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ORDINANCE NO. 19-16

AN ORDINANCE AMENDING TITLE 16, THE UNIFIED DEVELOPMENT CODE OF THE CITY OF DUBUQUE CODE OF ORDINANCES BY RESCINDING ORDINANCE 75-15 WHICH PROVIDES REGULATIONS FOR A PUD PLANNED UNIT DEVELOPMENT DISTRICT WITH A PLANNED COMMERCIAL DESIGNATION FOR THE HISTORIC MILLWORK DISTRICT PUD AND NOW BEING AMENDED TO INCLUDE MICROBREWERY, WINERY AND DISTILLERY AS CONDITIONAL USES.

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

Section 1. That Title 16, the Unified Development Code of the City of Dubuque Code of Ordinances is hereby amended by rescinding Ordinance 75-15 which provides regulations for a Planned Unit Development District with a Planned Commercial District designation for the Historic Millwork District, and now being amended to include microbrewery, winery and distillery as conditional uses:

All real property generally located south of 12th Street, east of White Street and west of Highway 61/151 as highlighted in Exhibit A, and to the centerline of the adjoining public right-of-way, all in the City of Dubuque, Iowa.

A. Use Regulations.

The following regulations shall apply to all uses made of land in the above-described PC Planned Commercial District:

Principal permitted uses: The following uses are permitted in the Historic Millwork District PUD:

1. Places of religious exercise or assembly.

2. Public, private or parochial school approved by State of Iowa (K-12).
3. Public or private park, golf course, or similar natural recreation area.
4. Railroad and public or quasi-public utility, including substation.
5. Residential use.
6. Housing for the elderly and persons with disabilities (not identified with (5) above).
7. Noncommercial art gallery.
8. Museum or library.
9. School of private instruction.
10. Private club.
11. General office.
12. Medical office or clinic.
13. Dental or medical lab.
14. Barber or beauty shop.
15. Hotel.
16. Shoe repair.
17. Laundry or drycleaner.
18. Bakery (wholesale or commercial).
19. Retail sales or service.
20. Indoor restaurant.
21. Bar or tavern.
22. Supermarket.
23. Tailoring or alterations.
24. Furniture or home furnishing.

25. Appliance sales or service.
26. Animal hospital or clinic.
27. Laundromat.
28. Furniture upholstery or repair.
29. Artist studio.
30. Photographic studio.
31. Neighborhood shopping center.
32. Business services.
33. Department store.
34. Auditorium or assembly hall.
35. Indoor theater.
36. Bank, savings and loan, or credit union.
37. Indoor amusement center.
38. Vending or game machine sales and service.
39. Indoor recreation facility.
40. Mail order house.
41. Printing or publishing.
42. Parking structure.
43. Vocational school.
44. Business or secretarial school.
45. Passenger transfer facility.
46. Warehousing and storage facility.
47. Artisan production shop.

Accessory Uses: The following accessory uses are permitted in the Historic Millwork District PUD:

1. Any use customarily incidental and subordinate to the principal use it serves.
2. Boiler system in use as part of an industrial business or use.
3. Outdoor seating as part of an indoor restaurant, bar or tavern.

Conditional Uses: The following conditional uses are permitted in the Historic Millwork District PUD, subject to the provisions of Article 8 of the Unified Development Code that establishes requirements for application to the Zoning Board of Adjustment for a conditional use permit, and any other specific conditions listed below for a conditional use.

1. Drive-in or carry-out restaurant.
2. Drive-up automated bank teller.
3. Vehicle rental.
4. Construction supplies sales and service.
5. Contractor shop or yard.
6. Wholesale sale/distributor.
7. Agricultural supply sales.
8. Lumberyard or building materials.
9. Laboratory for research, development or engineering, provided that such use complies with all local, state, and federal regulations governing hazardous substances, hazardous conditions, hazardous wastes, and hazardous materials.
10. Freight transfer facility.
11. Moving or storage facility.
12. Millworking.
13. Manufacture, assembly, repair or storage of electrical or electronic products, components or equipment.
14. Manufacture or assembly of musical instruments; toys; watches or clocks; medical, dental, optical or similar scientific instruments; orthopedic or medical appliances; signs or billboards.

