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ORDINANCE NO. 31-02

AN ORDINANCE AMENDING APPENDIX A (THE ZONING ORDINANCE) OF THE CITY OF DUBUQUE CODE OF ORDINANCES BY RECLASSIFYING HEREINAFTER DESCRIBED PROPERTY LOCATED NORTH AND SOUTH OF THE ICE HARBOR AND EAST OF HIGHWAY 61/151 FROM ROD REDEVELOPMENT OVERLAY DISTRICT, HI HEAVY INDUSTRIAL DISTRICT, MHI MODIFIED HEAVY INDUSTRIAL DISTRICT, CS COMMERCIAL SERVICE AND WHOLESALE DISTRICT AND CR COMMERCIAL RECREATION DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT WITH A PC PLANNED COMMERCIAL DESIGNATION AND ADOPTING A CONCEPTUAL DEVELOPMENT PLAN TO BE KNOWN AS THE PORT OF DUBUQUE RIVERFRONT DISTRICT.

Whereas, the City of Dubuque adopted on March 4, 2002, the Port of Dubuque Master Plan, an amendment of the Riverfront Plan, which is a component of the City's adopted Comprehensive Plan; and

Whereas, the City of Dubuque adopted on March 4, 2002, an amended and restated Urban Renewal Plan for the Ice Harbor Urban Renewal District that includes the Port of Dubuque Master Plan and Design Standards; and

Whereas, the City of Dubuque has determined that a zoning reclassification of the Port of Dubuque will serve to guide the implementation of the adopted Port of Dubuque Master Plan and Design Standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. Port of Dubuque PUD

Appendix A (the Zoning Ordinance) of the City of Dubuque Code of Ordinances is hereby amended by reclassifying the hereinafter described property from ROD Redevelopment Overlay District, HI Heavy Industrial District, MHI Modified Heavy Industrial District, CS Commercial Service and Wholesale District, and CR Commercial Recreation District to PUD Planned Unit Development District with a PC Planned Commercial designation and adopting a conceptual development plan, a copy of which is attached to and made a part hereof, to be known as the Port of Dubuque Riverfront District to wit:

All of the real property highlighted in Exhibit 1, and to the centerline of the adjoining public right-of-way, and to the corporate limits of the City of Dubuque, all in the City of Dubuque, Iowa.

Section 2. Conceptual Development Plan

Referenced herein as Exhibit 2, on file in the Planning Services Department, and made a part of this zoning reclassification by reference is the Conceptual Development Plan for the Port of Dubuque Riverfront District. It is recognized that minor shifts or modifications to the general plan layout may be necessary and compatible with the need to acquire workable street patterns, grades and usable building sites.

Section 3. Definitions

The following definitions shall apply for purposes of this PUD ordinance, in addition to Section 8 (Definitions) of the Zoning Ordinance.

Indoor Restaurant: Any business establishment or portion thereof where food is prepared for sale for consumption on the premises, including all sit down restaurants, where food and beverage are served in nondisposable containers and which may involve carryout service and the serving of beer, wine and alcoholic beverages on the premises of a limited nature as an accessory use to the restaurant.

Nightclub: An establishment dispensing beer, wine and alcoholic beverages on the premises in which music, dancing or entertainment is conducted.

Office/Showroom: A product display or showroom facility with two primary uses: office and showroom/display space. Storage, light assembly or shipping and receiving may occupy no more than 20 percent, and office use may occupy no more than 75 percent of the facility's gross floor area.

Theme Restaurant: Any business establishment or portion thereof with an historical, architectural, cultural, or similar general theme, where food is prepared for sale for consumption onsite in a café or al fresco setting, off the premises and/or served in disposable containers or wrappers, including fast food restaurants having a carryout service, and where beer, wine or alcoholic beverages are not served.

