

## COMMUNITY DEVELOPMENT

### MEMORANDUM

Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement

**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
**From:** Andrew Fangman, Assistant Community Development Director  
**Date:** August 1, 2019  
**Re:** Resolution Setting a Public Hearing on an Ordinance Amending Title 10, Chapter 27, Section 8, of the City Code, Standards for All Parking Lots, Garages, Drive Lanes, and Driveways

At the November 15<sup>th</sup> City Council meeting Councilman Saucedo made a request to initiate a change in City Code to exempt Light Industrial (M-1), General Industrial (M-2), and General Commercial (C-1) zoned parcels from the present requirement for the hard surfacing of parking lots used for the storage, maintenance, and/or repair of any semi-truck trailer or other heavy industrial equipment. The intent of this request is an attempt to stay consistent and have all comparable businesses have the same requirements for hard surfacing, regardless of when their parking lots were constructed. Under this proposal vehicle parking lot still have to comply with hard surfacing requirements currently contained within City Code.

The Planning and Zoning Commission extensively discussed this its December, February, March, and April meetings. At the February meeting the Commission directed staff to prepare code language, in line with best practices, that would permit the storage of vehicles, trailers, and other equipment in non-hard surfaced areas in the M-2 zoning districts, so that they might give it consideration. With further direction that such an allowance for non-hard surfaced storage areas be done in a manner that minimizes adverse impacts on nearby properties and on the community as a whole. The Commission reviewed this initial draft code changes at the March 12th Planning and Zoning Commission meeting, and directed staff to make a number of changes.

Based on Planning and Zoning Commission feedback prepared the attached code language. If adopted this code language would permit the storage of trailers, vehicles, and other equipment on areas surfaced with crushed stone, chip seal, oil or other such surfacing material, subject to all of the following conditions being met:

- Only be allowed in areas zoned General Industrial (M-2).
- Not be allowed in a front yard or within 100 feet of a parcel containing a residence.
- Be required to be screened from a public street by being located behind a building or a landscaped buffer yard.

- The installation of such a storage area would require prior review and approval by the City.
- That such storage areas would need to be maintained free of weeds and standing water.
- The use of slag would not be permitted.
- The use of non-hard surfaced outdoor vehicles storage areas for customer parking, employee parking, loading or unloading of vehicles, or vehicle maintenance, would be prohibited.
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At the April 9<sup>th</sup> meeting the Planning and Zoning, after review the proposed draft language which is attached to this memo, voted 4 to 2 to recommend that the City Council not change the current parking lot surfacing standards. The four Commission member voting to leave the current parking lot surfacing standards as they are, offered the following rationale for this recommendation. Hard surfacing all parking lots and driveways is desirable for environmental quality and community aesthetic reasons. Concerns over the fairness that only giving an exemptions in certain circumstances in industrial areas when it similar cases could be made other areas For example, the storage of R.V's in backyard of a home, long residential driveways, etc.

The two dissenting Commissioners offered the following rationale for their vote recommend approval of the attached proposed revises parking lot surfacing standards. Improvements to air quality since the adoption of the hard surfacing standard removes a big part the rationale for its existence these regulations. That the idea of only allowing non-hard surfaced parking lots in areas more than 100' from any street or home should be adequate to mitigate their negative effects.

After receiving the recommendation of the Planning and Zoning Commission directed staff to bring the proposed code language reviewed by the Planning and Zoning Commission at their April 9<sup>th</sup> meeting, which would permit the storage of trailers, vehicles, and other equipment on areas surfaced with crushed stone, chip seal, oil or other such surfacing material, subject to a number of conditions, design criteria, and performance standards, forward for potential council action on their adoption.

When the Planning and Zoning Commission has voted against a proposed amendment to the Zoning Ordinance, as per City Code Section 10-31-6(B), said amendment to the zoning ordinance shall not be passed except by the favorable vote of three-fourths of all members of the Council, a total six affirmative votes.

However, before Council can take action on any amendment to the Title 10 of City Code (the Zoning Ordinance) a public hearing must be held. The attached resolution will set such a public hearing for the August 15<sup>th</sup> Council meeting. After this public hearing City Council will be able to action adopting or rejecting the attached proposed code change.