15. Manufacturing, compounding, assembly or treatment of articles or products from the following substances: clothing or textiles; rubber, precious or semiprecious stones or metals; wood; plastics; paper; leather; fiber; glass; hair; wax; metal; concrete; feathers; fur; cork; and celluloid or cellulose products.
16. District energy system.
17. Private energy generation facility.
18. Exterior storage.
19. Licensed child care centers, provided that:
 - a. Such facility shall supply loading and unloading spaces so as not to obstruct public streets or create traffic or safety hazards;
 - b. All licenses have been issued or have been applied for and are awaiting the outcome of the state's decision; and
 - c. Such use shall not be located within the same structure as any gas station, bar/tavern, automated gas station or any facility selling, servicing, repairing, or renting vehicles.
 - d. The conditional use applicant certifies that the premises on which the licensed child care center will be located complies with, and will for so long as the licensed child care center is so located, continue to comply with all local, state and federal regulations governing hazardous substances, hazardous conditions, hazardous wastes, and hazardous materials.
 - e. If the applicant is subject to the requirements of Section 302 of the Superfund Amendments and Reauthorization Act of 1986, as amended, the Emergency Management Director shall certify whether or not the applicant has submitted a current inventory of extremely hazardous substances kept or stored on the premises. If any such extremely hazardous substances are kept or stored on the premises, the applicant shall also post in a conspicuous place on the premises a notice indicating a description of the extremely hazardous substances, and the physical and health hazards presented by such substances.
 - f. Applicant shall submit an evacuation plan for approval by the City, both written and drawn, that details where the children will go in the event of a hazardous materials

incident. The plan shall include a "house in place" scenario in which the children can be kept safely within a room of the building that has no penetration to the outside (windows, doors, etc).

- g. Applicant shall submit plans for approval by the City that indicate the installation of a main emergency shut-off switch for the heating, ventilation, and air conditioning (HVAC) system to minimize the infiltration risk of airborne hazardous materials.

20. Microbrewery, winery and distillery, provided that:

- a. Any products or wastes containing odor producing substances emanating from a building or property associated with a microbrewery, winery or distillery, in such concentrations to create a public nuisance, as established by the city manager, shall be prohibited.
- b. The operation of a microbrewery, winery or distillery facility shall not cause any loud and excessive noise that result in annoyance or discomfort to a reasonable person.

B. Lot and Bulk Regulations.

The following bulk regulations shall apply in the Historic Millwork District PUD, subject to the provisions of the Unified Development Code.

1. Setbacks:
 - a) Front yard = 0 feet
 - b) Side yard = 0 feet
 - c) Rear yard = 0 feet
2. Building Height = no maximum.
3. New Construction Transition. New construction on the blocks between 12th Street and 11th Street should transition in scale from the Washington Neighborhood to the District PUD.

C. Sign Regulations.

1. The number, size and location of signs in the Historic Millwork District PUD shall be regulated in accordance with Exhibit C and all other applicable regulations of Article 15 of the Unified Development Code.

2. A comprehensive sign plan is required as part of the sign permit submittal for all multi-tenant buildings.
3. Free-standing signs in the District PUD shall be monument-style signs.
4. The design of signage shall comply with the Downtown Design Guidelines for signs. Waiver requests from these guidelines shall be reviewed by the Historic Preservation Commission in accordance with the provisions of Article 10 of the Unified Development Code.
5. Variance requests from sign requirements established in Article 15 of the Unified Development Code shall be reviewed by the Zoning Board of Adjustment in accordance with provisions of Article 8 of the Unified Development Code.
6. Off-premise signs are prohibited in the Historic Millwork District PUD.