Theme Convenience Store with Subordinate Gas Station: Any retail establishment with an historical, architectural, cultural, corner grocery or similar general theme, where food is prepared for sale for consumption onsite in a deli or café setting, and also offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption, and the sale of gas or other vehicular fuels subordinate to the principal use of the theme convenience store.

Section 4. General Provisions for Zone A

A. Geographic Area. Zone A shall be the geographic area designated as “Zone A” on Exhibit 1.

B. Use Regulations for Zone A

1. *Permitted Principal Uses:*

- a. Public or quasi-public utilities.
- b. General offices.
- c. Medical and professional offices.
- d. Office/showrooms.
- e. Retail sales and services.
- f. Personal services.
- g. Book stores.
- h. Excursion services.
- i. Theme convenience stores with subordinate gas stations.
- j. Copy centers.
- k. Dry cleaners.
- l. Coffee shops.
- m. Antique shops.
- n. Theme restaurants.
- o. Indoor restaurants.
- p. Bars/Nightclubs.
- q. Cinemas/theaters.
- r. Multi-family residential dwellings.
- s. Residential dwelling units above the first floor.
- t. Condominiums.
- u. Boutique hotels or bed & breakfast inns.
- v. Marinas/pleasure craft harbors.
- w. Public parks/plazas.
- x. Public transit/comfort stations.
- y. Micro-breweries.
- z. Indoor and outdoor recreational facilities.
- aa. Hotels.
- bb. Museums.
- cc. Excursion boat gambling.
- dd. Aquariums.
- ee. Conference and education centers.
- ff. Parking structures.

2. *Prohibited Uses:*

- a. Outdoor golf courses and outdoor golf practice facilities, except miniature golf.
- b. Cellular communication towers.

- c. Telecommunication processing and relay centers, i.e., “telecom hotels.”
- d. Adult businesses, as defined in Section 4-8 (Adult Entertainment Requirements and Regulations) of the Zoning Ordinance.
- e. Industrial laundry and dry cleaning plants.
- f. Pawn shops.
- g. New car and truck sales.
- h. Used vehicle sales and service.
- i. Resale shops.
- j. Drive-thru facilities, except drive-up automated teller machines.
- k. Stand-alone gas stations.
- l. Vehicle fabrication/assembly/repair/body shops.
- m. Tattoo parlors and body piercing shops.

3. *Permitted Conditional uses:*

- a. Group day care centers, subject to state and local regulations and provided that:
 - 1. Such facility shall be located within an office, commercial or residential building or as an accessory structure on the same lot;
 - 2. Such facility shall provide for the loading and unloading of children so as not to obstruct public streets, nor create traffic or safety hazards; and
 - 3. All licenses have been issued or have been applied for awaiting the outcome of the Board’s decision.
- b. Drive-up automated teller machines, provided that:
 - 1. Ingress, egress and traffic flow shall be acceptable to the City site plan review team; and
 - 2. Opaque screening shall be provided for adjacent residential uses.

4. *Permitted Accessory Uses:* Any use customarily incidental and subordinate to the principal use it serves.

5. *Permitted Temporary Uses:* Any use of a limited duration as defined in Section 8 (Definitions) of the Zoning Ordinance, subject to the conditions set forth in Section 2-5.3 (Temporary Uses) of the Zoning Ordinance.

