record was acknowledged before me on this 21 day of April, 2021, by Ronda A. Happel, as Vice President of B.N.K.D., Inc.

Beth Kuchwald
 , Notary Public





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

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission

FROM: Karen Howard, AICP, Planning & Community Services Manager

DATE: May 7, 2021

SUBJECT: Zoning Map and Text Amendments - Downtown Character District Code and Regulating Plan

A public review draft of a new zoning code and zoning map for the Downtown Character District were presented during a special virtual Cedar Falls Planning and Zoning Commission meeting on February 17, 2021. Since that time, the proposed code and regulating plan map have been available for public review and comment on the project webpage: www.ourcedarfalls.com. Over the last two months, consultants and staff have met virtually with the Planning and Zoning Commission at four special work sessions to discuss the various elements of the proposed code and regulating plan and answer questions from the Commission. Staff also provided opportunities for work session discussions with development professionals and with Community Main Street, and encouraged the public to view and submit questions or comments to the Planning Division. All property owners in the area were notified by mail of the public hearing date and provided within instructions on how to participate in the hearing. Notice was also published in the Courier for both the proposed new zoning code for Downtown and for the rezoning of property to the new designation of Downtown Character District (CD-DT), noting that the Downtown Character District Regulating Plan (attached) will be the new zoning map for the area.

Public input was invited at public hearings on April 14 and April 28, 2021. The Commission considered various requested amendments to the draft at the April 14 meeting and made decisions on which amendments they would like to move forward. The attached Decision Matrix captures both the amendments considered and the Commission's decisions. Since there were no further amendments requested at the April 28th meeting, the consultants and staff revised to the draft as directed by the Commission. The amended regulating plan and specific pages that were amended are attached. Changes are highlighted in red text. Staff will provide new clean copy of the entire Planning and Zoning Commission recommended draft to the Commission at your meeting to replace the pages in your binder.

The updated zoning regulations are an important step in implementing the *Imagine Downtown! Vision Plan*, which was adopted by the Cedar Falls City Council in November 2019. The plan was the result of public workshops and other public outreach events that took place in 2019, where community members were invited to share their feedback and ideas for the future of Downtown and surrounding neighborhoods. The adoption of new zoning regulations will encourage development that is consistent with the community's vision.

RECOMMENDATION: Staff recommends that the Commission approve the Downtown Character District Code, associated Regulating Plan, Administrative Procedures, and Use Classification section, as amended at the direction of the Commission.

PLANNING & ZONING COMMISSION

4/14/2021
Public
hearing

Chair Leeper brought back the agenda item for the zoning code text amendments relative to downtown character district. Ms. Howard explained that the code has been available for public review for over a month, the Commission has reviewed the code during separate work sessions, and a number of emails and phone inquiries have been received from people within the study area. Staff and the consultants have highlighted any requests for amendments to the draft code in the decision matrix provided in the packet. Chair Leeper opened up the hearing to the public for comments.

Jessie Crisman, 1003 Main Street, asked for more clarification on how the properties will be impacted by changes being made to Main Street and the flow of traffic and how that will impact the safety of children in the neighborhood. Ms. Howard noted that the reconstruction of Main Street is not a part of zoning code changes, but with regard to the changes in the zoning code for that area, Ms. Howard explained that in that particular area would allow for a mix of uses like it does today, but it will also keep existing single-family houses conforming.

Melissa Sander, daughter of Joyce Anderson of 1117 Main Street, noted that her mother is concerned with the traffic coming from 12th Street, particularly with the high school nearby. She is also concerned with potential loss of parking. Mr. Leeper explained that the questions about the road are not part of the current discussion regarding rezoning. Those things are being discussed at City Council, but it isn't part of this discussion.

Jim Benda, 315 W. 2nd Street, stated that he would propose that commercial development be allowed for the entire block depth between 1st and 2nd Streets, because he is concerned that the area is too small otherwise for commercial development. He gave McDonald's as an example. Ms. Howard discussed the vision plan for that area and how the regulating plan does allow adjustments if needed to accommodate potential projects and discussed how the higher intensity Urban General does extend further into the block, but designates the south sides of those blocks as Neighborhood frontage. She noted that this was one of the requests for amendments that is included in the decision matrix, so would be discussed in more detail later in the meeting.

Hillery Oberle, 2508 Franklin Street, voiced general support for the overall downtown zoning revision and applauds the effort that has been put into this process.

Kim Bear, Community Main Street, commended the City on the whole process and how citizens have been included in the progression of the updates.

As there were no more comments from the public, Ms. Howard displayed the matrix of proposed amendments for discussion and covered each item to allow for comment from the Commission.

The first item was a change to the building form standards to allow the private open area to be above grade for lots with less than 70' of depth. The Commission agreed that the change made sense.

The second item was a change to the required building line on the change of the Required Building Line (RBL) on the Downtown Regulating Plan, on the north side of W. 2nd Street from Franklin Street to the western border of the District.

Staff/consultants recommend the RBL should be moved forward an additional 5 ft. from 15 ft. to 10 ft. off the front property line to allow for redevelopment on these shallow depth lots. The Commission agreed that the change made sense.

The next item was to insure consistency of terms between the new proposed Section 26-140 and proposed Section 26-197, as well as clarifying language in Character District Use Table introductory paragraph concerning additional standards that apply. This will essentially make the terms match in each Section. The Commission was in agreement with the changes.

The fourth item was to correct the outline format as needed throughout the document. The Commission agreed.

The fifth item was a request from the Historical Society to add them as a Civic Building designation in the Regulating Plan. Staff is also looking to change other similar buildings to that designation as well. The Commission agreed with the changes.

The next item was a change to Section 26-140 to distinguish between small and large commercial assembly uses in the use classification section. The Commission agreed with this change.

The seventh item was to change the Regulating Plan designated building frontage on west side of Overman Park from Neighborhood small to Urban General 2 to accommodate existing businesses located along Franklin Street. Or alternatively, a request from Tom and Dorinda Pounds who would like assurance that their business can continue, but that the home could also be converted back to residential use in the future should that be desired. They would like an approach that would better accommodate existing businesses while maintaining the residential character and scale of the area. Staff suggests adding language to state that all existing businesses in the Neighborhood frontages at the time of Code adoption would be considered conforming, however no new businesses would be permitted. The Commission agreed to Option 2 as outlined in the matrix.

The eighth item includes a design review process or role for the Planning and Zoning Commission. Ms. Howard discussed the pros and cons of the additional guidance proposed. Staff/consultants are not recommending adoption of a public design review process at this time. Mr. Larson would like to know more about the staff body that would be doing the architectural review and how the process works. Ms. Howard described the review process and the zoning review committee and the intent to assist developers in ensuring development projects meet all the new standards in the code. She noted that the committee can also consult with any other technical staff as needed and site plans would have to go through the Technical Review process as well. The Zoning Review Committee includes the planning manager, building official and a planner. She noted that this was a major goal of the zoning update to create a code that has clear and objective standards – to get rid of the gray area in the code, so projects could be reviewed administratively and to streamline the development review process. Ms. Saul asks what happens if someone doesn't like the project. Ms.

Howard stated that the code is clear and objective on standards so the staff has to follow those standards. There is not a lot of discretion with the new standards. Mr. Leeper noted that he would like to see some kind of process to be available to staff to send to the Commission to review and to approve or disapprove a project when something doesn't seem right. There was more discussion by the Commission on the pros and cons of requiring this extra design review process. Director Sheetz noted that there were quite a few zones in the City where site plans are approved administratively already. There was further discussion on the matter and it was decided to keep the draft the same without a legislative review process and see how it works over time, noting that it could be reconsidered in the future if additional layer of review is needed.

Item nine was brought forward by Kevin Harberts who owns properties along 2nd Street. It is to change the Regulating Plan so that the General Urban frontage designation goes from the 1st Street frontage to 2nd Street frontage. The requestor would like the option to create larger through lots for commercial uses that extend the full depth of the block from 1st to 2nd Streets. Ms. Howard noted that this was what Mr. Benda was also requesting earlier in the meeting. The pros and cons were discussed. Staff/consultants do not recommend this change as it would create a poor transition to the residential neighborhood along 2nd Street and would not be consistent with the adopted Downtown Vision Plan, which illustrated how this transition could be accomplished. The regulating plan already allows deeper space to accommodate commercial redevelopment along 1st Street. The Commission agreed that there should be no change to the regulating plan.

The next item was to consider the inclusion of vinyl siding as an approved wall material in neighborhood frontages. The pros and cons were discussed and options were given for alternative siding choices and the Commission had a great deal of discussion. The Commission came to a consensus to move forward with the first, second and third options noted on the decision matrix:

1. Maintain the prohibition of vinyl siding for new construction
2. Permit the use of vinyl siding to replace or repair existing vinyl siding and for additions to existing buildings that already have vinyl siding.
3. Permit use of vinyl siding that meets higher minimum standards for quality, maintenance, and durability, based on industry standards to replace or cover over other types of siding on existing single-family dwellings.

The next item that was considered was lifting the prohibition of using higher quality foam products for architectural detail. Ms. Howard explained that the verbiage could be updated to allow for that kind of foam and the staff/consultants felt that would be appropriate. The Commission agreed.

The 12th item on the draft review was the provision of more direction on ADU's. After brief explanation, the commission agreed with this change.

The final item was the prohibition of conversion of existing single unit dwellings into duplexes or multi-unit dwellings, similar to the current prohibition in the R1 and R2 Zones. Staff recommends this change in order to help stabilize these neighborhoods, while allowing new housing types that meet all the new standards in the code. There was brief discussion and the Commission agreed with making this change.

Mr. Leeper asked what the next steps would be. Howard explained that the Commission could continue the hearing as long as they feel is needed to cover any questions or suggestions for changes to the draft. She noted that staff anticipated that at least one additional meeting would be warranted and then if no further changes or discussion was needed, the Commission would make a recommendation to Council. In response to a question, she noted that variety of notifications and press releases have gone out to keep the public informed of the opportunity to participate.

Public
hearing
Continued
4/28/2021
Discussion

The next item of business was amendments to the zoning code text with regard to the Downtown Character District Regulations. Chair Leeper introduced the item and Ms. Howard provided background information. She noted that there are no additional requests received for amendments to the draft from what was discussed at the last meeting.

Mr. Hartley requested more discussion about the parking requirements that are in the draft code. Ms. Howard provided an overview of what was proposed for parking requirements in the code, noting the difference between the Urban General Frontages and the Neighborhood Frontages. She explained the requirements for each area and discussed shared parking. The Commission discussed generally and confirmed that they were in agreement that the parking requirements that are proposed are where they should be for the downtown area. As there was no additional public comment, Mr. Leeper closed the public hearing. Ms. Howard briefly explained the next steps in the approval process.

Attachments:

- Decision Matrix
- Amended red-lined pages of the Downtown Character District Code
- Amended Regulating Plan
- Recommended Draft of the Administrative Procedures (Section 26-36 through Section 26-39) – not changes were made.
- Amended red-lined version of the Use Categories and Definitions (Section 26-140)

PROPOSED AMENDMENTS TO THE PUBLIC REVIEW DRAFT OF THE DOWNTOWN ZONING CODE

26-193 – Building Form Standards

	Proposed Amendment	Explanatory Notes	Consultant/Staff Recommendation	P&Z Discussion (Date)	P&Z Decision
1	Requestor: Consultant/staff Change Building Form Standards (BFS) Section 193.5 Neighborhood Small Frontage B. Placement 4. Buildable Area to allow Private Open Area to be above grade for lots with less than 70 ft of depth.	Technical Fix: This better accommodates rowhouses on especially shallow lots (such as many of the lots along 2 nd Street, as shown in the Vision Plan) with their 66ft width/depth. This will make Neighborhood Small consistent with Neighborhood Medium.	Consultant/staff are in support of this amendment.	Commission directed staff to make the change.	Amendment Approved
2	Requestor: Consultant/staff Change Required Building Line (RBL) on the Downtown Regulating Plan, on the north side of W 2 nd St. from Franklin St. to the western border of the District. The RBL should be moved forward an additional 5ft, from 15ft to 10ft off the front property line.	Technical Fix: This is for consistency with the RBL to the east of Franklin (Urban General 2) and better accommodates rowhouses fronting 2 nd Street (as shown in the Vision Plan) within the shallower (66ft) depth of many of those lots. This keeps the building form and scale consistent with the Neighborhood Small designation, but allows room for both parking and for usable ground floor space within the buildings.	Consultant/staff are in support of this amendment to the Downtown Character District Regulating Plan.	Commission directed staff to make the change.	Amendment Approved
3	Requestor: Staff a) Insure consistency of terms between new proposed Section 26-140. Use-Specific Standards, Category Descriptions, and Definitions and proposed Section 26-197. Building Functions; b) Clarify language in Character District Use Table introductory paragraph concerning additional standards that apply	Technical Fix: a) Because drafting was an iterative process, additional revisions were made to Section 26-140, Use Classification, after the public review draft of Downtown Character District Code (Section 26-197) was released. This is a simple clean-up to make sure terms are internally consistent. Also to correct the Code Section number of the Use Classification to Sec. 26-140 (not 26-132). b) Make clear that additional development and performance standards apply above and beyond the broad permitted use categories.	Consultant/staff are in support of these amendments	Commission directed staff to make these changes.	Amendment Approved

