



**AGENDA  
CITY OF CEDAR FALLS, IOWA  
CITY COUNCIL WORK SESSION  
MONDAY, JUNE 07, 2021  
5:10 PM AT CITY HALL**

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The City is providing in-person and electronic options for this meeting in accordance with the Governor's Proclamation of Disaster Emergency regarding meetings and hearings. The City encourages in-person attendees to follow the latest CDC guidelines to reduce the risk of COVID-19 transmission.

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

- a) By dialing the phone number +13126266799 or +19292056099 or +12532158782 or +13017158592 or +13462487799 or +16699006833 and when prompted, enter the meeting ID (access code) 962 7287 1738.
- b) iPhone one-tap: +13126266799,,96272871738# or +19292056099,,96272871738#
- c) Join via smartphone or computer using this link: <https://zoom.us/j/96272871738>.

**Call to Order by the Mayor**

1. Downtown Zoning Ordinance.  
(60 Minutes, Planning & Community Services Manager Karen Howard)

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

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**MEMORANDUM*****Planning & Community Services Division***

**TO:** Mayor Robert M. Green and City Council  
**FROM:** Karen Howard, AICP, Planning & Community Services Manager  
**DATE:** June 3, 2021  
**SUBJECT:** Work Session - Downtown Character District Code and Regulating Plan

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At your June 7 work session, staff and consultants will be prepared to answer questions about the Planning and Zoning Commission's recommended draft of the Downtown Character District Code and Regulating Plan. The Council asked a number of questions during the Committee of the Whole meeting when the code was presented. Since there was limited opportunity to discuss details at the Committee of the Whole, we are happy to go into more depth on any of these topics. We note that a number of your questions were similar to issues discussed by the Planning and Zoning Commission. The decision matrix, which summarizes the discussion and their decisions, is attached for ease of your review.

If a majority of Council is interested in considering a change to the draft code, staff and consultants will add the proposed amendment to a Council decision matrix and bring that back to you with explanatory notes for discussion and decision at your next work session on June 21.

We look forward to working with Council over the next several months to move this important project forward to adoption.

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

**26-193 – Building Form Standards**

	<b>Proposed Amendment</b>	<b>Explanatory Notes</b>	<b>Consultant/Staff Recommendation</b>	<b>P&amp;Z Discussion (Date)</b>	<b>P&amp;Z Decision</b>
<b>1</b>	Requestor: Consultant/staff  Change Building Form Standards (BFS) <b>Section 193.5 Neighborhood Small Frontage B. Placement 4. Buildable Area</b> 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 <sup>nd</sup> 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
<b>2</b>	Requestor: Consultant/staff  Change Required Building Line (RBL) on the Downtown Regulating Plan, on the north side of W 2 <sup>nd</sup> 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 <sup>nd</sup> 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
<b>3</b>	Requestor: Staff a) Insure consistency of terms between new proposed <b>Section 26-140. Use-Specific Standards, Category Descriptions, and Definitions</b> and proposed <b>Section 26-197. Building Functions;</b> 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

4	<p>Requestor: Staff</p> <p>Correct outline format, as needed</p>	<p>Technical Fix: Some outline numbers are out of sequence and need correction</p>	<p>Consultant/staff are in support of this amendment</p>	<p>Commission directed staff to make these changes.</p>	<p>Amendment Approved</p>
5	<p>Requestor: Historical Society and Planning Staff</p> <p>Add Civic Building designations to Regulating Plan</p>	<p>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.</p>	<p>Consultant/staff are in support of this amendment</p>	<p>Commission directed staff to make these changes.</p>	<p>Amendment Approved</p>
6	<p>Requestor: Consultant/Staff</p> <p>Change to <b>Section 26-140. Use-Specific Standards, Category Descriptions, and Definitions</b> for clarity, etc.</p>	<p>Technical Fix: Clarification concerning categorization of commercial assembly uses as large or small based on size and the other classification criteria in <b>Section 26-140(a)(3)</b></p> <p>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.</p>	<p>Consultant/staff are in support of this amendment</p>	<p>Commission directed staff to make these changes.</p>	<p>Amendment Approved</p>

<p>7</p>	<p>Requestor: P&amp;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 <b>Section 26-38 Proportionate Compliance</b> 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>
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<p><b>8</b></p>	<p>Requestor: P &amp; Z Chair: Include a design review process/role for P&amp;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&amp;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&amp;Z and Council.</p>	<p>No change recommended</p>
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<p>9</p>	<p>Requestor: Kevin Harberts (owns two residential properties along 2<sup>nd</sup> Street).</p> <p>Change the Regulating Plan so that the General Urban frontage designation goes from the 1<sup>st</sup> Street frontage to 2<sup>nd</sup> 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 1<sup>st</sup> to 2<sup>nd</sup> Street.</p>	<p>The regulating plan designations between 1<sup>st</sup> and 2<sup>nd</sup> Street are already set up to provide more lot depth for Urban General along 1<sup>st</sup> Street to accommodate the larger footprint of many commercial buildings, leaving a shallower depth for the neighborhood frontage designation along 2<sup>nd</sup> 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 1<sup>st</sup> 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 2<sup>nd</sup> Street to relate to one another, rather than having residential buildings facing the backs of 1<sup>st</sup> 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 2<sup>nd</sup> 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>
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<p>10</p>	<p>Requestor: Planning &amp; 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"> <li>1. Maintain the prohibition of vinyl siding for new construction.</li> <li>2. Permit the use of vinyl siding to replace or repair existing vinyl siding.</li> <li>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.</li> <li>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.</li> </ol>	<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>	<p>Amendments Approved according to bullet points 1, 2, and 3. Majority of the Commission does not support 4.</p>
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<p>11</p>	<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 <b>Sec. 26-194.C.5.</b> 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"> <li>• Delete “all other foam-based products” from the prohibited list and add a new item to the secondary materials list in <b>Sec. 26-194.C.4.</b> as follows: “Durable foam-based products, such as Fypon, may be used for architectural detailing.”</li> </ul>	<p>Consultant/staff are in support of this amendment,</p>	<p>Commission directed staff to make this change.</p>	<p>Amendment Approved</p>
<p>12</p>	<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 <b>Sec. 26-193.1.G</b> (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>	<p>Consultant/staff are in support of this amendment.</p>	<p>Commission directed staff to make this change.</p>	<p>Amendment Approved</p>

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.
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