Section 5. General Provisions for Zone B

A. Geographic Area. Zone B shall be the geographic area designated as “Zone B” on Exhibit 1.

B. Use Regulations for Zone B

1. *Permitted Principal Uses:*

- a. Public or quasi-public utilities. [47]
- b. General offices. [14]
- c. Medical and professional offices. [36]
- d. Office/showrooms. [14]
- e. Retail sales and services. [17]
- f. Personal services. [14]
- g. Book stores. [17]
- h. Excursion services. [37]
- i. Theme convenience stores with subordinate gas stations. [19]
- j. Copy centers. [29]
- k. Dry cleaners. [19]
- l. Coffee shops. [20]
- m. Antique shops. [17]
- n. Theme restaurants. [20]
- o. Indoor restaurants. [20]
- p. Bars/Nightclubs. [20]
- q. Cinemas/theaters. [48]
- r. Multi-family residential dwellings. [9]
- s. Residential dwelling units above the first floor. [9]
- t. Condominiums. [9]
- u. Boutique hotels or bed & breakfast inns. [30]
- v. Marinas/pleasure craft harbors. [37]
- w. Public parks/plazas. [47]
- x. Public transit/comfort stations. [47]
- y. Micro-breweries. [20]
- z. Indoor and outdoor recreational facilities. [37]
- aa. Hotels. [30]
- bb. Museums. [13]
- cc. Excursion boat gambling. [47]
- dd. Aquariums. [13]
- ee. Conference and education centers. [20]
- ff. Parking structures. [N/A]

[] Parking Group - requirements of Section 4.2 (Off-Street Parking and Loading Regulations) of the Zoning Ordinance must be met.

2. *Prohibited Uses:*

- a. Outdoor golf courses and outdoor golf practice facilities, except miniature golf.
- b. Cellular communication towers
- c. Telecommunication processing and relay centers, i.e., “telecom hotels”
- d. Adult businesses, as defined in Section 4-8 (Adult Entertainment Requirements and Regulations) of the Zoning Ordinance.
- e. Industrial laundry and dry cleaning plants
- f. Pawn shops.
- g. Used vehicle sales and service.
- h. Resale shops.
- i. Drive-thru facilities, except drive-up automated teller machines.
- j. Stand-alone gas stations.
- k. Vehicle fabrication/assembly/repair/body shops.
- l. Tattoo parlors and body piercing shops.

3. *Permitted Conditional Uses:*

- a. Group day care centers, subject to state and local regulations and provided that:
 - 1. Such facility shall be located within an office, commercial or residential building or as an accessory structure on the same lot;
 - 2. The parking requirements can be met – [8];
 - 3. Such facility shall provide for the loading and unloading of children so as not to obstruct public streets, nor create traffic or safety hazards; and
 - 4. All licenses have been issued or have been applied for awaiting the outcome of the Board’s decision.
- b. Drive-up automated teller machines, provided that:
 - 1. Ingress, egress and traffic flow shall be acceptable to the City site plan review team;
 - 2. The parking requirements can be met – [8]; and
 - 3. Opaque screening shall be provided for adjacent residential uses.

[] Parking Group - requirements of Section 4.2 (Off-Street Parking and Loading Regulations) of the Zoning Ordinance must be met.

4. *Permitted Accessory Uses:* Any use customarily incidental and subordinate to the principal use it serves.
5. *Permitted Temporary Uses:* Any use of a limited duration as defined in Section 8 (Definitions) of the Zoning Ordinance subject to the conditions set forth in Section 2-5.3 (Temporary Uses) of the Zoning Ordinance.

C. Performance Standards for New Development, Change in Use, and Expansion and Reconstruction of Existing Uses in Zone B

1. *New Development, Change in Use and Expansion of Existing Uses:* In Zone B, the Design Standards adopted on March 4, 2002, as part of the Port of Dubuque Master Plan for the Ice Harbor Urban Renewal District shall apply to all new development, change in use and expansion of existing uses.
2. *Reconstruction of Existing Uses:* In Zone B, the Design Standards adopted on March 4, 2002, as part of the Port of Dubuque Master Plan for the Ice Harbor Urban Renewal District shall apply in the event of reconstruction of an existing use after destruction by more than fifty percent (50%) of the replacement cost at the time of destruction. In the event of destruction of an existing use by less than fifty percent (50%) of the replacement cost at the time of destruction, it may only be reconstructed if such reconstruction does not increase the degree of nonconformity that existed prior to destruction.
3. *Construction of New Parking Lots:* In Zone B, construction of any new parking lot shall comply with the Design Standards adopted on March 4, 2002, as part of the Port of Dubuque Master Plan for the Ice Harbor Urban Renewal District.
4. *Expansion of Existing Parking Lots:* In Zone B, the expansion of an existing parking lot for an existing use shall not constitute the requirement to comply with the Design Standards adopted on March 4, 2002, as part of the Port of Dubuque Master Plan for the Ice Harbor Urban Renewal District. However, the expansion of an existing parking lot in Zone B shall comply with Section 4-2 (Off-Street Parking and Loading Regulations), Section 4-4 (Site Plan Review Provisions), and Section 4-5 (Landscaping and Screening Requirements) of the Zoning Ordinance.
5. *Outdoor Storage – New Development, Change in Use and Expansion of Existing Uses:* Outdoor storage of any kind, including vehicles, raw materials, etc. is prohibited in Zone B for all new development, change in use and expansion of existing uses.