Item 4.	4	Requestor: Staff Correct outline format, as needed	Technical Fix: Some outline numbers are out of sequence and need correction	Consultant/staff are in support of this amendment	Commission directed staff to make these changes.	Amendment Approved
	5	Requestor: Historical Society and Planning Staff Add Civic Building designations to Regulating Plan	Technical Fix: The Cedar Falls Woman's Club and Cedar Falls Historical Society Victorian House Museum and Museum Buildings in Sturgis Park should be identified as Civic Buildings.	Consultant/staff are in support of this amendment	Commission directed staff to make these changes.	Amendment Approved
	6	Requestor: Consultant/Staff Change to Section 26-140. Use-Specific Standards, Category Descriptions, and Definitions for clarity, etc.	Technical Fix: Clarification concerning categorization of commercial assembly uses as large or small based on size and the other classification criteria in Section 26-140(a)(3) This will help in classifying uses appropriately in different zoning districts. Examples include small commercial assembly uses, such as theaters that fit into a main street area, like the Oster Regent Theater downtown versus large commercial assembly uses, such as a large metroplex theater complex located in a suburban shopping center.	Consultant/staff are in support of this amendment	Commission directed staff to make these changes.	Amendment Approved

Item 4.					
7	<p>Requestor: P&Z Member Larson</p> <p>Change the Regulating Plan designated building frontage on west side of Overman Park from Neighborhood Small to Urban General 2 to accommodate existing businesses located in buildings along Franklin Street;</p> <p>or alternatively:</p> <p>Requestor: Tom and Dorinda Pounds They own a house on Franklin Street that was converted to office space for their business. They want assurance their business can continue, but also have maintained many of the historic residential features of the home, so it could be converted back to residential use in the future, if desired.</p> <p>They would like an approach to better accommodate existing businesses, while maintaining the residential character and scale of the area</p>	<p>As drafted, all existing businesses can remain as non-conforming uses. The new code requires no changes unless/until the owner makes a significant change to their business or building, at which time the standards identified in Section 26-38 Proportionate Compliance would apply, based on the [level/degree] of proposed change.</p> <p>The intent of the proposed limitations on new businesses in the Neighborhood frontage areas is to encourage their concentration in the core of Downtown for the synergy it creates and to stabilize and encourage reinvestment in the surrounding residential areas and preservation of the historic character of these areas.</p> <p>Options for change:</p> <p>Option 1: Change the regulating plan along west side of Franklin Street to Urban General 2.</p> <p>Pro: Insure existing business are not made non-conforming</p> <p>Con: Change in building frontage designation affects more than use; it would also change the physical scale and character of permitted new buildings, potentially incentivizing the demolition of other houses in the neighborhood. This could potential affect the historic residential character along Franklin Street. Most businesses are located within existing residential structures.</p> <p>Option 2: Language could be added to state that all existing businesses at the time of code adoption are considered conforming, so can continue and even expand, but that no new businesses are permitted in the Neighborhood frontages. This is a similar approach we took for manufacturing businesses on the far east side of the study area.</p>	<p>Consultant/staff are in support of Option 2, as it achieves the goal of keeping existing businesses conforming, but doesn't have the unintended consequences noted with Option 1.</p>	<p>Commission directed staff to make the changes per Option 2.</p>	<p>Amendment Approved Option 2.</p> <p>(Note: add a parking requirement for non-residential uses in Neighborhood Frontages).</p>

8	<p>Requestor: P & Z Chair: Include a design review process/role for P&Z</p>	<p>Commission expressed concern that it is difficult to legislate good design and that some additional design guidance may be needed, at least for some projects; and this process should be conducted through a public review process at P&Z and/or Council.</p> <p>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.</p> <p>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.</p> <p>From a fairness and equity standpoint, it can also give undue influence to particularly persuasive or well-connected applicants or to those who may simply want to prevent development from occurring.</p> <p>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.</p>	<p>Consultants/staff do not recommend adopting a public design review process at this time.</p> <p>If a majority of the Commission would still like to move forward with a public design review process, the consultants and staff will continue to work to determine a workable approach.</p>	<p>Commission directed staff to keep the draft the same and not require a separate design review through P&Z and Council.</p>	<p>No change recommended</p>	<div>Item 4.</div>
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9	<p>Requestor: Kevin Harberts (owns two residential properties along 2nd Street).</p> <p>Change the Regulating Plan so that the General Urban frontage designation goes from the 1st Street frontage to 2nd Street frontage</p> <p>The requestor would like the option to create larger through lots for commercial uses that extend the full depth of the block from 1st to 2nd Street.</p>	<p>The regulating plan designations between 1st and 2nd Street are already set up to provide more lot depth for Urban General along 1st Street to accommodate the larger footprint of many commercial buildings, leaving a shallower depth for the neighborhood frontage designation along 2nd Street, which can accommodate smaller footprint residential building types, such as rowhouses.</p> <p>Pros and Cons of making this change:</p> <p>Pro: Uniform building form standards for the entire parcel (with considerably more buildable area)</p> <p>Con: This would undermine the scale transition from the higher intensity, mixed-use 1st Street down to the less intense Overman Park neighborhood to the south.</p> <p>The code provides considerable flexibility for parcels with more than one frontage designation to shift the frontage designation to accommodate specific needs of the development. However, it is important for the buildings along both sides of 2nd Street to relate to one another, rather than having residential buildings facing the backs of 1st Street businesses. The regulating plan designations ensure buildings of similar scale and character along both sides of a street.</p>	<p>Consultant/staff are <u>not</u> in support of this amendment.</p> <p>The regulating plan already establishes Urban General deeper into the block (from north to south) and leaves a rather shallow area along 2nd Street that will accommodate residential building forms, such as townhomes, as shown in the <i>Imagine Downtown! Vision Plan</i>.</p>	<p>Commission directed staff to keep the regulating plan the same. No change recommended.</p>	<p>No change recommended</p>	<div>Item 4.</div>
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<div>10</div>	<p>Requestor: Planning & Zoning Commission and questions from several members of the public.</p> <p>Consider the inclusion of vinyl siding as an approved wall material in Neighborhood Frontages</p>	<p>There is concern that prohibiting vinyl siding in the Neighborhood Frontages could be cost prohibitive and encourage disinvestment in existing residential properties.</p> <p>The intent of the proposed prohibition was to promote more durable and environmentally sustainable building materials. (The issue is not one of aesthetics).</p> <p>Pro: Reduce the up-front cost of building construction and maintenance</p> <p>Con: Higher long-term costs for maintenance and upkeep; concerns related to durability and fire-resistance; environmental impacts of PVC, i.e. produces toxic smoke when it burns and melts at a fairly low temperature; damaged or melted siding often ends up in the landfill and is not biodegradable. While it is possible to recycle it, there are often issues of contamination from dirt, nails, and mixed-in aluminum flashing. In contrast, wood, brick or stone have a life cycle of more than 100 years. The life span of vinyl is 15 to 20 years before it becomes brittle from ultraviolet light and is easily damaged.</p> <p>If change to the ordinance is desired, following are some options:</p> <ol style="list-style-type: none">1. Maintain the prohibition of vinyl siding for new construction.2. Permit the use of vinyl siding to replace or repair existing vinyl siding.3. Permit use of vinyl siding that meets higher minimum standards for quality, maintenance, and durability, based on industry standards to replace or cover over other types of siding on existing single family dwellings.4. Delete the prohibition on vinyl siding from the code altogether, so it would be allowed on all existing and new buildings in the Neighborhood Frontages.	<p>Consultant/staff are particularly concerned about the long term consequences of allowing vinyl siding related to the noted environmental concerns, so recommend prohibiting vinyl siding for new construction.</p> <p>With regard to the second bullet point, the current draft already allows replacement of like material with like material for maintenance purposes. Consultant/staff would be in support of adding some additional language to make sure this is clear.</p> <p>Consultant/staff are <u>not</u> supportive of allowing vinyl siding to replace existing environmentally sustainable building materials, such as wood, stone, or brick. We feel that the long term costs outweigh the short term savings.</p> <p>Consultant/staff strongly recommend against listing vinyl siding as a generally allowed building material.</p>	<p>Commission directed staff to move forward with making changes consistent with 1, 2, and 3, but did not support option 4.</p> <p>Bullet points 1 and 2 were supported unanimously. Bullet point 3 was supported by a majority.</p> <p>With regard to bullet 1, the Commission requests that the language be clarified to indicate that for additions to existing buildings that have vinyl siding that vinyl siding can be used for the addition. We will need to discuss how to fit that into the trigger chart.</p> <p>Bullet point 4 was rejected by a majority.</p>	<div>Item 4.</div> <p>Amendments Approved according to bullet points 1, 2, and 3. Majority of the Commission does not support 4.</p>
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Item 4.	11	<p>Requestor: Jesse Lizer, Emergent Architects</p> <p>Permit the use of higher quality foam products for architectural detailing</p>	<p>There is concern that the prohibition of “all other foam-based products” in Sec. 26-194.C.5. would limit options for restoration of historic buildings. That was never the intent of this prohibition, but rather to limit the use of flimsy, easily damaged building materials, particularly at the street level. Potential change:</p> <ul style="list-style-type: none">• Delete “all other foam-based products” from the prohibited list and add a new item to the secondary materials list in Sec. 26-194.C.4. as follows: “Durable foam-based products, such as Fypon, may be used for architectural detailing.”	Consultant/staff are in support of this amendment,	Commission directed staff to make this change.	Amendment Approved
	12	<p>Requestor: Staff</p> <p>Provide more direction for ADUs</p>	<p>Concern that there is insufficient enforceability of owner-occupancy requirement following the development of an ADU. Consider including a requirement for an affidavit/legal agreement with the City in Sec. 26-193.1.G (p.24) to be filed and recorded, so that it is clear to future owners or prospective buyers that the dwelling is not considered a duplex, so that the limits on size and occupancy for ADUs continue to be enforceable over time.</p> <p>The allowance for ADUs is intended to make home ownership more affordable and encourage investment and reinvestment that will help stabilize existing older neighborhoods surrounding downtown.</p>	Consultant/staff are in support of this amendment.	Commission directed staff to make this change.	Amendment Approved

13	<p>Requestor: Staff</p> <p>Prohibit conversion of existing single unit dwellings into duplexes or multi-unit dwellings.</p>	<p>The new code opens up the possibility for new types of housing, but in a manner that ensures that new housing fits into the context of the neighborhood with quality design and a logical configuration of the dwelling units. However, the new standards and allowances are not intended to encourage existing single unit dwellings to be chopped up into additional units in a manner that reduces the functionality and livability of the dwelling and makes it less desirable for those seeking a long term rental opportunity or homeownership. As is often experienced in college towns this is a common practice to provide short term rentals for college students by converting living rooms, dining rooms, and other spaces to maximize the number of bedrooms. While providing rental housing for students is important, this particular practice often creates units that are not very conducive to long term renters and cannot be easily or cost-effectively adapted or converted back to the original condition in response to market fluctuations, such as a drop in enrollment.</p> <p>Staff notes that making this change will keep the new code consistent with the City's current conversion prohibition in the R1 and R2 Districts.</p>	Staff is in support of this change.	Commission directed staff to make this change.	Amendment approved.	<div>Item 4.</div>
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Note: Did we make a change to the trigger chart re: parking?

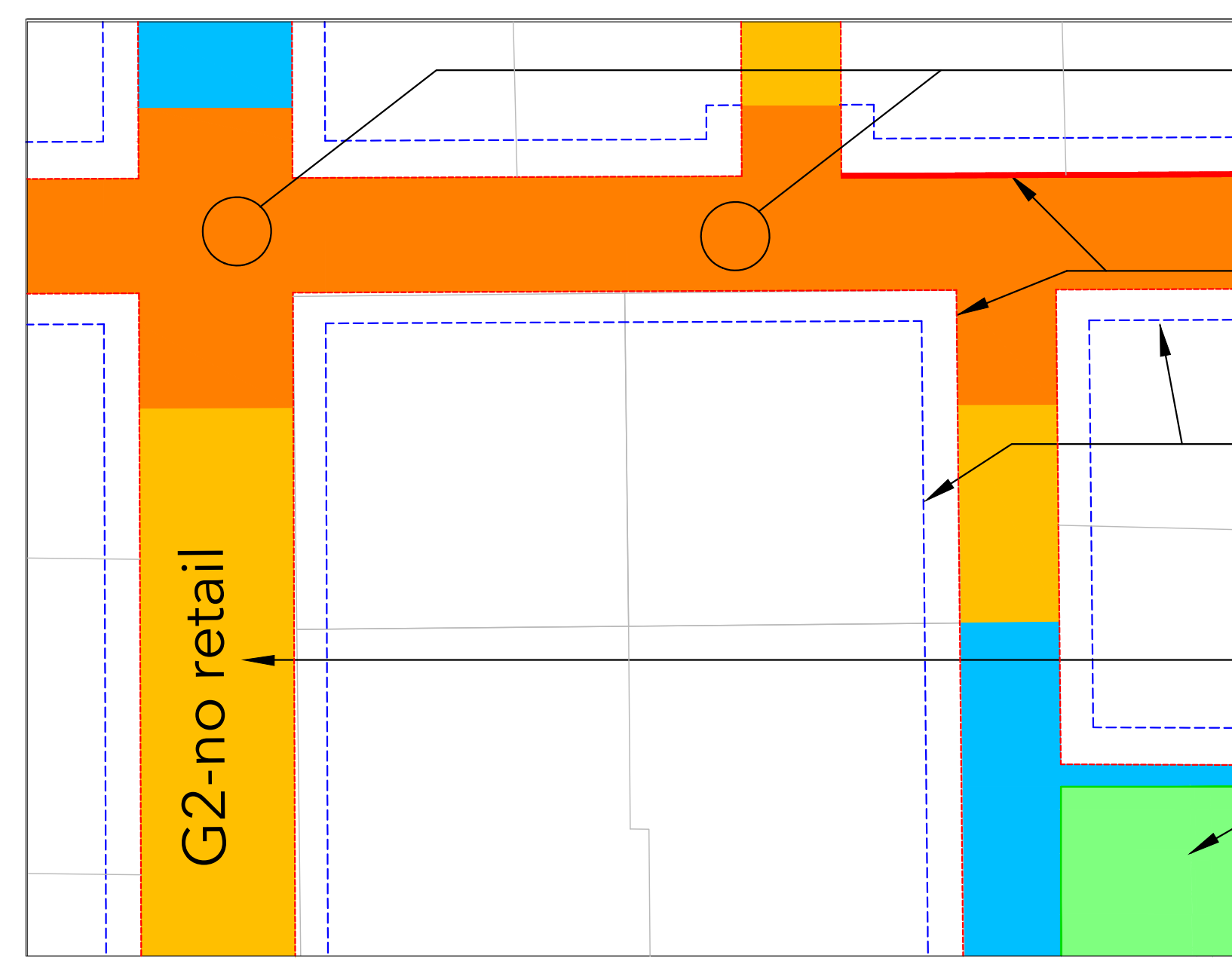
Planning and Zoning Commission Recommended Draft

*3 Required street connection between Walnut Street and either College Street or Ida Street. The exact route is to be determined through planning. Consult the Zoning Administrator.