## **10-27-8 Standards for All Parking Lots, Garages, Drive Lanes, and Driveways**

All areas intended for vehicular use, including but not limited to parking lots, garages, drive lanes, and driveways shall conform to the following improvement and maintenance standards:

- A. All parking areas, drives, lanes, aisles, loading spaces and any other outdoor spaces that accommodate vehicles shall be hard surfaced with materials such as Portland Concrete Cement or Asphaltic concrete (Asphalt), and shall be maintained so as to provide a durable pavement surface free of dust, weeds, and standing water.
- B. Portland Concrete Cement or Asphaltic concrete (Asphalt) hard surfacing shall meet all the following standards and shall be constructed to have the minimum pavement structural number as follows:
  - 1. Areas subjected to only automobile loading: 2.5
  - 2. Areas subjected to truck loading: 3.0.
- C. Gravel, crushed stone, dirt, chip seal, oil, sand or other such surfacing materials shall not be permitted.
- D. Other type of types of hard surfacing, that are not specifically prohibited, which create a durable pavement surface free of dust, weeds, and standing water, may be permitted if the material and specifications are approved in advance by the City of Muscatine.
- E. Except for as provided for by this section outdoor areas used for the storage of vehicles, trailers, and other heavy equipment shall be surfaced in accordance with the standards set forth in Section 10-27-8(A, B, C, or D). Gravel, crushed stone, chip seal, oil or other such surfacing material may be used in other outdoor areas used for the storage of vehicles, trailers, and other heavy equipment if such areas conform to the following standards:
  - 1. The use of gravel, crushed stone, chip seal, oil or other such surfacing material is permitted for use in outdoor areas used for the storage of vehicles, trailers, and other heavy equipment shall only be permissible in the M-2 zoning district.
  - 2. The use of gravel, crushed stone, chip seal, oil or other such surfacing material may be used in other outdoor areas used for the storage of vehicles, trailers, and other heavy equipment shall only be permissible on the portions of a parcel that are:
    - 3. Not located in the front yard, or
    - 4. Located more than 100' from the nearest right of way line or any parcel containing a residence.

5. Outdoor areas used for the storage of vehicles, trailers, and other heavy equipment shall be screened from all public streets, or adjoining parcels that contain a residence, by either of the following methods:
  - a. Being located behind a building, or
  - b. Being located behind a landscaped buffer yard meeting the following standards is required:
  - c. Be visually screened from all abutting public streets or adjoining parcels containing a residence by a landscaped buffer area of least 6 feet in width.
  - d. A minimum of one tree and 6 shrubs shall be planted in the landscaped buffer per 25 linear feet of street frontage.
  - e. All fractional amounts of required trees or shrubs shall be rounded up to the next whole number. For example, 2.15 trees rounds up to 3 trees.
6. All access drives leading to outdoor storage areas, meeting all criteria contained within this section to be used for the storage of vehicles, trailers, and other heavy equipment shall be surfaced in accordance with the standards set forth in Section 10-27-8 of City Code.
7. Gravel, crushed stone, chip seal, oil or other such surfacing material shall not be installed for the use in other outdoor areas used for the storage of vehicles, trailers, and other heavy equipment without prior approval from the City of Muscatine. The City of Muscatine shall approve such an installation upon making a determination that said installation complies with the standards set for in this Section of City Code. When requesting such an installation an applicant shall submit the following to the City of Muscatine:
  - a. Detailed specification regarding the type of surfacing material proposed for use. In no circumstances shall slag be used for such a purpose.
  - b. A diagram of the proposed storage area for outdoor vehicles, trailers, and other heavy equipment. the diagram must contain the following information:
    - i. The location and dimensions of the proposed outdoor storage area;
    - ii. How the screening requirements of Subsection 5 are to be met; and

iii. Documentation that access drives leading to the outdoor storage are surfaced in accordance with the standards set forth in Section 10-27-8 of City Code.

c. An application fee as set forth in Appendix D.

8. All outdoor storage areas shall be maintained so that they are free of weeds and standing water.

9. The use of any area approved, under the provisions of Section E, for surfacing with gravel, crushed stone, chip seal, oil or other such surfacing material, shall be limited to the storage of vehicles, trailers, and other heavy equipment or another use that does not require hard surfacing as per Section 10-27-8(A). The following activities are specifically prohibited:

a. Employee parking

b. Customer parking

c. Loading or unloading of vehicles

d. Vehicle maintenance

- F. Adequate provision shall be made for the disposal of storm water so that water will not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
- G. A structurally sound wall or other abutment approved by the City Engineer to ensure safety shall be installed around each side of the parking lot wherever necessary to prevent the washing of soil to and from adjoining property, and a wall or screen of such height and character as are necessary for adequate screening of the parking lot from adjacent property shall also be provided to meet requirements of the City Engineer.
- H. The location and width of entrances and exits to and from the lot or garage shall be as determined by the City Engineer, but there shall not be more than one entrance and one exit, or one combined entrance or exit, along any one street, unless the same is deemed necessary by the City Council for the alleviation of traffic congestion and interference of traffic movement along such street.
- I. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing, where required by the City Engineer.
- F. Wherever the parking lots or garages are to be used during darkness, a system of lighting shall be installed to provide an adequate standard of illumination over the entire parking lot.