Seasonal equipment, supplies, etc. shall be either stored within each facility or within a permanent accessory structure.

6. *Outdoor Storage – Reconstruction of Existing Uses:* Outdoor storage of any kind, including vehicles, raw materials, etc. is prohibited in Zone B in the event of reconstruction of an existing use after destruction by more than fifty percent (50%) of the replacement cost at the time of destruction. Seasonal equipment, supplies, etc. shall be either stored within each facility or within a permanent accessory structure. In the event of destruction of an existing use by less than fifty percent (50%) of the replacement cost at the time of destruction, outdoor storage shall be subject to the provisions of Section 5. D. of this PUD ordinance.

D. Performance Standards for Existing Uses in Zone B

1. *Nonconformities:* If an existing use in Zone B is not listed in Section 5. B. (Permitted Uses) of this PUD ordinance at the time of adoption of this ordinance, it shall be considered a nonconforming use in accordance with Section 4-6 (Nonconformities in General) of the Zoning Ordinance. It is recognized that lawful nonconformities may substantially and adversely impact the orderly development, maintenance, use and taxable value of other properties in this PUD District. To secure eventual conformance with the Port of Dubuque Master Plan and the Design Standards adopted on March 4, 2002, nonconforming uses existing in Zone B at the time of adoption of this PUD ordinance may continue subject to the provisions of this ordinance, but may not expand in gross floor area nor change in use from one nonconforming use to another nonconforming use.
2. *Sign Regulations:* The provisions of the City of Dubuque Zoning Ordinance Section 4-3 (Sign Regulations) shall apply in Zone B unless further regulated by this section.
 - a. *Nonconforming Signs:* Any existing sign in Zone B that is not in compliance with the Design Standards adopted on March 4, 2002, as part of the Port of Dubuque Master Plan for the Ice Harbor Urban Renewal District shall be considered a nonconforming sign in accordance with Section 4-3.8 (Nonconforming Signs) of the Zoning Ordinance.
 - b. *New Signs:* The installation of any new signs for an existing use in Zone B shall be in accordance with the Design Standards adopted on March 4, 2002, as part of the Port of Dubuque Master Plan for the Ice Harbor Urban Renewal District.

- c. *Comprehensive Sign Program:* A comprehensive sign program shall be developed in Zone B for the installation of new signs and for any alteration, improvement or other change of nonconforming signs for existing individual businesses or buildings, or for buildings which house more than one business, in accordance with the Design Standards adopted on March 4, 2002, as part of the Port of Dubuque Master Plan for the Ice Harbor Urban Renewal District.
 - d. *Prohibited signs:* The following types of signs are prohibited in Zone B. Any existing sign in Zone B that falls into one or more of the following categories of prohibited signs shall be considered a nonconforming sign:
 - Pole, pylon or freestanding signs
 - Billboards
 - Internally illuminated awnings
 - Portable signs
 - Search lights
 - Audible or musical signs
 - e. *Permissible Signs.* The following sign types are permissible in Zone B:
 - Non-illuminated awning signs
 - Canopy or marquee signs
 - Wall signs
 - Projecting signs
 - Window signs
 - Ground signs/monument signs
3. *Non-Accessory Outdoor Storage Prohibited:* In Zone B, outdoor storage that is not an accessory use to the principal use is prohibited. In Zone B, removal of the non-accessory outdoor storage shall be required within eighteen (18) months of the effective date of this PUD Ordinance, and shall be implemented according to the following schedule:
- | | |
|--------------|---|
| 0-6 months | Conduct property review meeting with the City of Dubuque Planning Services Department. |
| 6-12 months | Submit necessary plans and information describing compliance plans to the Planning Services Department. |
| 12-18 months | Remove all non-accessory outdoor storage. |