A Comfortable 5 Minute Walk



UNDERSTANDING THE REGULATING PLAN



- BUILDING FRONTAGE DESIGNATIONS**
(see below)
This indicates the relevant Building Form Standard (BFS) rules governing your site.
- REQUIRED BUILDING LINE (RBL)**
This line indicates the RBL for your site. The Building shall be BUILT-TO the RBL.
- PARKING SETBACK LINE**
Vehicle Parking (above ground) is not allowed forward of this line unless otherwise noted on the Regulating Plan.
- SPECIAL CONDITION**
Specific limitation or allowance
- Civic Green or Square**
Urban Public Space per the Code Refer to the City for details.

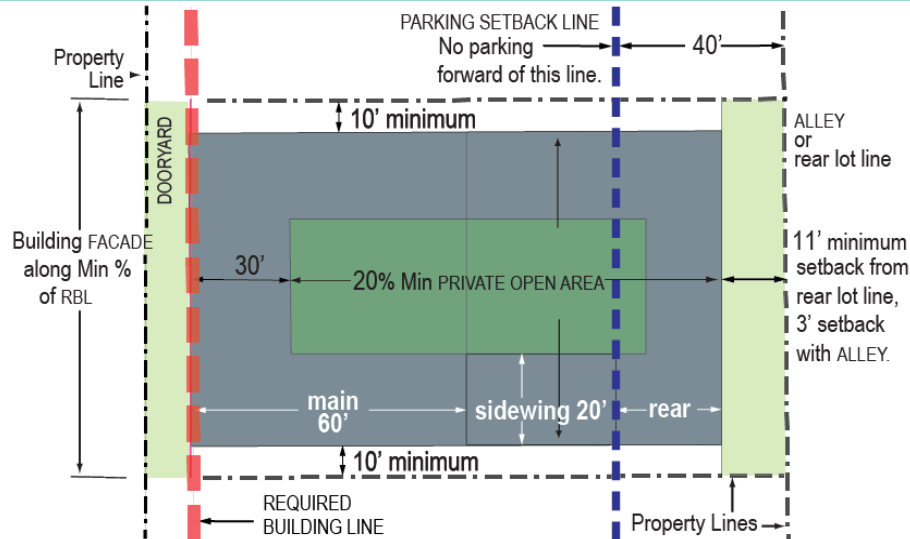
Color and Symbol Key

Urban General	Storefront	Public Open Space
Urban General 2	Req'd Building Line (RBL)	Civic Structure
Neighborhood Medium	Parking Setback	Downtown Character Study Area Bounds
Neighborhood Small	New Streets	Railway

SPECIAL CONDITIONS

- *1. see the Urban General BFS, 193.2.F.4.b, for more information.
- *2. see the Neighborhood Medium BFS, 193.4.F.3.b or the Neighborhood Small BFS, 193.4.E.3.b, for more information.
- *3. Consult with the Zoning Administrator for more information.

193.5 Neighborhood Small Frontage



B. PLACEMENT

1. **FAÇADE:** On each lot the building FAÇADE shall be built to the REQUIRED BUILDING LINE (RBL) for at least 50% of the RBL length.
2. **A STREET WALL** or PRIVACY FENCE is permitted on any unbuilt REQUIRED BUILDING LINE.
3. **Maximum FAÇADE width:** No individual structure or attached set/group of ROWHOUSES may exceed a maximum FAÇADE frontage length of 60 Ft. A gap of at least 10' is required between each building or set of rowhouses.
4. **BUILDABLE AREA**
 - a. The BUILDABLE AREA is delineated by the gray area in the diagram above. The main portion of the BUILDABLE AREA is within 60' of the RBL. The SIDEWING BUILDABLE AREAS are between the main and rear BUILDABLE AREA and within 20' of each side setback.
 - b. The REQUIRED BUILDING LINE is indicated on the REGULATING PLAN. It is generally located 15' off the ROW/property line for Neighborhood Small. The exact position of the RBL should be confirmed in consultation with the Zoning Administrator and ZRC.
 - c. Setbacks: 10' each side lot line; 3' from an ALLEY and 11' from rear lot line where there is no ALLEY.
 - d. A PRIVATE OPEN AREA equal to at least 20% of the BUILDABLE AREA must be provided on every lot.
 - i. The minimum PRIVATE OPEN AREA dimension is 18'.
 - ii. The PRIVATE OPEN AREA must be located at least 30' behind the REQUIRED BUILDING LINE.
 - iii. The PRIVATE OPEN AREA must be at grade, except BALCONIES and extremely shallow lots, as specified in v. below;
 - iv. Up to 33% of the required PRIVATE OPEN AREA may be satisfied through the BALCONIES of individual ROWHOUSES and/or units, which are exempt from *i* and *ii* above.
 - v. The PRIVATE OPEN AREA for lots with less than 70' from the REQUIRED BUILDING LINE to the rear setback, may be above grade.
5. **Other**
 - a. The PARKING SETBACK LINE is indicated on the REGULATING PLAN, generally 40' from the rear lot line, with limited exceptions at ALLEY/RBL intersections and for other special conditions, see *E.3. Rear Lot Area below*. The side setback for parking is 3' from any COMMON LOT LINE
 - b. The minimum ROWHOUSE width, measured parallel to the RBL, is 18'.
 - c. A PRIVACY FENCE is permitted, at or behind the REQUIRED BUILDING LINE, on COMMON LOT LINES, and on rear lot lines.

3. Primary FAÇADE Materials

- a. Any of the following building materials shall be used on a minimum of 75% of the FAÇADE area. This measurement shall be calculated as a percentage of the wall portion of the FAÇADE, exclusive of FENESTRATION.
 - (i) Brick and terra cotta;
 - (ii) Natural stone;
 - (iii) Stucco (cement plaster); prefabricated stucco panels and sprayed on stucco finishes are prohibited;
 - (iv) Cast iron, copper, stainless steel (18-8 or better), or titanium metal.
- b. **For Neighborhood frontages only:**
 - (i) Wood or approved fiber cement siding;
 - (ii) **Vinyl siding may be used to replace other types of siding on existing single-unit residential buildings. On other buildings with existing vinyl siding, that siding may be replaced or repaired with vinyl siding and any additions may be clad with vinyl siding.**
- c. Additional materials may be proposed to the Zoning Administrator and ZRC for review under the EQUIVALENT OR BETTER standard, see *Section B.2.b* above.

4. Secondary Materials

Any of the following materials are permitted on a maximum of 25% of the FAÇADE area and on all side and rear elevations.

- a. All permitted primary materials;
- b. Metal (heavy gauge & non-reflective);
- c. Ground- or Split-faced block (integrally colored);
- d. Glass block;
- e. Decorative tile;
- f. Pre-cast masonry;
- g. **Durable foam-based products, such as Fypon, may be used for architectural detailing; and**
- h. EIFS (Exterior Insulation and Finishing System) and other synthetic materials may be used above the second STORY, if on the ZRC Approved Alternate Materials List.

5. Prohibited Materials

- a. Styrofoam, **and all other foam-based products;**
- b. Vinyl **(except as noted above for Neighborhood frontages)** and aluminum siding;

6. Configurations and Techniques

- a. When different materials are used on a FAÇADE, heavier materials shall be used below lighter materials (i.e., stone below brick; brick below metal panel; brick below siding).
- b. All masonry, including brick, block, and stone, shall be in an apparent load-bearing configuration.
- c. Where siding, including panels, is not mitered at corners, siding shall incorporate corner boards on the outside building corners to conceal raw edges.
- d. Wall openings (FENESTRATION) must:
 - (i) have a vertical dimension equal to or greater than the horizontal dimension unless otherwise specifically permitted in these district standards;
 - (ii) correspond to the interior space and shall not span across building structure such as a floor or wall.
- e. Wood Siding and Wood Simulation Materials
 - (i) Horizontal siding shall be configured with a maximum board exposure of 8 inches.
 - (ii) Board and batten siding shall have a maximum board width of 10 inches.
 - (iii) Siding and shingles shall be smooth, not rough-sawn finish.
 - (iv) Shall not come in contact with the ground surface.
- f. Stucco:
 - (i) Shall have a smooth or sand finish only; no rough textured finish.
 - (ii) Shall not come in contact with the ground surface.
- g. All exposed masonry walls (i.e., STREET WALLS, garden and other free-standing walls, and parapets) shall have a cap or coping to protect the top of the wall from weather.

7. Permissive parking and loading facilities. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

D. Neighborhood Frontages – Minimum Parking Requirements

1. Minimum Reserved Parking:
Reserved parking includes all parking that is not SHARED PARKING.
 - a. Minimum reserved parking spaces for multi-unit residential buildings:
 - (i) Efficiency/1-bedroom units 0.75 spaces/unit
 - (ii) 2 or more bedroom units additional .75 spaces per bedroom

Note: In calculating the total number of minimum reserved spaces per building, any partial spaces .5 or above are rounded to the next whole number.
 - b. Minimum reserved parking spaces per dwelling unit in single-unit attached and detached, multi-unit ROWHOUSE, two-unit, and COTTAGE COURT configurations:
 - (i) Owner-occupied 1 space/unit
 - (ii) Renter-occupied 1 space/unit + one space/per bedroom for each bedroom above 2
 - c. Minimum reserved parking spaces for non-residential uses is 1 space per 300 square feet.
2. Minimum SHARED PARKING for multi-unit residential buildings is .25 per unit.
3. Off-site parking is not permitted for any required reserved parking in Neighborhood frontages.

E. Special Parking Standards

1. On-Street Parking in all Character Districts
 - a. A parking space located on a public street may be included in the calculation of SHARED PARKING requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the development parcel).
 - b. Each on-street parking space may only be counted once.

F. Parking Lot Plantings for New Development

1. For any surface parking lot not separated from the STREET-SPACE by a building, the space between the REQUIRED BUILDING LINE and the PARKING SETBACK LINE shall be planted with canopy shade trees from the Tree Lists in Section 26-195. Public Realm Standards. Trees shall be planted at an average distance not to exceed 30 feet on center and aligned parallel 3 to 7 feet behind the REQUIRED BUILDING LINE/STREET WALL.
2. The edge of any General Urban or Storefront frontage surface parking lot adjacent to a Neighborhood frontage lot shall be screened according to the standards in Section 26-193.1.F. Neighborhood Manners.

G. Loading Facilities

1. No loading facilities are required.
2. Where loading facilities are provided, they shall be located to, and accessed from, the rear and/or ALLEY side of buildings.

Section 26-197. Building Functions

A. Permitted Uses

1. All uses are classified and defined in *Sections 26-140*.
2. Permitted uses by BUILDING FORM STANDARD frontage are shown in *Section C. Use Table*, below. All uses not expressly permitted are prohibited.
3. All uses must meet the standards of the applicable BUILDING FORM STANDARD in *Section 26-193*. Any additional development or performance standards are indicated in the *Section C. Use Table* and provided in *Sections D.-H.* below.

B. Accessory Uses and Structures

1. Home occupations, as defined in this chapter, are permitted.
2. The following accessory uses are limited to owner-occupied single-unit dwellings, regardless of the applicable BUILDING FORM STANDARD frontage.
 - a. Accessory dwelling units (ADUs)
 - b. Bed & Breakfast Establishments
 - c. Day Care Homes
3. Accessory structures are permitted within the BUILDABLE AREA of the lot, as designated in the applicable individual BUILDING FORM STANDARD.
4. Parking is permitted within the location parameters identified on the REGULATING PLAN and applicable individual BUILDING FORM STANDARD.