D. Performance Standards.

Creation of a viable, equitable, and livable mixed-use neighborhood in the Historic Millwork District PUD that includes residential, retail, office, commercial, and industrial uses requires both strategy and flexibility for its sustainability. The development and maintenance of uses in the Historic Millwork District PUD conceptually should follow the goals, objectives, and recommendations of the Historic Millwork District Master Plan, incorporated herein by reference and on file in the Planning Services Department. The development and maintenance of uses in the Historic Millwork District PUD shall be regulated as follows:

1. Conceptual Development Plan
 - a. Referenced herein as Section 5. Development Summary of the Historic Millwork District Master Plan, and shown on Exhibit B, on file in the Planning Services Department, and made a part of this zoning reclassification by reference as the Conceptual Development Plan for the Historic Millwork District PUD.
 - b. 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.
 - c. The Land Use / Development Patterns depicted in the Historic Millwork District Master Plan for ground floor uses

reflect a predominance of residential uses; however, for District sustainability, these ground floor uses shall be characterized by a flexible designation for the Historic Millwork District PUD Conceptual Development Plan as shown in Exhibit B.

- d. That the Historic Millwork District PUD Conceptual Development Plan as shown in Exhibit B is hereby amended to allow for a surface parking lot at the northwest corner of Elm and 11th Streets.

2. Parking Regulations

Off-street parking is not required as part of the Historic Millwork District PUD. Off-street parking spaces may be provided in a building as an accessory use, subject to review and approval under Building, Fire, and other applicable City Codes. If a property owner chooses to provide surface off-street parking within the District PUD, the City Council must first approve the request and the following regulations shall apply:

- a. Parking lot design shall comply with the Downtown Design Guidelines for surface parking lots.
 - b. All vehicle-related features shall be surfaced with standard or permeable asphalt, concrete, or pavers.
 - c. Curbing and proper surface drainage of storm water shall be provided.
 - d. All parking and loading spaces shall be delineated on the surfacing material by painted stripes or other permanent means.
 - e. The size and design of parking spaces shall be governed by applicable provisions of the Unified Development Code enforced at the time of development of the lot.
 - f. The number, size, design, and location of parking spaces designated for persons with disabilities shall be according to the local, state, or federal requirements in effect at the time of development.
- ## 3. Parking Structures.
- Parking structures (ramps) are allowed in the Historic Millwork District PUD subject to City Council review and the following standards:

- a. Parking structures shall comply with the Downtown Design Guidelines for parking facilities.
 - b. The size and design of parking spaces shall be governed by applicable provisions of the Unified Development Code enforced at the time of development.
 - c. The number, size, design, and location of parking spaces designated for persons with disabilities shall be according to the local, state or federal requirements in effect at the time of development.
4. Site Lighting
- a. Exterior illumination of site features shall be limited to the illumination of the following:
 - i. Parking areas, driveways and loading facilities.
 - ii. Pedestrian walkway surfaces and entrances to building.
 - iii. Building exterior.
 - b. Location and Design
 - i. All exterior lighting luminaries shall be designed and installed to shield light from the luminaries at angles above 72-degrees from vertical.
 - ii. Fixtures mounted on a building shall not be positioned higher than the roofline of the building.
 - iii. All electrical service lines to posts and fixtures shall be underground and concealed inside the posts.
 - iv. The design of exterior lighting luminaries shall comply with the Downtown Design Guidelines for signs. Waiver requests from these guidelines shall be reviewed by the Historic Preservation Commission in accordance with the provisions of Article 10 of the Unified Development Code.
5. Open Space

It is the intent of these regulations that the development of open spaces (if provided) shall reflect a high quality of environmental design. The following provisions shall apply.

- i. Open space plans are required as part of submittals for site plan review. Such plans are to include type, number and size of proposed plantings, paving and other open space amenities. Open space areas shall be designed in compliance with Downtown Design Guidelines and the Historic Millwork District Master Plan.
- ii. Within one (1) year following completion of construction, or by the date that a building is issued an occupancy certificate by the Building Services Department of the City of Dubuque, whichever occurs first, required open space amenities shall be installed.