4. *Outdoor Storage Accessory to the Principal Use:*

- a. *Outdoor Storage Accessory to the Principal Use:* In Zone B, outdoor storage for existing uses is restricted to storage necessary for operation of the principal use as an accessory use. Material stored must be screened from view from adjacent rights-of-way and properties. Screening must be opaque and a minimum of six (6) feet in height.
- b. *Outdoor Storage of Refuse:* In Zone B, outdoor storage of freestanding dumpsters or refuse containers is prohibited. Refuse shall be securely stored and enclosed as part of the principal structure, and contained and disposed of in accordance with applicable state, county and city health, safety and environmental codes. Where storage of food service/restaurant kitchen refuse is not accommodated as part of the principal building, refuse storage is permissible in an accessory storage enclosure.
- c. *Compliance Schedule for Accessory Outdoor Storage:* In Zone B, compliance with the accessory outdoor storage regulations of this sub-section shall be required within five (5) years of the effective date of this PUD Ordinance, and shall be implemented according to the following schedule:

0-24 months	Conduct property review meeting with Planning Services Department.
24-48 months	Submit necessary plans and information describing compliance plans and improvements to the Planning Services Department.
48-60 months	Complete necessary modifications and improvements.

E. Variance and Appeal Process

In Zone B, requests for variances from the regulations of this PUD ordinance, unless expressly prohibited by this PUD ordinance, and appeals of their interpretation by City staff shall be filed in accordance with Section 5-3 (Zoning Board of Adjustment) of the Zoning Ordinance.

Section 6. Transfer of Ownership

Transfer of ownership or lease of property in this PUD District shall include in the transfer or lease agreement a provision that the purchaser or lessee acknowledges awareness of the conditions authorizing the establishment of the district.

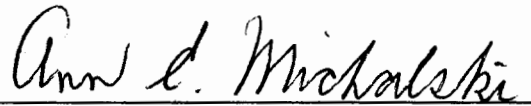
Section 7. Recording

A copy of this ordinance shall be recorded at the expense of the City of Dubuque with the Dubuque County Recorder as a permanent record of the conditions accepted as part of this reclassification approval after the adoption of this ordinance. This ordinance shall be binding upon the undersigned and his/her heirs, successors and assigns.

Section 8. The foregoing amendment has heretofore been reviewed by the Zoning Advisory Commission of the City of Dubuque, Iowa.

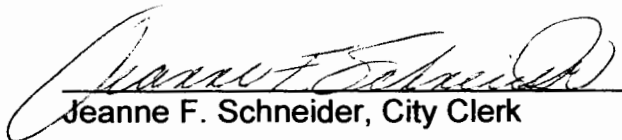
Section 9. The foregoing amendment shall take effect upon publication, as provided by law.

Passed, approved and adopted this 15th day of April, 2002.