Character District Sections: 26-191 to 26-198

- 191. Introduction
- 192. Regulating Plans
- 193. Building Form Standards
- 194. Architectural Standards
- 195. Public Realm Standards
- 196. Parking & Loading

197. Building Functions

- 198. Reserved
- 199. Reserved

C. Use Table

This table identifies the categories of uses allowed in the GROUND STORY and upper STORIES for each BUILDING FORM STANDARD frontage; however, some specific uses may be restricted or prohibited. All uses must comply with any other applicable standards in this Zoning Code. Additional regulations specific to the Downtown Character District are referenced in the right-hand column.

DOWNTOWN CHARACTER DISTRICT USE TABLE												
USE CATEGORY		BUILDING FORM FRONTAGES										Additional Regulations
		General Urban		Storefront		General Urban 2		Neighborhood Medium		Neighborhood Small		
		Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	
RESIDENTIAL												Section E.
	Household Living	X	X	X	X	X	X	X	X	X	X	Sec. D. and E.1-4
	Group Living	X	X	X	X	X	X	X	X	X	X	Sec. D. and E.1-6
COMMERCIAL												Section F.
	Amusement & Recreation	X	X		X	X	X					Sec. D. and F.1.
	Animal Sales & Service	X	X		X	X	X					Sec. D. and F.2.
	Commerical Assembly	X	X	X	X	X	X					Sec. D. and F.1.
	Eating & Drinking Establishments	X	X	X	X	X	X					Sec. D. and F.3.
	Financial Services	X	X	X	X	X	X					Sec. D. and F.4.
	Gas Station/Accessory Repair	X				X						Sec. D. and F.5.
	Heavy Commercial	X	X	X	X	X	X					Sec. D. and F.6.
	Lodging	X	X	X	X	X	X	X	X	X	X	Sec. D. and F.7.
	Office	X	X	X	X	X	X					Sec. D. and F.8.
	Parking, Commercial	X	X	X	X	X	X					Sec. D. and F.9.
	Retail Sales & Service	X	X	X	X	X	X					Sec. D. and F.10.
	Self-service storage		X		X		X					Sec. D. and F.5.
	Vehicle Sales & Service	X	X		X	X	X					Sec. D. and F.4.
CIVIC & INSTITUTIONAL												Section G.
	Civic & Cultural Assembly	X	X	X	X	X	X	X	X	X	X	Sec. D. and G.1.
	Community Services											Sec. D.
	Colleges & Universities											Sec. D.
	Day Care	X	X		X	X	X	X	X	X	X	Sec. D. and G.2.
	Educational	X	X		X	X	X	X	X	X	X	Sec. D.
	Government & Public Safety	X	X		X	X	X					Sec. D.
	Health Care	X	X		X	X	X					Sec. D.
INDUSTRIAL, WHOLESALE, & STORAGE		X										Sec. D. and H.
Key: X= Permitted, Additional Regulations Apply Blank Cell = Not Permitted												

D. General Development and Performance Standards

The following standards apply to all Character District frontages and use categories.

1. All permitted uses shall meet the *Section 26-193. Building Form Standard General Provisions* and those standards specified in the applicable individual BUILDING FORM STANDARD (BFS) pages.
2. No civic, commercial, or institutional use is permitted above a residential use.
3. Businesses providing drive-through services shall not have a drive-through lane or service window that abuts or faces a STREET-SPACE.
4. Drive-through services are prohibited in Storefront frontage sites.
5. For duplexes, multi-unit dwellings, and dwellings in mixed-use buildings, no more than three bedrooms are permitted per unit.
6. Notwithstanding the provisions of any other section of this article, no existing single-unit residential structure located in the Character District shall be converted or otherwise structurally altered or expanded for the purpose of accommodating the creation or establishment of a second separate dwelling unit within, around or adjacent to the original single-unit residential structure, except for ADUs, as defined and permitted herein.
7. All use-specific state or local certifications, permits, and licenses apply.
8. No smoke, radiation, vibration or concussion, excessive noise, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

E. Residential Uses – Development and Performance Standards

1. See the General Urban and General Urban 2 BUILDING FORM STANDARD frontages for configuration requirements for GROUND STORY Residential uses.
2. A lobby serving an upper STORY Residential use is permitted on the GROUND STORY within the SHOPFRONT space of a Storefront frontage site.
3. Residential dwelling units are not permitted within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.
4. Mobile home parks are prohibited.
5. Fraternity and Sorority uses are prohibited.
6. Group Homes and Assisted Group Living uses are subject to all Iowa law requirements and certifications.

F. Commercial Uses – Development and Performance Standards

1. Amusement and Recreation, Commercial Assembly
 - a. Only Indoor Amusement and Recreation uses are permitted.
 - b. Adult Entertainment is prohibited.
 - c. Theater, Auditorium, and Arena uses shall meet the GROUND STORY FENESTRATION requirements of the applicable BUILDING FORM STANDARD, but are exempt from the upper STORY FENESTRATION requirements.
 - d. The lobby serving a Commercial Assembly or Indoor Amusement and Recreation use is permitted in the SHOPFRONT area of a Storefront frontage.
2. Animal Sales and Service
No outdoor kennels, play, or exercise areas are permitted.
3. Eating and Drinking Establishments

- c. A lobby serving an upper STORY overnight lodging use is permitted on the GROUND STORY of any Storefront frontage site.
- d. Bed & Breakfast establishments are permitted as accessory uses to owner-occupied houses in Neighborhood frontages. No other overnight lodging is permitted in these frontages.

8. Office

- a. Office uses are not permitted within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.
- b. Office uses that exist in Neighborhood frontages as of January 1, 2021 are permitted and considered conforming uses. Changes to existing uses shall be in compliance with the standards and requirements of this chapter. The establishment of new Office uses or structures not in association with an existing conforming use or structure is prohibited.

9. Parking, Commercial

Commercial parking lots and structures are required to meet all BUILDING FORM STANDARDS for the frontage sites on which they are located.

10. Retail Sales and Services

- a. A retail sales use is permitted in the second STORY of a Storefront or General Urban frontage site provided it is an extension equal to or less than the area of the same GROUND STORY use.
- b. No merchandise (including motorcycles, scooters, and automobiles) may be left within the DOORYARD when the business is not open.
- c. Only retail sales or gallery/showroom functions for Cottage Industries are permitted in the required minimum SHOPFRONT space of a Storefront frontage.

11. Vehicle Sales and Service (see Gas Stations, above)

G. Civic and Institutional Uses – Development and Performance Standards

- 1. CIVIC BUILDINGS designed for civic uses (as defined in *Section 26-191. Definitions*) that are located on sites specifically designated on the REGULATING PLAN are not subject to *Section 26-194. Architectural Standards* or *Section 26-193. Building Form Standards* except for *Section 26-193.1.E. Neighborhood Manners*.
- 2. Day Care
 - a. All day care facilities are subject to all permitting and licensing requirements under Iowa Law.
 - b. Only Day Care Homes are permitted as accessory uses in Neighborhood frontages.

H. Industrial, Wholesale, and Storage Uses – Development and Performance Standards

Industrial Manufacturing, Assembly, or Processing facilities that exist as of January 1, 2021 are permitted and considered conforming uses. Changes to existing uses shall be in compliance with the standards and requirements of this chapter. The establishment of new Industrial, Wholesale, and Storage uses or structures not in association with an existing conforming use or structure is prohibited.



Cedar Falls Downtown Zoning Code Update Administrative Procedures

Planning & Zoning Commission Recommended Draft

May 12, 2021

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Amend **Sec. 26-2. – Definitions**, as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied." All terms that define or name a City department or City office title also include the phrase "or designee."

SEC. 26-36 ADMINISTRATIVE DETERMINATION

(A) APPLICABILITY

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.

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

(B) APPLICATION

- (1) Applications shall not be processed until all materials have been submitted and are deemed sufficient 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.
- (2) If an application is deemed insufficient, 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, 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 application that has not been revised to meet the completeness requirements shall expire on the 30th 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 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 application for conformance with all applicable provisions of this chapter.
- (2) To be approved, an application shall be fully consistent with the standards of this chapter 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) The Zoning Administrator shall approve or deny the application and provide written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial.

(E) APPEAL

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. 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

- a. Any application for a commercial, industrial, institutional, or multi-unit dwelling project;
- b. Any application for development requiring site plan 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 the Code of Ordinances, or with all applicable requirements as modified by a request for a 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 a building permit has 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. An extension not to exceed one year may be granted by the Zoning Administrator.

(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 for an initial site plan submittal.

SEC. 26-38 PROPORTIONATE COMPLIANCE

(A) APPLICABILITY

(1) Purpose

To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying

proportional development standards. This section identifies the process for determining specific site compliance with a proportionate standard.

(2) No New or Increased Noncompliance

Any redevelopment of a structure or site shall be designed to either increase conformance with this Code or, at a minimum, not increase an existing nonconformity. Redevelopment shall not establish new nonconformity(ies) with this Code, regardless of the applicability of this section.

(3) Development Standards in Character Districts

A request for proportionate compliance is limited to Character District development standards listed in Table 26-38.1.

(4) Required Parking

The standards of Sec. 26-196, Character District Parking and Loading, shall apply for any new use, change of use, or expansion of a current use within a Character District, and are not subject to adjustment through proportionate compliance.

(B) CALCULATING PROPORTIONATE COMPLIANCE

- (1) Requests for proportionate compliance shall be made through Section 26-37, Site Plan.
- (2) Proportionate compliance for standards applicable to a specific development or structure type may be requested for development changes listed in Table 26-38.1 according to Section 26-38(E), below.
 - a. Standards that must be fully complied with are marked with an /X/.
 - b. Standards that will be applied to the maximum extent practicable based on a site-specific determination are marked with an /S/.
- (3) Applicants shall clearly label all requested adjustments and identify the applicable standard in this section that allows the proposed adjustment.

Table 26-38.1: Proportionate Compliance

ALL FRONTAGE TYPES	BUILDING FORM STANDARDS									ARCHITECTURAL STANDARDS			PUBLIC REALM STANDARDS	
	Placement: Required Building Line	Placement: Buildable Area	Placement: Parking Setback Line	Height: Minimum/Maximum	Elements: Fenestration	Elements: Façade Projections	Uses	Neighborhood Manners	Materials	Configurations	Signs	ROW Frontage Area	Dooryard	
	Key: X = compliance with standard is required S = site-specific determination													
Full Compliance: Entire Structure Must Comply with Standards														
New Construction	X	X	X	Both	X	X	X	X	X	X	X	X	X	
Expansion of Building Area														
For buildings < 2000 sf GFA, an expansion > 75%	X	X	X	Both	X	X	X	X	X	X	X	X	X	
For buildings ≥2000 sf GFA, an expansion > 66%	X	X	X	Both	X	X	X	X	X	X	X	X	X	
New, Expanded, or Relocated Parking Area			X											
Changes with No Building Expansion														
Change of use							X				X [3]			
Façade changes [1]					X	X			X	X	X [3]			
Expansion of Building Area (GFA) for Buildings < 2000 sf														
Minimal Change: 0 to 40%		X	X	Max			X	X	X			X	S	
Proportionate Change: 41% to 75% [2]		X	X	Max	X		X	X	X			X	X	
Façade Changes [1]					X	X			X	X	X [3]			
Expansion of Building Area (GFA) for Building 2000 sf or more														
Minimal Change: 0 to 20%		X	X	Max			X	X	X			X	S	
Proportionate Change: 21 to 66% [2]		X	X	Max	X		X	X	X			X	X	
Façade Changes [1]					X	X			X	X	X [3]			
Expansion of Parking Area			X					X						
[1] Major façade changes (as defined in Section 26-62(E)(3)) will trigger compliance with the standards marked in this row. [2] Expansion area shall comply with identified development standards.														

[1] Major façade changes (as defined in Section 26-62(E)(3)) will trigger compliance with the standards marked in this row.

[2] Expansion area shall comply with identified development standards.

Table 26-38.1: Proportionate Compliance

ALL FRONTAGE TYPES	BUILDING FORM STANDARDS								ARCHITECTURAL STANDARDS			PUBLIC REALM STANDARDS	
	Placement: Required Building Line	Placement: Buildable Area	Placement: Parking Setback Line	Height: Minimum/Maximum	Elements: Fenestration	Elements: Façade Projections	Uses	Neighborhood Manners	Materials	Configurations	Signs	ROW Frontage Area	Dooryard
	Key: X = compliance with standard is required S = site-specific determination												
[3] Where a use or façade change results in new signage, changes to a sign structure, relocation of an existing sign, or changes to the sign area of an existing sign.													

(C) MEASURING REQUIRED COMPLIANCE

(1) New Development

New development shall comply fully with the applicable development standards.

(2) Façade Changes:

Where development changes are limited to the façade of a structure, the following standards shall apply:

- a. Maintenance or Minimal Change: Normal maintenance and façade changes that do not qualify as major changes shall not be required to comply with the qualified development standards. Individual façade element changes shall be made in compliance with applicable Elements and Architectural development standards applicable to that individual element to the maximum extent possible.
- b. Major Façade Changes: Façade changes that include any of the following are considered major changes and the façade shall be brought into full compliance with the Elements and Architectural development standards:
 1. Removing or changing architectural detailing that is consistent with and integral to the style and period of the building;
 2. Changing or adding architectural detailing that is inconsistent with the standards of this Code;
 3. Change to more than 50% of the surface area of the façade, measured by including all openings such as doors and windows;
 4. Altering, closing, or covering windows, doors, or transoms; or
 5. Any roof or wall structure reframing, including adding fenestration.