6. Stormwater Management

The developer shall be responsible for providing stormwater management in a means that is satisfactory to the City Engineer and consistent with the Historic Millwork District Master Plan. Sustainable, low impact development techniques for stormwater management approved by the City Engineer will be used where feasible. Other applicable regulations also enforced by the City Engineer relative to stormwater management and drainage shall apply to the subject property.

7. Exterior Trash Collection Areas

- a. The storage of trash and debris shall be limited to that produced by the principal permitted use and accessory uses of the lot.
- b. All exterior trash collection areas and the materials contained therein shall be visually screened from view. The screening shall be completely opaque fence, wall or other feature not exceeding a height of 10 feet measured from the ground level outside the line of the screen. Screens built on sloping grades shall be stepped so that their top line shall be horizontal. All exterior entrances to a screened trash area shall be provided with a gate or door of similar design to that of the screen.
- c. Exterior trash collection areas shall comply with the Downtown Design Guidelines for service areas.

8. Exterior Storage

- a. Exterior storage is allowed in the Historic Millwork PUD District. Exterior storage areas shall comply with the Downtown Design Guidelines for service areas.
 - b. The use of semi-trailers and/or shipping containers for storage is prohibited.
9. Final site development plans shall be submitted in accordance with provisions of Article 12 and Article 13 of the Unified Development Code prior to construction or expansion of any buildings, free-standing signs, or parking facilities. The Downtown Design Guidelines shall apply to site development in the District PUD, and shall take precedence over the Design Standards for Big Box Retail Uses (over 100,000 square feet) and the Design Standards for Retail Commercial Uses (over 60,000 square feet) and Regional Shopping Centers in Article 13 of the Unified Development Code.
 10. Retail uses should be clustered around each other and adjacent to public spaces, such as at the intersection of 10th and Washington Streets, in the Farley & Loetscher and Kirby Buildings along 7th Street, and in a highly visible commercial corridor at the east edge of the District along Elm Street.
 11. Land uses should transition from industrial on the south to residential on the north, with new commercial or mixed use buildings along the new block to be created by realigning Elm Street in accordance with the Historic Millwork District Master Plan.

E. Other Codes and Regulations

1. Service Lines. All electric, telephone, cable, or other similar utility lines serving the building and other site features shall be located underground, where feasible.
2. These regulations do not relieve the owner from other applicable city, county, state or federal codes, regulations, laws and other controls relative to the planning, construction, operation and management of property within the city of Dubuque.

F. Transfer of Ownership

Transfer of ownership or lease of property in the Historic Millwork District PUD 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 PUD.

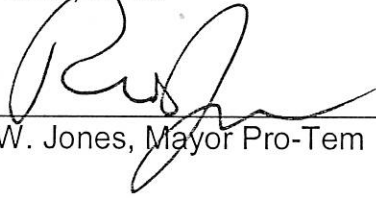
G. Recording

A copy of this PUD 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. This ordinance shall be binding upon the undersigned and his/her heirs, successors and assigns.

Section 2. The foregoing amendment has heretofore been reviewed by the Zoning Advisory Commission of the City of Dubuque, Iowa.


Section 3. The foregoing amendment shall take effect upon publication, as provided by law.

Passed, approved and adopted this 6th day of June, 2016.



Ric W. Jones, Mayor Pro-Tem

Attest:

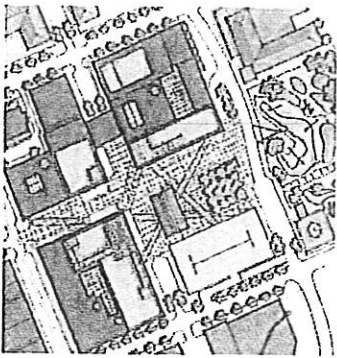


Kevin Firnstahl, City Clerk

EXHIBIT A

Historic Millwork District PUD

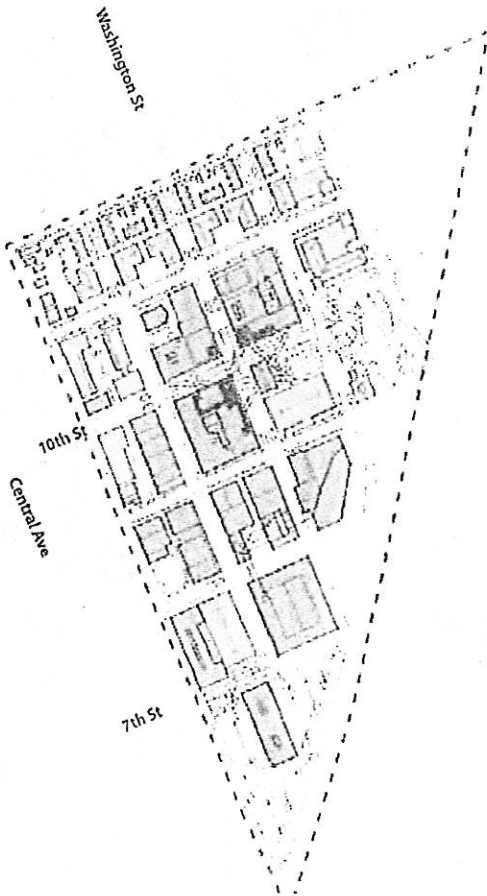




5. Development Summary

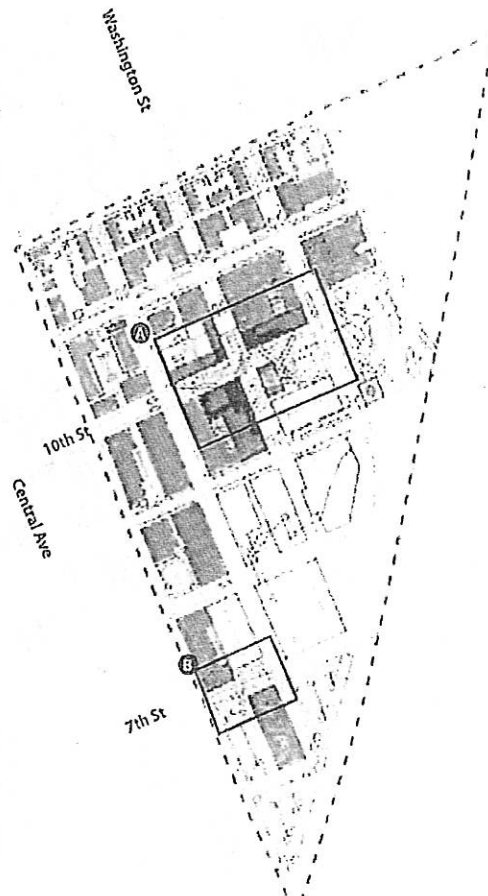
Land Use / Development Patterns

Rehabilitation and New Construction



