

**ORDINANCE NO. 2004-318**

**ORDINANCE to amend Title 17 of the Davenport Municipal Code entitled “Zoning” by adding a new chapter 17.21 entitled “TND” Traditional Neighborhood Development District (City of Davenport, petitioner).**

BE IT ENACTED BY THE CITY COUNCIL OF DAVENPORT, IOWA:

SECTION 1. The following described amendment to Title 17 of the Davenport Municipal Code entitled, “Zoning”, by adding a new Chapter 17.21 entitled, “TND” Traditional Neighborhood Development District.

## Chapter 17.21

### TND Traditional Neighborhood Development District

#### Sections:

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<b>17.21.090</b>	<b>Final Development Plan – Procedure</b>
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<b>17.21.110</b>	<b>Subdivision of Land</b>
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<b>17.21.140</b>	<b>Traditional Neighborhood District Development Standards</b>

#### **17.21.010 Intent**

The intent or purpose of the Traditional Neighborhood Development District is to encourage mixed use, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient use of services. A traditional neighborhood district diversifies and integrates land uses within close proximity to each other, providing for many of the daily needs of its residents. The intent of this chapter is to minimize traffic congestion, sprawl, infrastructure costs, and environmental degradation. A traditional neighborhood development district is intended to create an environmentally sustainable, long-term community that provides economic opportunity and builds social capital for its residents. Its provisions adopt urban conventions which were common in the United States from colonial times until the 1940's and historically were based on the following design principles:

- A. The traditional neighborhood is compact and is defined by walking distances;
- B. The traditional neighborhood is designed to be human in scale;
- C. The traditional neighborhood provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;

- D. The traditional neighborhood incorporates a system of relatively narrow, interconnected streets with sidewalks, alleys, bikeways and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connection of those streets to existing and future developments. Thoroughfares are to be connected in such a way as to encourage walking and reduce the number and length of automobile trips.
- E. The traditional neighborhood contains a variety of housing stock serving a range of ages, incomes and family sizes. This can include secondary dwelling units such as backyard apartments (above garages), as well as live/work units above shops, and residential units near work spaces.
- F. The traditional neighborhood provides for a variety of business types. Businesses that can be accommodated range from retail and professional offices, to live-work businesses and outbuildings for start-up businesses. The office space serves a range from home occupations to conventional office buildings. The retail stock includes a range of uses from the traditional corner store to supermarkets.
- G. The traditional neighborhood uses buildings to spatially delineate thoroughfares and civic spaces and mask parking lots.
- H. The traditional neighborhood provides a variety of civic spaces including greens, squares, playgrounds, parks, plazas and environmental or greenway corridors.
- I. The traditional neighborhood plan reserves special sites for public, community, or religious sites to serve as symbols for the community, thus enhancing community identity;
- J. The traditional neighborhood uses the compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable, harmonious and diverse environment.
- K. The traditional neighborhood blends both architecture and landscaping in ways that respond to the unique character of the city and region.

- L. The traditional neighborhood development plan typically uses smaller block sizes reflecting the intensity of various use;
- M. The Traditional Neighborhood Development District Ordinance encourages the retention of existing buildings with historical features or architectural features that enhance the visual character of the neighborhood;
- N. The traditional neighborhood development plan incorporates significant environmental features into the design;
- O. The traditional neighborhood development must be consistent with the City of Davenport's Comprehensive Plan.