(3) Redevelopment:

- a. Minimal Change. Redevelopment that changes or increases the total gross floor area of a structure within the range identified in Table 26-38.1, as determined by the building permit application, shall comply with the standards identified in Row A as applicable to development with minimal change.
- b. Proportionate Change. Redevelopment that changes or increases the total gross floor area of a structure within the range identified in Table 26-38.1, as determined by the building permit application, shall comply with the standards identified in Row B as applicable to development with proportionate change.
- c. Full Compliance. Redevelopment that changes or increases the total gross floor area of a structure within the range identified in Table 26-38.1, as determined by the building permit application, shall be required to fully comply with these standards.
- d. Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

(4) Expansion of Parking Area

Expansion of a parking area is defined as the addition of any parking spaces or the restriping or reconfiguration of more than 50% of the surface area of an existing parking area.

(D) TEN-YEAR TIMEFRAME

Any application by property owners to expand or replace part of an existing structure shall remain on record for 10 years from the date of work completion. Any subsequent application to expand or replace part of an existing structure shall be cumulative to any requests made within the previous 10 years. The total shall be used by the City to determine the property owner's necessary level of compliance.

SEC. 26-39 MINOR ADJUSTMENTS FOR DEVELOPMENT IN CHARACTER DISTRICTS**(A) APPLICABILITY**

- (1) A minor adjustment allows the modification of an existing numeric dimensional standard in a character district to accommodate:
 - a. Anticipatory site-specific issues, or
 - b. Minor construction issues.
- (2) Minor adjustments are applicable to new development, redevelopment, and major façade changes.
- (3) A minor adjustment may be requested either as part of an original application or as a modification to an existing approval.

(B) PROCEDURES**(1) Application**

Applications for minor adjustments shall be submitted on forms required by the City. Supporting materials must be submitted as specified on the application form.

(2) Specific Procedures

All applications for minor adjustment shall identify the specific issue that the minor adjustment is intended to address and how the minor adjustment will resolve that issue:

- a. A request for minor adjustment prior to issuance of a building permit shall be submitted with the project site plan application.
- b. A request for minor adjustment to address a minor construction issue shall be submitted with the approved project site plan, a written description of the minor construction issue, and an amended drawing of that part of the site for which the minor adjustment is requested.

(C) PERMITTED TYPE AND SCOPE OF MINOR ADJUSTMENTS**(1) Specific Building Form Standards**

The Zoning Administrator, after consulting with the ZRC, may grant minor adjustments as necessary up to the following maximum adjustments:

- a. Height

1. Minimum and maximum height - up to 5% for any cumulative increase or decrease in building height.
 2. Street wall/fence requirements – up to 10%.
 3. Finished ground floor elevation – up to 5%; upper floor elevation(s) shall be adjusted accordingly.
 4. Finished ground floor elevation, flood hazard area – minor adjustments to finished ground floor elevation requirements necessary to meet lowest floor elevation requirements according to the applicable floodplain regulations. Upper floor elevation(s) shall be adjusted accordingly. The Zoning Administrator does not have the authority to issue permits for special exceptions or variances to flood hazard regulations.
 5. When the finished ground floor elevation is not subject to adjustment, upper floor finished elevation(s) may be adjusted up to one foot.
- b. Placement
1. Required building line (RBL) – adjust forward up to 6 inches; may not encroach into the public right-of-way.
 2. Required building line minimum percentage built-to – reduction of up to 5% of required length.
 3. Parking setback line – move forward up to 6 feet; provided, the parking setback line remains separated at least 20 feet from the RBL.
 4. Mezzanine floor area – up to 10% additional area.
 5. Street wall requirements – up to 10% of the height/fenestration/access gate requirements.
 6. Entrances (maximum average spacing) – up to 10% increase in spacing.
- c. Elements
1. Fenestration (minimum and maximum percent) – up to 5%.
 2. Other elements (minimum and maximum projections) – up to 5%.

(2) Section 26-194, Approval of Equivalent or Better Synthetic Materials

- a. Reflecting that the technology and production of building materials is constantly changing, an applicant may request that a material be added to the applicable approved materials list, provided:
 1. The material is not included in the applicable prohibited materials list; and
 2. The proposed material is similar to a permitted material and is equal to or better than the permitted material in terms of quality, maintenance, and durability as shown by the manufacturer's specifications and industry studies. For example, a new generation of cementitious fiber siding may be substituted for wood clapboard siding.
- b. The Zoning Administrator shall maintain a list of approved materials. Materials included on the approved list may be used for later projects without further ZRC review.

(3) Section 26-193.1.A.6 Non-Alley Curb Cut

If vehicular access to a rear alley or private rear drive is not available, an applicant may request a minor adjustment to permit driveway access directly from a public street. Shared access or cross access with abutting lots may be required and any driveway spacing requirements shall apply. The width and location of the driveway access point shall be determined by the Zoning Administrator, after consulting with the ZRC and the City Engineer. The pavement width forward of the Parking Setback Line shall be 18 feet or less.

(D) DECISION CRITERIA

The ZRC shall consider the following provisions in making a determination on a minor adjustment request. When the minor adjustment is sought prior to the issuance of a building permit, the application must meet all five criteria in Sections (E)(1) and (E)(2). When a minor adjustment is sought to address a minor construction issue, the application only needs to comply with the criteria in Section (E)(2).

(1) Anticipatory Site-Specific Issues Only

- a. The proposed structure or site feature is permitted in the character district.
- b. The minor adjustment allows development that is consistent or compatible with the intent and purpose of the Character District and the regulation modified.
- c. The impact of the minor adjustment is internal to the subject property and will not impede the normal and orderly development or improvement of adjacent properties.

(2) Anticipatory Site-Specific Issues and Minor Construction Issues

- a. There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and/or location that make it practically difficult to meet the standard or requirement.
- b. The minor adjustment is necessary to permit the applicant the same ability to use the property that is enjoyed under this Code by other properties in the vicinity and Character District, but which are limited or denied to the subject property based on the applicability of the regulation sought to be adjusted.

(E) REVIEW AND DECISION-MAKING

Minor adjustments are processed as an administrative review decided by the Zoning Administrator upon consultation with the ZRC.



Cedar Falls Downtown Zoning Code Update

Use Category Descriptions and Use Definitions

Planning & Zoning Commission Recommended Draft
May 12, 2021

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Section 26-140: Use-Specific Standards

When reference is made to a group of zone districts, the following individual districts shall be included:

District Groupings Used in this Section	
Residential	R-1SU, R-1, R-2, R-3, R-4, R-5, R-P
Mixed-Use	MU
Commercial	S-1, C-1, C-2, C3, MPC, BR, PO-1, HWY-1, PC-2
Character District Frontage Designations	Urban General, Urban General 2, Storefront, Neighborhood Medium, Neighborhood Small
Industrial	M-1, M-2, M-1-P, M-2-P
Overlay	HCG, CHN, HWY-20
Public	P
Agricultural	A1

(a) Use Classification Organization and Interpretation

(1) Organization

- a. Land uses are assigned to the use category that most closely describes the nature of the principal use. Some categories are further divided into subcategories.
- b. A number of the most common uses are listed under the "Examples" subsection for each use category. The examples are generic and may be used in the process of interpreting new uses. Example lists are not exhaustive.
- c. In some cases, developments may have more than one principal use.
 1. When all of the principal uses of a development fall within one use category, then the entire development is assigned to that use category. All uses are subject to any applicable use-specific standards.
 2. When the principal uses of a development fall within different use categories, each principal use is classified into the applicable use category and each use is subject to all applicable regulations for the use category.
 3. A use that is otherwise not permitted in a district may not be included as one of multiple principal uses through interpretation. For example, if colleges and universities are not permitted in a residential district, that

district may not be interpreted to allow both residences and colleges as multiple principal uses.

- d. Developments may have one or more accessory uses or structures.
 - 1. A list of accessory uses commonly associated with a particular use category is included under a paragraph entitled, "Accessory Uses and Structures." The examples are generic and may be used in the process of interpreting new uses. Accessory uses are subject to all applicable regulations. Example lists are not exhaustive.
 - 2. Uses are categorized as accessory or principal as determined by the circumstances of the use on the site. A cafeteria may be an accessory use to a principal industrial use, while a restaurant may be a principal use.
- e. Prohibited uses: Some uses are prohibited in individual zone districts, as noted in that district.
- f. Excluded uses: Some of the use categories may contain excluded uses. These are uses that may seem to be part of a particular category, but which are explicitly classified into a different use category.

(2) Use-Specific Standards

- a. All uses shall comply with any applicable use-specific standards.
- b. Uses located in character districts shall comply with the applicable site and structure standards of that district.
- c. When a use is changed on a property, the new use shall comply with all applicable use-specific and site-specific standards. Changing from one use category or use subcategory to another is considered a change of use.

(3) Classification

- a. For uses not listed as examples, the Zoning Administrator shall consider the following list of factors when classifying a use into a particular category, and/or to determine whether the activities constitute principal uses or accessory uses:
 - 1. How closely the use matches the description of the use category, as stated in Section 26-132(b);
 - 2. The intensity of the activity or use in comparison to the stated characteristics of a use category and list of examples;

3. Conformance with the currently adopted comprehensive plan and purpose of the zoning district in which the use is proposed;
 4. Types of vehicles, equipment and/or processes to be used;
 5. The amount of site or floor area and equipment devoted to the use or activity;
 6. The hours of operation;
 7. How the use advertises itself;
 8. Number of employees, visitors, or customers generated;
 9. Parking demands associated with the use; and
 10. Special public utility requirements for serving the proposed use type, including, but not limited to, electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities;
 11. Whether the use or activity would be likely to be found independent of the other activities on the site;
 12. Whether a use is subordinate in area, extent, or purpose to the principal building or use served;
 13. Whether the use contributes to the comfort, convenience, or necessity of occupants, customers, or employees of a principal use;
 14. Any other relevant evidence regarding use or activity that would help to classify a particular land use.
- b. If, based on the criteria identified above, the Zoning Administrator determines that a use can reasonably be determined to be similar to more than one use or category of uses, the Zoning Administrator in consultation with the Zoning Review Committee or other appropriate city staff shall select the use category that provides the most exact, narrowest, and appropriate fit.
- c. The following categories of uses typically impose substantial impacts on a site, adjacent sites and structures, pedestrians or cyclists, the road network, or public infrastructure. Where a new use, not listed as an example, is proposed that might be categorized into one of these categories, the applicant shall file an application for text amendment to determine if the use will be permitted. Through this process, the City will have the opportunity to review and determine the impacts of the proposed use and establish any prescribed conditions that may be appropriate to allowing the use.

1. Agricultural Uses
 2. Industrial Services
 3. Manufacturing, Processing, and Assembly
 4. Waste and Salvage
- d. Determination of Non-Similarity
1. The Zoning Administrator may determine that a proposed use is not substantially similar to any use identified in Section 26-197 or Table 26-231.1 because either:
 - (i) The potential impacts of the use are significantly more impactful on the site, street, or neighborhood, than other permitted uses in the same use category and that the use would not otherwise be permitted without prescribed conditions or through a public review process, or
 - (ii) There are no similar uses permitted on the site or in the applicable zone district.
 2. When this is the case, the Zoning Administrator shall provide the applicant with a written determination of non-similarity within 15 business days of the request for interpretation.
- e. In cases of dispute, the Zoning Administrator shall issue a zoning determination letter and the proposed use shall comply with any conditions and review procedures that may apply to that use. Such determinations may be appealed to the Board of Adjustment. If an appeal is made, the Board of Adjustment shall determine whether the City has made an error in classifying the subject use based on the facts in evidence and the factors listed in paragraph a. above.
- f. Post-Decision Actions
1. A Zoning Administrator's written determination regarding classification may be appealed to the Board of Adjustment, or
 2. An applicant may apply for a zoning code text amendment.

(b) Use Classification Category Descriptions

(1) Residential Uses

- a. General Description: Residential uses offering habitation of a dwelling on a continuous basis. The continuous basis is established by tenancy with a minimum term of one month or habitation by the property owner.

b. Use Categories

1. **Household Living:** This use category is characterized by residential occupancy of a dwelling unit by one or more persons living together as a single housekeeping unit. A household typically includes four or fewer adults. Each dwelling unit contains its own facilities for living, sleeping, cooking and eating meals. Uses where tenancy may be arranged for a period of less than one month are not considered residential, they are considered to be a form of transient lodging. Household living also include group homes, which is a category of household living that receives equal treatment with single-household residential living pursuant to Iowa and federal law.