- Existing Buildings: Rehabilitation
- New Construction

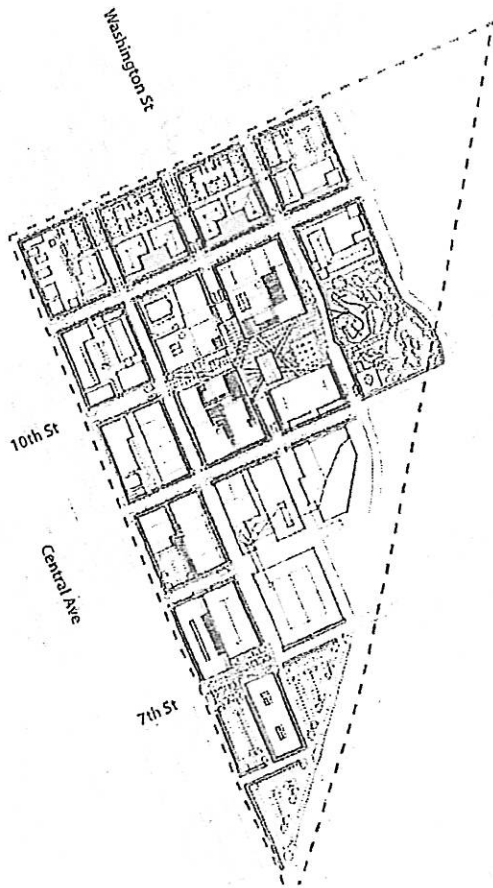
Ground Floor Uses



- Retail
- Residential
- Parking
- Flexible

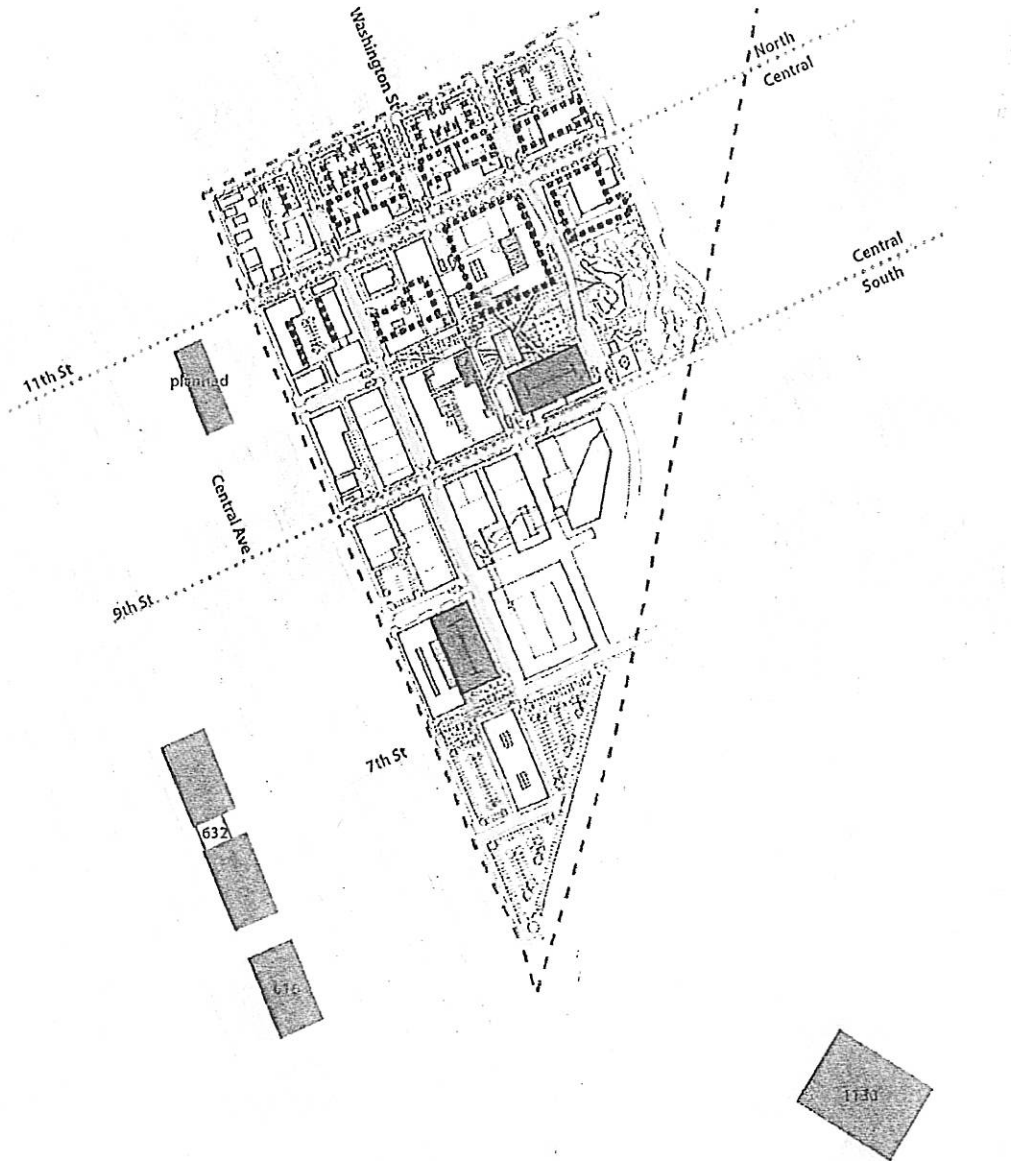
- A approximately 97,000 sf retail/restaurant
- B approximately 10,000 sf retail/restaurant