**17.21.020                      Applicability**

- A. The traditional neighborhood development ordinance provides an alternative set of standards for development within the City of Davenport. It may be used for new greenfield development on undeveloped land (40 acres or more minimum size) or infill development in largely developed areas of the city (5 acres minimum size).
- B. The Traditional Neighborhood Development District is divided into one or more types of areas and each type of area has different land use and site development regulations. Types of areas that may be included in a Traditional Neighborhood Development District include a Neighborhood Center Area, a Mixed Residential Area, a Neighborhood Edge Area, and an Employment Center Area.
- C. A Neighborhood Center Area serves as the focal point of a Traditional Neighborhood Development District, containing retail, commercial, civic, and public services to meet the daily needs of community residents. A pre-existing commercial neighborhood can serve as a Neighborhood Center for a Traditional Neighborhood Development District. A Neighborhood Center is pedestrian-oriented, and it is designed to encourage pedestrian movement between the various types of areas that make up the community. Neighborhood Center Area uses include retail shops, restaurants, offices, banks, hotels, post office, governmental offices, churches, community centers, residential uses over retail and office spaces, and attached residential dwellings and/or row homes.
- D. A Mixed Residential Area includes a variety of residential land uses

including single-family residential, duplex, townhouse or rowhouse, and multi-family. A Mixed Residential Area may be exclusively residential. Residential-scale retail and office uses are also permitted within a Mixed Residential area at approved locations with stringent controls on both architectural design and land uses to insure compatibility. Retail and commercial uses in a Mixed Residential area are required to blend into the residential character of the neighborhood. The City of Davenport planning staff shall approve any land uses not specifically listed as allowed. A Mixed Residential Area includes open spaces including small squares, plazas, pocket parks (or playgrounds), greens, community parks, and greenways. A Mixed Residential Area promotes pedestrian activity through well designed and varied streetscapes (including alleys) that also provide for the safe and efficient movement of vehicular traffic. Mixed Residential Area uses include single-family homes, townhouses or rowhouses, apartments, offices, restaurants, neighborhood scale retail, daycare, bed and breakfasts, service businesses (excluding automobiles), churches and civic uses.

- E. A Neighborhood Edge Area is the least dense portion of a traditional neighborhood district, with larger lots and greater setbacks than the rest of the neighborhood. Alleys are not required, and direct vehicular access to the street is permitted. A Neighborhood Edge Area is appropriate along the perimeter of a “TND” neighborhood. A portion of a traditional neighborhood district that adjoins existing or platted conventional low density housing may be designated as a Neighborhood Edge Area. A Neighborhood Edge Area is not required, but rather is a development option.
- F. A Traditional Neighborhood Development District may have an Employment Center Area. Office and low-impact manufacturing uses may be located within an Employment Center Area. The scale and architectural conventions of a traditional neighborhood district apply to an Employment Center Area.
- G. Civic uses that are oriented to the general public are permitted in a Neighborhood Center Area and a Mixed Residential Area. These uses are essential components of the social and physical fabric of a traditional neighborhood district. Special attention should be paid to the location of government offices, libraries, museums, schools, churches, and other prominent public buildings to create focal points and landmarks for the community. In plans that do not contain any prominent governmental buildings, the use of other architectural features as focal points is encouraged. The locations of these major public civic uses are designated on the Concept Land Use Plan at the time of zoning approval.
- H. Open space is a significant part of a traditional neighborhood district

design. Formal and informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, playgrounds, parks, environmental corridors, and/or greenways.

- I. A Traditional Neighborhood District is designed to be pedestrian oriented. To accomplish this goal, street patterns and design are used to reduce vehicle travel speeds and encourage pedestrian activity. An interconnected network of streets, sidewalks, pedestrian paths and alleys (where used) is required. Streets are to be more narrow than in conventional development and more varied in size and form to control traffic and give character to the neighborhood.

### **17.21.030 Procedure and Approval Process**

Prior to the issuance of any permits for development within a Traditional Neighborhood Development District, the following steps shall be completed according to procedures outlined in this section:

- A. The applicant shall have an initial conference with city staff;
- B. A Concept Land Use Plan and a zoning map amendment for a Traditional Neighborhood Development District shall be reviewed by the City Plan and Zoning Commission with recommendation by the Commission and approval or denial by the City Council of the City of Davenport by ordinance;
- C. A Final Development Plan shall be reviewed by the City Plan and Zoning Commission with recommendation by the Commission and approval or denial by the City Council of the City of Davenport. A final development Plan shall be approved by resolution.
- D. As stated in Section 17.21.020 A., forty acres, or more, is required for a Traditional Neighborhood Development in a greenfield or undeveloped location and five acres, or more, is required in an infill situation.