(i) Sub-categories

- (a) Group Homes, as defined by Iowa law: elder family homes, elder group homes, and family care homes. Large group care facilities that provide housing for nine or more individuals are considered Group Living Uses.
- (b) Single-unit dwellings, detached: A residential building containing one principal dwelling unit. Each unit is located on a separate, legal lot, except for cottages within a cottage court, as defined and regulated within a character district. Examples include detached houses, zero lot line dwellings, cottages, and manufactured homes,¹ provided the manufactured home complies with the district standards and has been converted to real property and taxed as a site-built dwelling.
- (c) Single-unit dwellings, attached: A residential building containing more than one principal dwelling unit, with each dwelling unit sharing one or more common walls with at least one other dwelling unit, no unit is located above another unit, and each unit is located on a separate, legal lot. Examples include townhome/rowhouse, and bi-attached dwellings.
- (d) Two-unit dwellings (also called duplexes): A residential building containing two principal dwelling units located on one lot.
- (e) Multi-unit dwellings: A residential building containing three or more principal dwelling units located on one lot. Examples include apartment buildings, condominium buildings,

¹ Drafting note: discuss including permissible minimum unit width; compare with provisions in factory-built housing section and update both as needed.

rowhouse/townhome configurations with multiple side-by-side dwelling units on one lot.

- (f) Dwelling(s) in Mixed-Use Structure: A building, or portion of a building, which contains one or more dwelling units in addition to commercial or other non-household living uses. Examples include apartments and condominiums.
 - (ii) Accessory Uses and Structures: bed and breakfast establishments, storage buildings, accessory dwelling units, residential vehicle parking, home occupations, child care home.
2. **Group Living:** This use type is characterized by residential occupancy of a dwelling or associated group of dwellings by a group of people who do not meet the definition of "Household Living". The size of the group residing in the structure is typically larger in size than a single household. Group Living Uses contain individual rooming units with private or shared bathroom facilities and may also contain shared kitchen facilities and/or common dining and meeting areas for residents. The residents may or may not receive any combination of care, training, or treatment, but those receiving such services must reside at the site. Alternatives to incarceration, such as halfway houses, where residents are placed in the facility by court order and are under supervision of the Department of Corrections, are excluded from this category and classified as Detention Facilities.
- (i) Sub-categories
 - (a) Assisted group living: nursing and convalescent homes, assisted living communities; group care facility.
 - (b) Hospice home.
 - (c) Independent group living: rooming or boarding houses.
 - (d) Fraternal group living: fraternities, sororities, monasteries, convents.
 - (ii) Accessory Uses and Structures: Recreational facilities, meeting rooms, offices, storage facilities, food preparation and dining facilities.

(2) Civic and Institutional Uses

- a. General Description: Civic and Institutional Uses are public, quasi-public, and private non-profit uses that provide unique services that are of benefit to the public at-large.

b. Use Categories

1. **Civic and Cultural Assembly and Service:** Civic and cultural assembly and service uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly.
 - (i) Sub-categories:
 - (a) Community Assembly: Places of community assembly, such as libraries, museums, community centers, senior centers, and recreation centers that are open and available to the general public.
 - (b) Human or neighborhood services: Uses that provide non-commercial activities or support services to individuals or groups that are not otherwise defined by this code. Examples include food pantries, literacy and language instruction, counseling and therapy, and other human service agencies. Social service agencies that consist primarily of office and counseling functions and operate in a similar fashion to other office uses are classified as Office.
 - (c) Emergency Shelter: facilities providing emergency temporary shelter operated by a public or nonprofit agency, such as homeless shelters.
 - (d) Religious/Private Group Assembly: Private, non-profit membership organizations that provide meeting space and facilities for their members. Examples include religious institutions and civic and social organizations such as private lodges, clubs, fraternal organizations, and similar private, non-commercial membership organizations.
 - (ii) Accessory uses and structures: Non-commercial recreation, food preparation and dining facilities; maintenance/storage buildings; living quarters for clergy; columbarium; accessory daycare facilities; offices; parking
2. **College and University:** Public or private colleges, universities, business, or technical colleges that offer courses of general or specialized study leading to a formal degree and requiring at least a high school diploma or equivalent general academic training for admission. These uses tend to be in campus-like settings or on multiple

blocks. Non-degree granting business, technical, trade, martial arts, music, dance, and drama schools/studios are excluded from this category and classified as Specialized Educational Facilities.

- (i) Subcategories:
 - (a) Private: Private colleges, universities, professional, and technical schools.
 - (b) Public: Colleges, universities, and professional schools that are under state jurisdiction.
 - (ii) Accessory Uses and Structures: offices; housing for students; food service; laboratories; health and sports facilities; theaters; meeting areas; parking; maintenance facilities.
3. **Day Care:** A non-residential facility that provides less than 24-hour-per-day care or supervision for children and adults according to Iowa statutory requirements. Examples: childcare center, adult daycare center; preschools and latch key programs not accessory to an Educational Facility Use or other principal use. In-home daycare services, which are determined to be accessory to a principal Household Living Use, are not included in this principal use category.
4. **Educational Facilities:** An educational institution that satisfies the compulsory education laws of the State of Iowa for students in the elementary grades, middle school grades, or high school grades, respectively; and schools for specialized activities, such as dance, music, martial arts, business, and technical skills. Business and technical colleges that offer degree programs in campus-like settings are excluded from this category and classified as College and University, Private.
- (i) Subcategories:
 - (a) General Educational Facilities: This definition includes both public schools and private, non-boarding schools that have a curriculum similar to that in the permitted public schools.
 - (b) Specialized Educational Facilities: Schools primarily engaged in offering specialized trade, business, or commercial courses, but not academic training. Also specialized nondegree-granting schools, such as music schools, dramatic schools, dance studios, martial arts studios, language schools and civil service and other short-term examination preparatory schools.

- (ii) Accessory Uses and Structures: Play areas, cafeterias, recreational and sport facilities, auditoriums, preschools, and before- or after-school day care.
- 5. **Detention Facilities and Community Service:** Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by the Department of Corrections, except when on an approved leave. This category also includes alternatives to incarceration, such as halfway houses, where residents or inmates are placed by and remain under the supervision of the courts.
 - (i) Examples:
 - (a) Prison, jail, probation center, juvenile detention home, halfway house for current offenders.
 - (b) Work release: Facilities participating in a work release, or similar programs from a state institution, and under the supervision of a court, state or local agency.
 - (ii) Accessory uses: Offices, recreational and health facilities, therapy facilities, maintenance facilities, hobby and manufacturing activities.
- 6. **Government and Public Safety Services:** This is a use type for locations and structures that provide a place for the regular transaction of governmental business. This category does not include utilities or industrial-scale public facilities. Examples: Public safety facilities, governmental offices, storage areas and yards, fleet storage, and service areas.
- 7. **Health Care Facilities:** Larger health care facilities, particularly licensed public or private institutions, that provide principal health services, medical care, emergency care, and surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Smaller standalone medical and dental clinics and mental health counseling offices are classified as Office uses.
 - (i) Examples:
 - (a) Hospital, hospice center, surgicenter.
 - (b) Treatment facility: A health care facility providing either or both inpatient or outpatient therapy for substance abuse, mental illness, or other behavioral problems.

- (ii) Accessory uses: laboratories, outpatient, or training facilities, and parking, other amenities primarily for the use of facility employees.
- 8. **Non-Commercial Recreation and Open Space:** This use type includes uses that focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. These lands tend to have few structures.
 - (i) Examples: Passive and active recreation, parks, playgrounds, community gardens, public squares, cemeteries, conservation lands.
 - (ii) Accessory uses and structures: Clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking for cars and RVs as permitted by the City.

(3) Commercial Uses

- a. General Description: Commercial uses include any retail, consumer service, or office use.
- b. Use Categories
 - 1. **Amusement and Recreation:** This use type includes a broad array of commercial establishments, divided into indoor and outdoor categories, which operate or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons and the community. Restaurants and bars that provide live entertainment in addition to the sale of food and beverages, are excluded from this classification and categorized as Eating and Drinking Establishments.
 - (i) Sub-categories:
 - (a) Adult Business: Any amusement or entertainment establishment, bookstore, massage establishment, motion picture theater, video rental or sales establishment, or other similar use, in which 25% of more of its floor area is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age under Chapter 728, obscenity, Code of Iowa, as amended.
 - (b) Indoor: movie theaters and live theaters; video arcades; pool halls.
 - (c) Outdoor: drive-in movie theater; amusement park or theme park; fairgrounds; miniature golf establishments; golf driving ranges; water slides; and batting cages.

2. **Animal Sales and Services:** This use category groups uses related to animal care, sales, and provision of supplies. Some uses, such as kennels, runs, and outdoor play spaces may not be permitted as principal or accessory outdoor facilities where they are incompatible with adjacent uses.
 - (i) Subcategories
 - (a) Indoor: Pet stores, dog bathing and clipping salons, pet grooming shops, pet clinics, animal hospitals
 - (b) Outdoor: Boarding (kennels and stables), any animal sales and service use that includes outdoor runs and/or play areas.
 - (ii) Accessory Uses and Structures: Indoor and outdoor kennels and runs.
3. **Commercial Assembly:** Commercial assembly is that category of uses that are designed or used primarily for small or large group assembly or meeting. As a principal use, commercial assembly is located in a permanent structure. Temporary commercial assembly, such as a theater in the park event, is regulated separately. Restaurants and bars that provide live entertainment in addition to the sale of food and beverages, are excluded from this classification and categorized as Eating and Drinking Establishments.
 - (i) Examples: convention centers, concert halls, banquet facilities, stadiums, arenas, skating rinks (ice or roller), wedding venues.
 - (ii) Commercial assembly uses are categorized as large or small based on the criteria in Section 26-140(a)(3), Classification.
4. **Eating and Drinking Establishment:** This is a use category for businesses that prepare or serve food or beverages intended for immediate consumption on or off the premises.
 - (i) Examples: Restaurants and bars.
 - (ii) Accessory uses and structures: Production of specialty foods or beverages primarily for on-site consumption, such as baking, coffee roasting, and craft brewing; food preparation areas, outdoor seating, offices, and parking.
5. **Financial Services:** Facilities that have as their principal purpose the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds.

- (i) Sub-categories:
 - (a) Financial institution: Establishments engaged in deposit banking. Banks and financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.
 - (b) Alternative financial services: The use of a site for the provision of alternative financial services such as vehicle title loans, check cashing, payday advance/payday loan, or money transfer, including: check cashing business, payday advance/loan business, money transfer business, vehicle title loan business.
 - (ii) Accessory uses and structures: drive-in/drive-through facilities, automatic teller machines, parking.
6. **Heavy Commercial:** This use category includes businesses that have a size, functional use, or site difference from other types of commercial that makes the use generally incompatible with residential uses, such as uses that have large outdoor storage and display areas, such as lumber yards and landscape nurseries; or uses that involve frequent interaction with freight trucking or activities that produce excessive noise, dust, or odor. Commercial uses that involve both manufacturing or production and retail sales belong in this category where the work activities or storage take place outside or in large indoor facilities. .
- (i) Subcategories:
 - (a) Heavy Retail and Commercial Services: Uses that typically include large areas of outdoor storage, work areas, or display, such as lumber yards, garden and landscaping centers, farm supply and implement sales, RV and camper sales. Trailers and commercial containers mounted on wheels are not accepted structures for outdoor storage unless such trailers and commercial containers remain movable and are regularly moved to and from work sites as part of the principal use of the property. Storage of wrecked or inoperable vehicle(s) is excluded from this category and classified as Waste and Salvage.
 - (b) Self-Service Storage: Real property designed and used for the purpose of renting or leasing individual storage space to tenants with access to such spaces for the purpose of storing and removing personal property. All storage of goods and materials under this definition shall occur within a completely enclosed

structure. The leasing of space outdoors for storage shall be defined as outdoor storage.

- (ii) Accessory Uses: office, outdoor storage, retail and wholesale sales, parking.
7. **Lodging:** Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation and is open to transient guests.
- (i) Examples: Hotels, motels, bed and breakfast inns, short-term rentals, and RV parks.
 - (ii) Accessory uses and structures: food preparation and service, offices, meeting space.
8. **Office:** This type includes uses where people are engaged primarily in on-site administrative, business, or professional activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals.
- (i) Examples: Real estate, insurance, medical offices and clinics, urgent care facilities, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. This category may also include laboratory services that are conducted entirely within an office-type setting.
 - (ii) Accessory uses and structures may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
9. **Parking, Commercial:** A use type that distinguishes principal commercial parking facilities from accessory parking.
10. **Retail Sales and Services:** This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public at retail, along with the provision of commercial and personal services. Also includes cottage industries, as defined below.
- (i) Subcategories:
 - (a) Commercial Services: uses that provide services for consumers or businesses, such as copy services, catering, laundromats, dry cleaners, tailors, photographic studios; and uses that provide

repair and maintenance of consumer goods, such as office equipment, appliances, bicycles, shoes, and similar.

- (b) Retail sales: Stores selling or leasing a wide variety of consumer, home, and business goods, including convenience food store, drug store, grocery store, clothing store, hardware store, general merchandise store, furniture store, and stores that sell gifts and specialty goods.
- (c) Personal services: Establishments engaged in providing services related to personal care and grooming, such as hair salon, exercise facilities, spa, tanning salon, tattooing, piercing, and body art. Also includes mortuaries and funeral homes.
- (d) Cottage Industry: A firm that manufactures, fabricates, creates, or assembles goods for on-site sales to the general public for personal or household consumption. The goods may also be sold at wholesale to other outlets or firms, but on-site, retail sales is a significant component of the operation. Such uses operate on a small scale, in keeping with the surrounding neighborhood, with little impact in terms of noise, and no discernible impact in terms of vibration, dust, or odor. Examples: artisanal fabrication of craft or custom home goods, furniture, or other products; artist studios; small-scale food or beverage production (such as a microbrewery, bakery, or confectionery).