-  Sidewalks
-  Plazas and Plaza Streets
-  Courtyards/ Passages
-  Stormwater Feature/Sculpture Park

Palmer

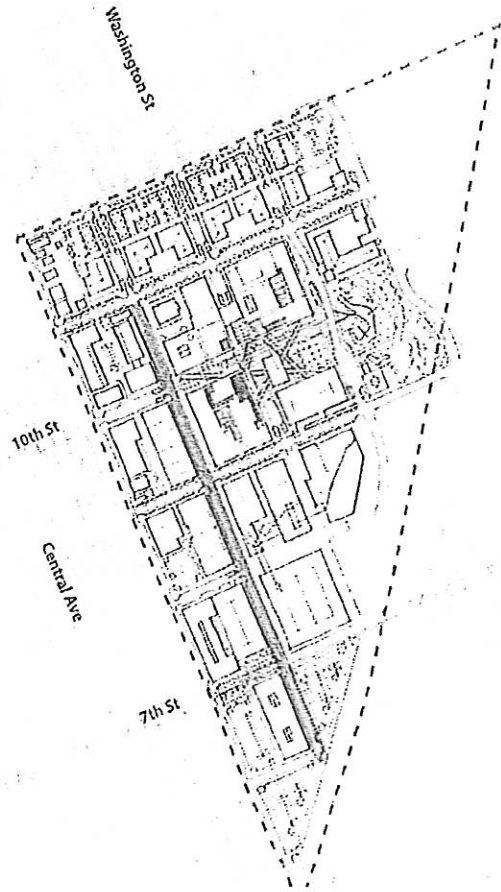


- On street
- Structure
- Surface Lot
- In Building

| Type | North | Central | South | TOTAL |
|-------------|-------|---------|-------|-------|
| on street | 111 | 193 | 79 | 383 |
| structure | 0 | 200 | 344 | 544 |
| surface lot | 48 | 26 | 263 | 337 |
| in building | 165 | 421 | 0 | 586 |
| | 324 | 840 | 686 | 1850 |

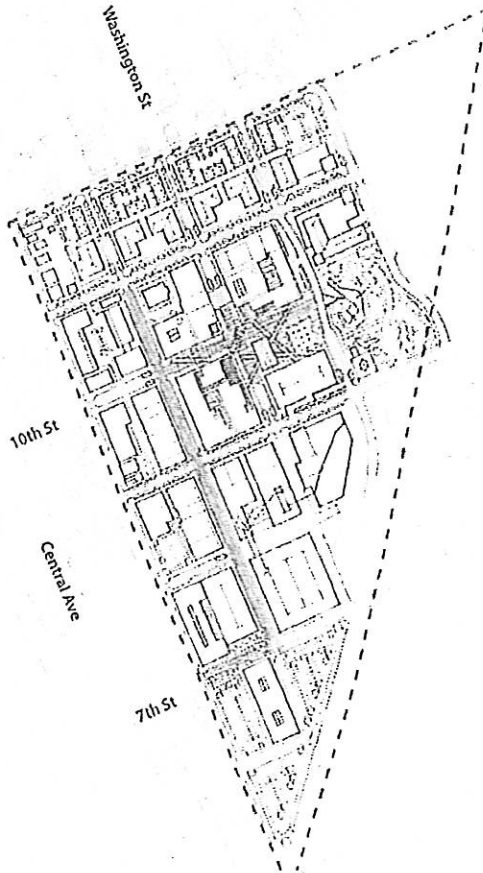
Streets

Type of Investment



- Existing Streets: Full Reconstruction
- New Streets and New Right-of-Way
- Streetscape Improvements Only
- Jackson Street: Partial Reconstruction

Type of Street



- Green Street with Linear Stormwater Planters
- Green Streets with Stormwater Planters in Curb Extensions
- Plaza Street
- Jackson Street