Ann E. Michalski, Mayor Pro Tem

Attest:


Jeanne F. Schneider, City Clerk

Overlay Comparison of Port of Dubuque Master Plan with Existing Street/Lot Layout

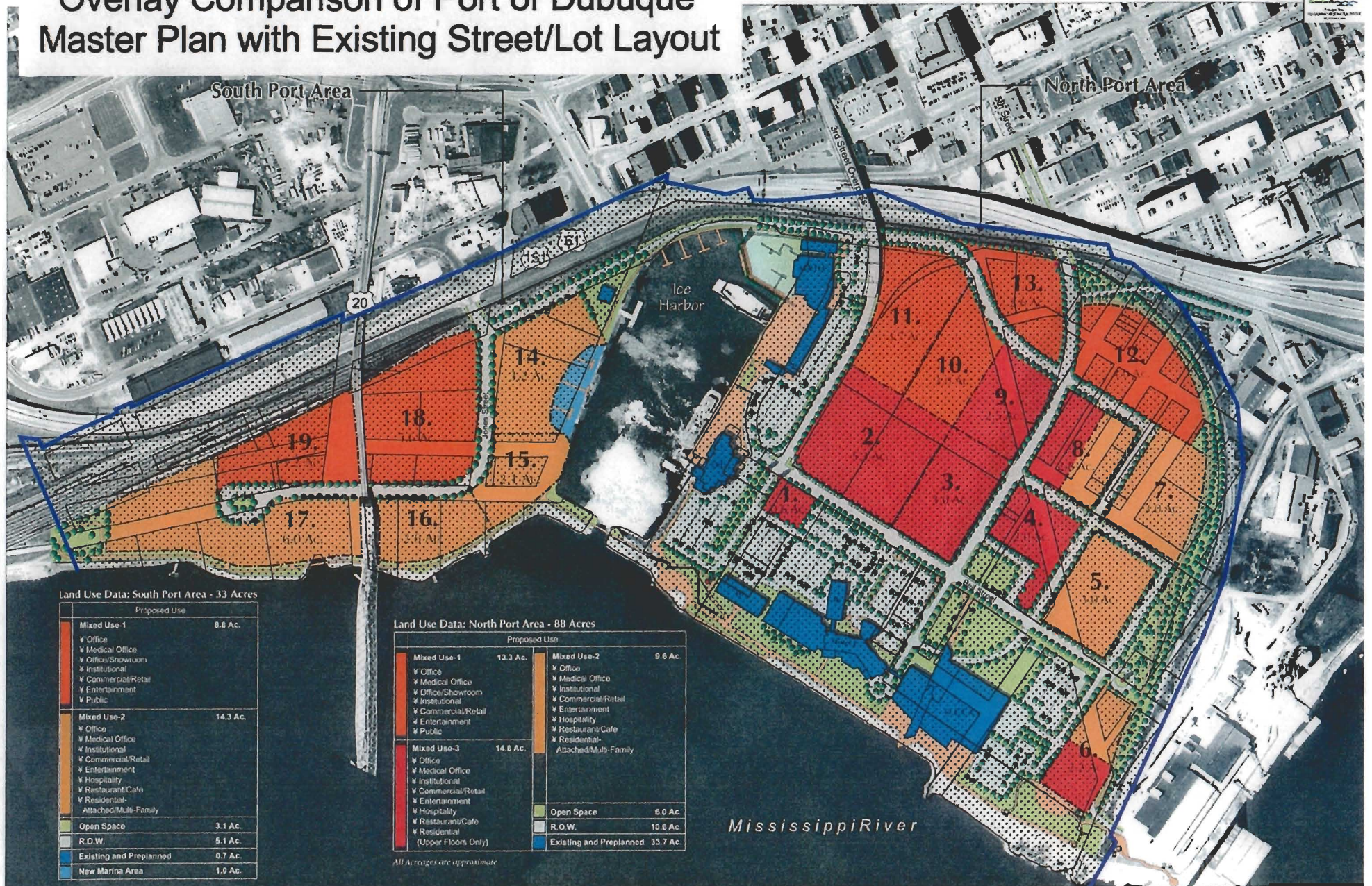


EXHIBIT 1 Port of Dubuque PUD

Dove Harbor



Railroad
Bridge

Mississippi River

Ice Harbor

US 61/151

DODGE ST

RAILROAD AVE

— PUD Boundary

□ Zone A

■ Zone B