- (ii) Accessory uses and structures: offices; parking; indoor or outdoor storage and display of goods.

11. **Consumer Vehicle and Equipment Sales and Services:** This use type includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related consumer equipment. This use category is intended for the regulation of personal vehicles; Large vehicles and heavy equipment are regulated in the Industrial and Construction Services use category.

- (i) Subcategories

- (a) Vehicle Sales: Sales, lease, or rental of personal vehicles, including automobiles, motorcycles, pick-up trucks, and incidental maintenance services and auto parts sales associated with such uses.
- (b) Quick Vehicle Servicing: Direct services for motor vehicles where the driver generally waits in the car or on-site before and while the service is performed. The facility may include a drive-through

area where the service is performed. Examples include gas stations and car washes.

- (c) **Vehicle Repair:** Establishments providing repair and servicing of passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. Examples include: vehicle repair shops; auto body shops; transmission and muffler shops; alignment shops; auto upholstery shops; auto detailing services; tire sales and mounting.

(ii) **Accessory uses and structures:** Storage, offices, parking.

(4) Industrial Uses

- a. **General Description:** This is a use category including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, and also including the design, storage, packaging, shipping and distribution, and handling of these products and the materials from which they are produced.
- b. **Use Categories**
 - 1. **Industrial and Construction Services:** This use type is characterized by companies that are engaged in the repair or servicing of heavy machinery, equipment, products, or by-products, or the provision of heavy services including construction or contracting. Examples include contractor facilities, yards, and pre-assembly yards; welding shops; machine shops; towing and vehicle storage; service and repair of medium and heavy trucks; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; may include schools for the industrial trades if activities and facilities are similar to other uses in this category. Junkyards and auto salvage are not included in this category but are categorized as Waste or Salvage. Accessory uses and structures: Sales, offices, parking, and storage yards.
 - 2. **Industrial Manufacturing, Assembly, or Processing:** Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. This category is divided into light and heavy manufacturing based on the potential external impacts (noise, smell, heat, vibration) of the use and the extent to which outdoor production or storage is required. Natural, constructed, raw, secondary, or partially

completed materials may be used. Products may be finished or semi-finished, and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory use and structures include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.

3. **Natural Resource Extraction:** This use type includes removal of resources from the ground. Example: mining, oil and gas extraction
4. **Wholesale Sales:** This use type includes facilities used for the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. These uses often include on-site sales staff for order taking, and may include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
5. **Warehousing and Distribution:** Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Typical uses include storage warehouses, distribution centers, moving and storage firms, trucking or cartage operations, truck staging or storage areas. Human occupancy is limited to that required to transport, arrange, and maintain stored materials.
 - (i) Examples: Warehouses for furniture and appliance stores; household moving and general freight storage; cold storage plants; major wholesale distribution centers; truck and air freight terminals; railroad switching yards; bus and railcar storage lots; taxi fleet parking and dispatch; fleet parking parcel services; major postal sorting and distribution facilities; grain terminals; and the stockpiling of sand, gravel, and other aggregate materials. This use does not include the storage of goods incidental to a different principal use on the same lot, which is considered an accessory use.
 - (ii) Accessory uses and structures: offices, parking, outdoor storage.
6. **Waste and Salvage:** This is a use category for uses that collect, store, process, or sell waste or salvage materials, or collect and process

recyclable material, for the purpose of marketing or reusing the material in the manufacturing of new, reused, or reconstituted products.

- (i) Examples: refuse hauling facility, salvage yard, recycling collection and processing facility; sanitary landfills; waste composting facilities; waste transfer stations; portable sanitary collection equipment storage and pumping; and hazardous waste collection sites.

(5) Transportation, Utilities, and Communication

- a. General Description: This use group includes providers and uses that provide public and quasi-public services to individuals and the community in the following categories.
- b. Use Categories
 - 1. **Alternative Energy Production:** This is a use category that includes energy produced from resources that are regenerative, such as wind and solar energy.
 - 2. **Transportation:** This is a use category that includes uses involving public and private modes of transportation.
 - (i) Examples: bus terminal (but not individual bus stops), train terminal, airport, heliport, park and ride lot.
 - 3. **Utilities and Public Facilities:** This use type includes structures and locations for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity. Utility uses may or may not have regular employees at the site and the services may be public or privately provided.
 - (i) Example: Utilities, major: Infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities, railroad infrastructure, and electric generation plants.
 - (ii) Example: Utilities, minor: Infrastructure services that do not have substantial impacts on surrounding areas or are otherwise necessarily distributed throughout the community to aid in the operation, distribution, collection, conveyance, transmission, storage or other necessary aspect of a public or private utility service. Typical

uses include electric substations, pump or lift stations, water towers, electric or control vaults or cabinets, and other similar equipment or structures necessary for the operation of any public or franchised private utility or service.

4. **Wireless Communication Facilities:** This use type includes structures, locations, and equipment for the transmission of voice, data, image, video, or other electronic programming.

(6) Agricultural Uses

- a. General Description: This is a category of uses characterized by active and on-going agricultural uses, activities, and related uses. An agricultural use, in general, means the use of land for the growing and production of field crops, livestock, aquatic, and animal products for the production of income. Other agricultural uses might include fruit and vegetable stands, livestock sales, wholesale nurseries, and stables. Lands in agricultural uses and districts may also be held for preservation and conservation purposes. The sale or service of agricultural products and equipment included in similar commercial use categories.
- b. Use Categories
 1. **Agricultural Cultivation:** Uses in this category are characterized by the cultivation of plants for consumption or commercial sale. Products may include, but are not limited to, vegetables, grains, fruits, plants, sod, trees, and other similar products.
 - (i) Sub-categories
 - (a) General Crop Farms: examples include truck farming; grain farming; tree farms; fruit, nut, and berry farms; and wineries.
 - (b) Community gardens: A parcel of land where members of the community have access to individual garden plots for the cultivation of fruits, flowers, vegetables, or ornamental plants.
 - (c) Plant Nursery: A parcel of land used to raise plants, shrubs, trees, and other horticultural and floricultural products, conducted within or without an enclosed building.
 - (ii) Accessory Uses and Structures: farm dwelling; greenhouse, retail sales, office, parking; indoor and outdoor storage, machine shed and other farm outbuildings
 2. **Animal Agriculture:** Uses in this category are characterized by the commercial breeding, raising, and/or keeping of fish, livestock, and/or

any type of fowl for sale or use of the animal, their products, or byproducts. Accessory uses and structures: Farm dwelling, offices, indoor and outdoor storage, machine sheds and other farm outbuildings; feedlots; pasture.

3. **Agricultural Infrastructure Facilities:** Uses in this category support agricultural production, including: including grain elevators, commercial feed outlets, farm supply stores, truck and animal weigh stations, and agricultural chemical or fuel bulk and storage facilities.

Karen Howard

From: Karen Mukai <karenmukai@cfu.net>
Sent: Thursday, May 6, 2021 8:56 AM
To: Karen Howard
Cc: Karen Mukai
Subject: Planning and Zoning of the downtown area

CAUTION: This email originated outside the City of Cedar Falls email system.
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Hello Karen,

I apologize for being so late in sending this to you. If it is too late to add my comments to the file of information regarding planning and zoning of the downtown area, I understand. Time has just slipped away from me.

Thank you for taking time to talk with me on Wednesday, April 21 about items discussed at the April 14, 2021 Planning and Zoning meeting. I appreciate the clarification on three items. I would like for it to be on record that I support those items.

1. The change of zoning on Clay Street from 6th Street to First street is beneficial to those of us living in that area. Changing from C-1 Commercial to Urban 2 General designation will help maintain the single family residences and preserve the quality of the neighborhood. While it still allows for commercial development in the residential area, I am grateful any commercial development must reflect the 'character' and 'appearance' of the neighborhood.
2. I support the decision regarding siding materials for residential homes in the downtown area. I support prohibiting new construction from using vinyl and/or aluminum siding. I support allowing home owners to replace and/or repair vinyl and/or aluminum siding with vinyl and/or aluminum siding. I support single family homes to be allowed to cover any existing siding with vinyl and/or aluminum siding.
3. The rejection of the request to zone the entire block from First Street to Second Street in the downtown area is a wise decision. It will preserve the residential homes facing Second Street. In my opinion, it is adequate to only allow on commercial development on the portion of the block facing First Street.

I am including my address and phone number only as a reference. There is no need to contact me, unless I have misinterpreted something or if there is a change in the items we discussed.

Again, thank you for taking time to review and discuss these items with me. You were very pleasant and helpful.

Sincerely,
Karen Mukai
515 Clay Street
319-290-1599

Karen Howard

From: Tom Hagarty <thagarty@cfu.net>
Sent: Monday, May 3, 2021 10:16 AM
To: Tom Hagarty
Cc: Susan deBuhr; Daryl Kruse; Frank Darrah; Dave Sires (At Large City Council Rep); Mark Miller; Simon Harding; kelly dunn; Ron Gaines
Subject: P&Z concerns

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Greetings:

I have a concern about proposed changes evolving about the duties of P&Z Commissioners and Staff making decisions on developers proposals.

The P&Z commissioners are in place to allow total review on issues and filter out possible mistakes.

Everything receives in depth review when brought before the commissioners.

The proposal to allow staff approval of projects and eliminate a review before P&Z is of concern.

this proposal to skip the P&Z review brings back what happened years ago when a Citizens review commission investigated . The commission found serious problems with the past process and protections such as the P&Z review were implemented.

If this proposal to allow staff approvals and limit the P&Z reviews is implemented I fear we might have major problems.

**Be aware and concerned with this
If not, disband the P&Z commission.**

Thanks for your review.

Tom Hagarty.

Item 4.

Karen Howard

From: Tom Hagarty <thagarty@cfu.net>
Sent: Thursday, April 15, 2021 11:08 AM
To: Lea Ann Saul; Dale Schrad; David Hartley; Leslie Prideaux; Mardy Holst; Brad Leeper; Abigail Seasrs; Kyle Larson; Amanda Lynch; Karen Howard
Subject: vinyl siding etc

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 Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings P&Z members:

**Thank you for your service to our community
 as a P&Z commissioner!**

**While serving as Ward 1 City Council rep
 for 12 years, your P&Z discussion last night
 on Vinyl siding brought back a similar P& Z
 committee discussion on the same issue.**

**That P&Z discussion centered around
 the city being asked to enforce personal
 opinions on how citizens houses should look etc.**

**Numerous citizens approached the council about
 being told they couldn't do this or that to their homes.
 the nickname came about labeling the P&Z
 "the paint police".**

**It's one thing to create rules for the downtown
 buildings. that's the area you should remain in,
 the downtown!**

**The expansion of the Downtown Overlay District
 should be put on hold. The neighboring housing area
 has been this way for years and property
 owners take care of their homes.**

**Numerous home owners like myself own
 historical significant homes.**

**Previous P& Z commissions found that
 home owners being told they can or cant**

do certain property improvements. were fiercely resistant to the personal likes and dislikes of how commissioners thought someones home should look like.

My vinyl siding example:

Based on the city's current rules back 45 years ago, Vinyl siding was an approved and suggested way to improve one's home.

In conversations with the historical society, the city etc, we decided to cover wood siding with shaped vinyl siding to maintain the historical appearance of our house.

That was 45 years ago and our house hasn't needed repair of the siding. The siding is neither brittle or unsightly as heard during your meeting last night.

The best thing you could do, is put the brakes on expanding the downtown area to include the neighborhood around the downtown.

Table the expansion and just work with the downtown area.

Thanks again.

Tom Hagarty
809 Franklin St.
Cedar Falls IA
thagarty@cfu.net



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
 Cedar Falls, Iowa 50613
 Phone: 319-273-8600
 Fax: 319-273-8610
www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Karen Howard, AICP, Planning & Community Services Manager
DATE: May 7, 2021
SUBJECT: Rezoning of Downtown Character District (RZ21-004)

REQUEST: Rezone property from M-1, C-3, C-2, C-1, R4, R3, R-2, and A-1 to Downtown Character District (CD-DT)

PETITIONER: City of Cedar Falls

LOCATION: *Imagine Downtown! Vision Plan* study area

PROPOSAL

The proposal is to rezone all property located within the study area delineated in the adopted *Imagine Downtown! Vision Plan* to the new zoning designation, Downtown Character District (CD-DT), which will then be governed by the associated Regulating Plan. The Downtown Character District Regulating Plan will then become the new zoning map for this area.

BACKGROUND

The *Imagine Downtown! Vision Plan* was adopted in November, 2019 as an integral part of the City of Cedar Falls Comprehensive Plan. Following adoption of the plan, consultants from Ferrell Madden and Community ReCode worked with City staff to draft a zoning ordinance as a primary tool for implementing the goals of the plan.