- G.** Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot shall shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, pedestrians and bicyclists.
- H.** A sign, the size and character of which shall be approved by the Site Plan Review Committee, shall be installed showing the ownership of the lot or garage and the permitted use thereof. If the lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon the sign.
- I.** A temporary shelter for the use of parking lot attendants may be maintained on the lot, provided the location, construction, and design of the same shall first be approved by the Site Plan Review Committee.
- J.** The parking lot or garage shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees, and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes and the City Engineer shall have the authority to prohibit the use of the area for parking purposes, unless and until proper maintenance, repair, or rehabilitation is completed.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION SETTING THE TIME AND PLACE TO CONDUCT  
A PUBLIC HEARING ON AN ORDINANCE AMENDING TITLE 10,  
CHAPTER 27, SECTION 8, OF THE CITY CODE, STANDARDS FOR  
ALL PARKING LOTS, GARAGES, DRIVE LANES, AND  
DRIVEWAYS**

**WHEREAS**, Surfacing requirements for parking lots, driveways, and other areas of vehicular activity are found in Section 10-27-8 of City Code; and

**WHEREAS**, Current regulations require that for parking lots, driveways, and other areas of vehicular activities be surfaced with concrete, asphalt or an alternate durable dust free surface approved by the City Engineer; and

**WHEREAS**, The intent of proposed is an attempt to stay consistent and have all comparable businesses have the same requirements for hard surfacing, regardless of when their parking lots were constructed. Under this proposal vehicle parking lot still have to comply with hard surfacing requirements currently contained within City Code. Further that such an allowance for non-hard surfaced storage areas, as would be permitted under this proposed code change, have minimal adverse impacts on nearby properties and on the community as a whole; and

**WHEREAS**, The proposed code change would permit the storage of trailers, vehicles, and other equipment on areas surfaced with crushed stone, chip seal, oil or other such surfacing material, subject to all of the following conditions being met: only be allowed in areas zone General Industrial (M-2); would not be allowed in a front yard or within 100 feet of a parcel containing a residence; would be required to be screened from a public street by being located behind a building or a landscaped buffer yard; the installation of such a storage area would require prior review and approval by the City; that such storage areas would need to be maintained free of weeds and standing water; the use of slag for the surfacing of such areas would not be permitted; and would prohibit using non-hard surfaced outdoor vehicles storages areas for customer parking, employee parking, loading or unloading of vehicles, or vehicle maintenance.; and

**WHEREAS**, the Planning and Zoning Commission on April 9, 2019 voted to recommend the proposed ordinance not be adopted; and

**WHEREAS**, a public hearing must be conducted by the City Council of Muscatine prior to the adoption changes to the Zoning Ordinance;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Muscatine, that a Public Hearing is hereby established to review to allow the public to comments on the proposed ordinance amending Title 10, Chapter 27 Section 8, the City Code standards for all

parking lots, garages, drive lanes, and driveways. Said hearing to be conducted at 7:00 P.M. on Thursday, August 15, 2019, in the City Hall Council Chambers.

**PASSED, APPROVED, AND ADOPTED** by the City Council for the City of Muscatine, Iowa, on this, the 1<sup>st</sup> day of August 2019.

Diana L. Broderson, Mayor

ATTEST:

Gregg Mandsager, City Clerk

**PUBLIC NOTICE  
NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING  
ON AN ORDINANCE AMENDING TITLE 10, CHAPTER 27, SECTION 8,  
OF THE CITY CODE, STANDARDS FOR ALL PARKING LOTS,  
GARAGES, DRIVE LANES, AND DRIVEWAYS**

Surfacing requirements for parking lots, driveways, and other areas of vehicular activity are found in Section 10-27-8 of City Code. Current regulations require that such areas be surfaced with concrete, asphalt or an alternate durable dust free surface approved by the City Engineer. The proposed code change would permit the storage of trailers, vehicles, and other equipment on areas surfaced with crushed stone, chip seal, oil or other such surfacing material, subject to all of the following conditions being met: only be allowed in areas zone General Industrial (M-2); would not be allowed in a front yard or within 100 feet of a parcel containing a residence; would be required to be screened from a public street by being located behind a building or a landscaped buffer yard; the installation of such a storage area would require prior review and approval by the City; that such storage areas would need to be maintained free of weeds and standing water; the use of slag for the surfacing of such areas would not be permitted; and would prohibit using non-hard surfaced outdoor vehicles storages areas for customer parking, employee parking, loading or unloading of vehicles, or vehicle maintenance. Notice is further given that the City council of the City of Muscatine, Iowa, will conduct a public hearing on said change to City Code on Thursday, August 15, 2019, at 7:00 p.m. in the City Hall Council Chambers, at which time all interested parties are invited to comment.

Gregg Mandsager, City Clerk