A public review draft of a new zoning code and zoning map for the Downtown Character District were presented during a special virtual Cedar Falls Planning and Zoning Commission meeting on February 17, 2021. Since that time, the proposed code and regulating plan map have been available for public review and comment on the project webpage: www.ourcedarfalls.com. Over the last two months, consultants and staff have met virtually with the Planning and Zoning Commission at four special work sessions to discuss the various elements of the proposed code and regulating plan and answer questions from the Commission. Staff also provided opportunities for work session discussions with development professionals and with Community Main Street, and encouraged the public to view and submit questions or comments to the Planning Division. All property owners in the area were notified by mail of the public hearing

date and provided within instructions on how to participate in the hearing. Notice was also published in the Courier for both the proposed new zoning code for Downtown and for the rezoning of property to the new designation of Downtown Character District (CD-DT), noting that the Downtown Character District Regulating Plan (attached) will be the new zoning map for the area.

ANALYSIS

CURRENT ZONING

The downtown study area is comprised of a mix of zoning districts, a portion of which is subject to the Central Business District Overlay. The downtown core is zoned C3, the highest density commercial zoning district. There are several areas along the river and along edges of the study area zoned Industrial (M-1 and M-2), some of which still have manufacturing uses (Viking Pump), but many that are now devoted to other uses, or are ripe for redevelopment. The 1st Street corridor within the study area is largely zone C-2. The C-2 Zone allows a wide variety of commercial uses, but being an older zoning district has few development standards. The C-1 Zoning District is located between the C-3 District and the residential districts to the west and south. The area is still largely residential in character with many existing single family homes and houses that have been converted to duplexes, multi-family, or offices. There has been a small amount of commercial infill in these areas. The other areas of the Downtown Character District are zoned R-3 and R-4 with just one block of R-2 north of Lincoln Elementary School. These zones are also older zoning districts that allow a variety of residential uses and in the case of the R-4 District also allows some office and lower intensity commercial uses. Similar to the older commercial districts, these zones do not have many development standards, so some infill has occurred that is not in keeping with the original residential character of these areas. While the Central Business District Overlay establishes some design standards and a process for review of new development through the Planning and Zoning Commission and City Council, the rest of the study area has few standards to prevent out-of-character redevelopment and there is no review oversight by P&Z and Council.

PROPOSED ZONING

The Downtown Character District is established to implement the adopted *Imagine Downtown! Vision Plan*. It focuses on community character, through an emphasis on development character, intensity, and physical form and patterns, rather than solely on land uses. The emphasis is on the relationship between private development and public spaces (streets, parks, and open space) to promote an overall sense of place within the downtown area, while allowing a wide variety of land uses. The goal is to create walkable urban neighborhoods in close proximity to the downtown mixed-use center. The regulations establish requirements related to form, character and design that complement the established pattern of compact, well-connected blocks in the downtown core neighborhoods.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The *Imagine Downtown! Vision Plan* was adopted in November 2019 as an integral part of the Cedar Falls Comprehensive Plan. Therefore, it supercedes the designations on the Future Land Use Map. Rezoning properties within the Downtown Vision Plan boundaries to Downtown Character District is consistent with the Comprehensive Plan. Staff also recommends updating the Future Land Use Map to recognize the vision plan boundaries.

ACCESS TO PUBLIC SERVICES

The study area is located within in a developed area of the city with access to all utilities and public services.

ACCESS TO ADEQUATE STREET NETWORK

The Downtown Character District is located in an area with short, well-connected blocks. The gridded street pattern with centrally spaced alleys lends itself well to a form-based zoning district, which encourages buildings that frame the streets to create walkable urban neighborhoods with a mixed-use urban center.

PUBLIC NOTICE

Notice of the rezoning proposal was mailed to all property owners and public hearing notice was also published in Waterloo Cedar Falls Courier on April 21, 2021.

STAFF RECOMMENDATION

The Community Development Department recommends approval of RZ21-004, a request to rezone all property located within the *Imagine Downtown! Vision Plan* study area boundary, as shown on the attached map, from current zoning designations to CD-DT - Downtown Character District and to update the Future Land Use Map to reflect the adopted Imagine Downtown! Vision Plan.

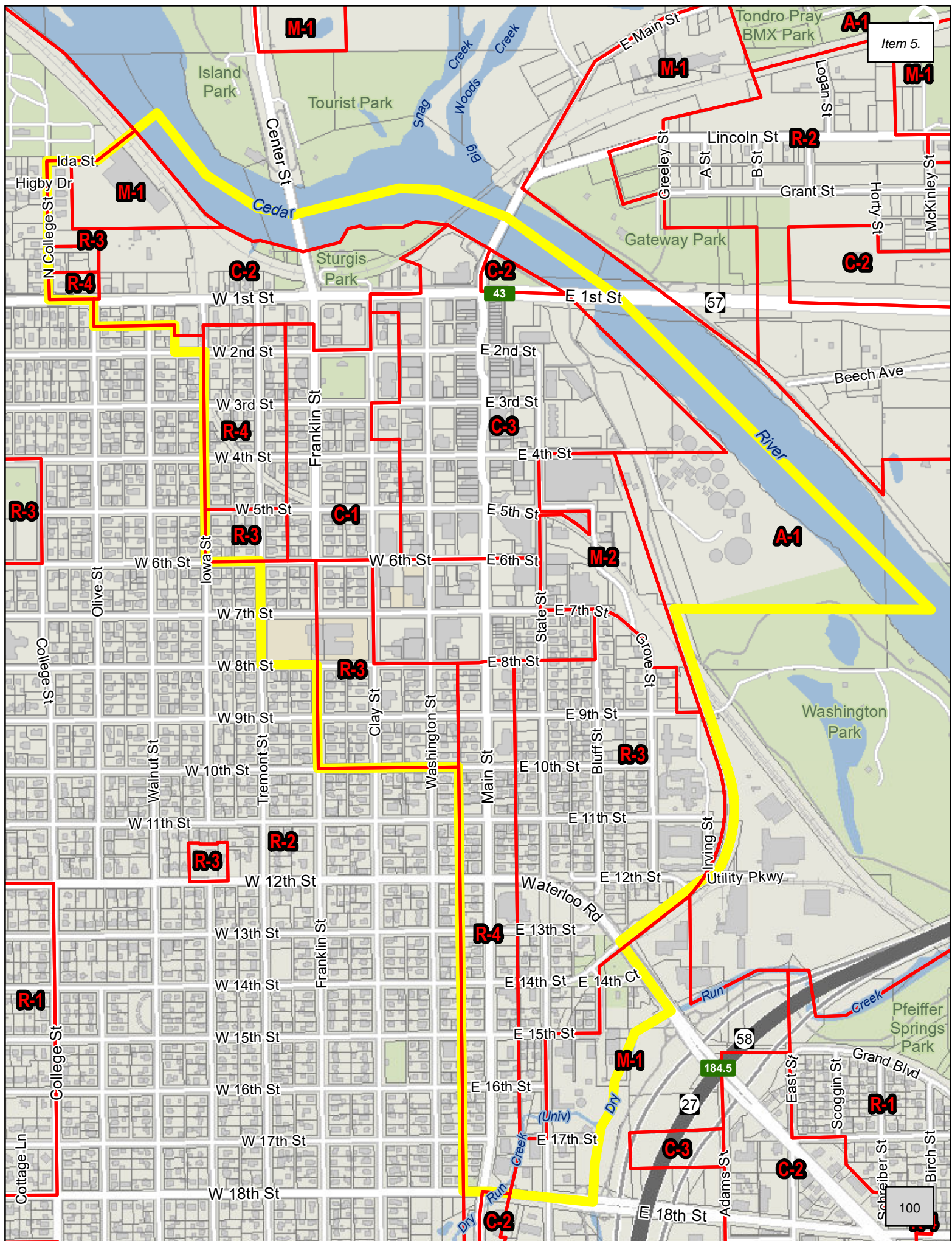
PLANNING & ZONING COMMISSION

4/28/2021 Public hearing	The next item for consideration by the Commission was rezoning of property in the proposed Downtown Character District. Chair Leeper introduced the matter and Ms. Howard provided background information. She explained that mailed notice of the rezoning was sent out to all property owners in the rezoning area and notice of the public hearing was also published in the Courier. The item is for initial discussion at this time and will be continued to the next meeting.
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The matter will be continued at the next meeting.

Public
hearing
Continued
5/12/2021
Discussion
& Vote

Attachments: Location Map
 Downtown Regulating Plan



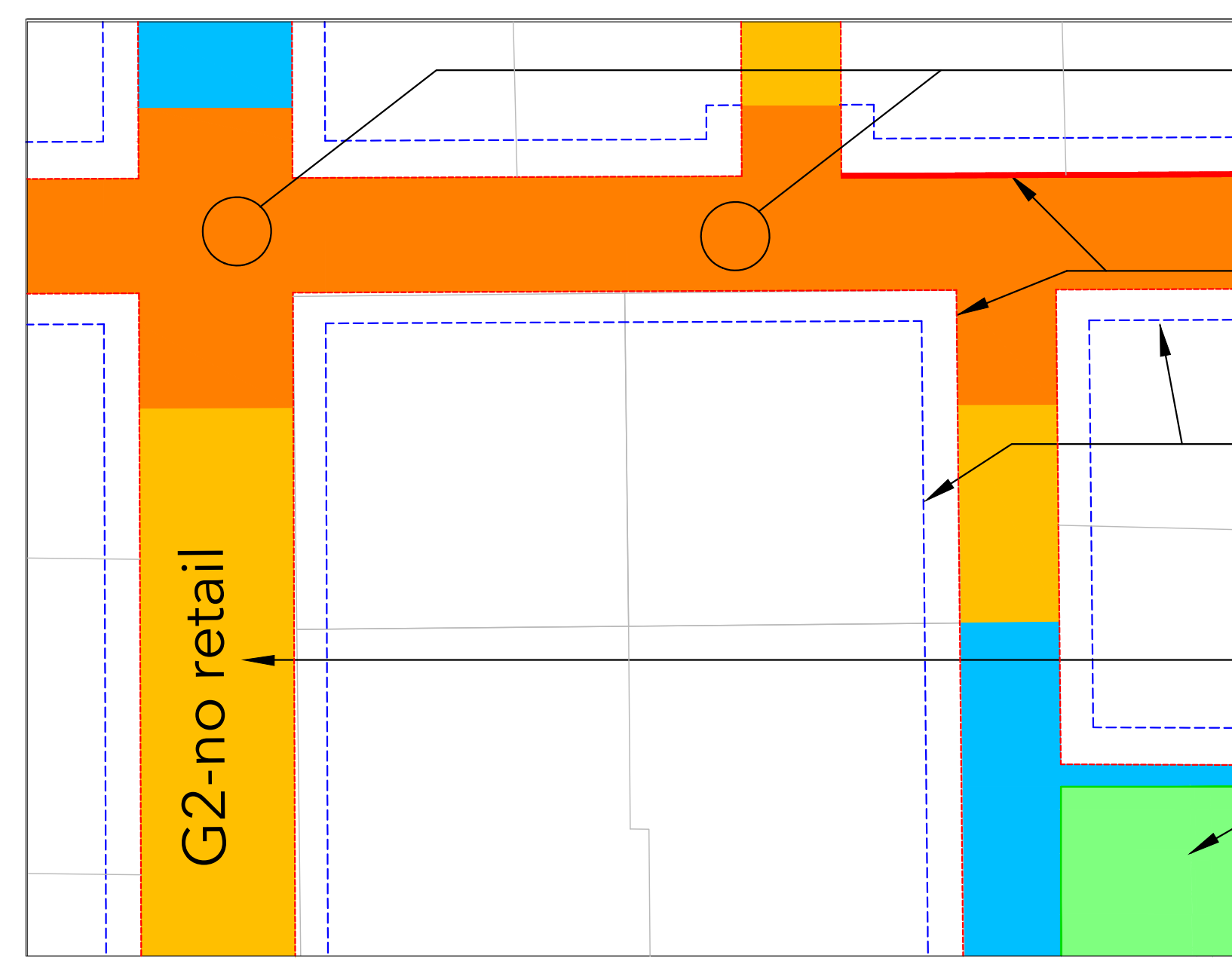
Planning and Zoning Commission Recommended Draft

*3 Required street connection between Walnut Street and either College Street or Ida Street. The exact route is to be determined through planning. Consult the Zoning Administrator.

A Comfortable 5 Minute Walk



UNDERSTANDING THE REGULATING PLAN



- BUILDING FRONTAGE DESIGNATIONS**
(see below)
This indicates the relevant Building Form Standard (BFS) rules governing your site.
- REQUIRED BUILDING LINE (RBL)**
This line indicates the RBL for your site. The Building shall be BUILT-TO the RBL.
- PARKING SETBACK LINE**
Vehicle Parking (above ground) is not allowed forward of this line unless otherwise noted on the Regulating Plan.
- SPECIAL CONDITION**
Specific limitation or allowance
- Civic Green or Square**
Urban Public Space per the Code Refer to the City for details.

Color and Symbol Key

Urban General	Storefront	Public Open Space
Urban General 2	Req'd Building Line (RBL)	Civic Structure
Neighborhood Medium	Parking Setback	Downtown Character Study Area Bounds
Neighborhood Small	New Streets	Railway

SPECIAL CONDITIONS

- *1. see the Urban General BFS, 193.2.F.4.b, for more information.
- *2. see the Neighborhood Medium BFS, 193.4.F.3.b or the Neighborhood Small BFS, 193.4.E.3.b, for more information.
- *3. Consult with the Zoning Administrator for more information.