### **17.21.040 Initial Conference**

Before submitting an application for a Traditional Neighborhood Development project, the applicant shall schedule an appointment and meet with city staff to discuss the procedure for approval of a Traditional Neighborhood Development project, including submittal requirements and design standards.

### **17.21.050 Concept Land Use Plan - Purpose**

- A. Concept Land Use Plan Process. Following the initial conference, the applicant shall submit a Concept Land Use Plan to the City Plan and Zoning Commission with an application for a zoning map amendment to a Traditional Neighborhood Development District.
- B. The Concept Land Use Plan establishes the range of uses by area that will be permitted within the “TND” Traditional Neighborhood Development District. The Concept Land Use Plan provides general development data for the site from which a determination can be made on the appropriateness of land uses that are to be developed, and establishes the framework for the analysis of the Final Development Plan as required in Section 17.21.100.

**17.21.060 Concept Land Use Plan – Procedure**

The owner or owners of a tract of land shall submit to the City Plan and Zoning Commission a plan for the use of such tract for the purpose stated above. The Concept Land Use Plan is to be submitted with the rezoning petition. Said plan and the supporting evidence shall include the following:

- A. A drawing or set of drawings at a suitable scale and other materials that include, but is not be limited to, the following:
  - 1. The existing land use and zoning surrounding the proposed development and the distance from the subject property line to the nearest structures on all abutting properties within two hundred feet of the perimeter of the site.
  - 2. The location of existing services, including: water, sanitary and storm sewer, electric, gas, streets.
  - 3. A two-foot interval topographic map of the site on a scale base of one-inch equals fifty feet or other scale as approved by the development official.
  - 4. The site constraints including:
    - a. Slopes in excess of ten percent;
    - b. Drainage ways that carry water from abutting properties, drainage ways that drain areas on the site in excess of one acre and any area designated as wetlands and/or designated as a flood plain or floodway as defined in Chapter 15.44 of the City of Davenport Municipal Code.
    - c. Soils that are unsuitable or require special treatment to support urban

development as determined by the Soil Conservation Service Soil Survey. If unsuitable conditions are indicated, field testing may be required.

- d. Critical natural resources and historically and culturally significant sites and structures.
5. Locations and sizes of the Neighborhood Center Area, Mixed Residential Area, and, if applicable, Neighborhood Edge Area, and Employment Center Area. (A Traditional Neighborhood Development District may consist of one, or more, of these areas). In addition:
- a. locations of any civic uses;
  - b. locations of commercial uses and proposed range of land use types in the Neighborhood Center Area and Mixed Residential and Employment Center Areas if any;
  - c. conceptual layout of the transportation network for all modes of travel including transit stops, pedestrian and bicycle paths;
  - d. locations and sizes of privately owned open space and publicly owned open space;
  - e. locations and descriptions of proposed major private open space improvements;
  - f. a construction phasing plan if the development is to be phased;
6. Preliminary information regarding storm water management. This includes methods to be used, the general locations of any retention areas and whether the retention areas are to be “wet” or “dry”;
7. A preliminary plan noting the locations of tree masses and/or significant specimen trees if any;
8. Conceptual architectural standards.
9. Proposed lots, setbacks and build to lines. This is particularly important for the Neighborhood Center Area or Areas and Mixed Residential Areas.
- B. Approval by the City of a Concept Land Use Plan may also serve as preliminary subdivision plat approval. The City Council delegates authority



to the development official to waive, at his or her discretion, any of the required submissions stated in Section 17.21.060 A-1 through Section 17.21.060 A-10 if the scale of the project, topography of the site or other reasons make them unnecessary. The City Plan and Zoning Commission will be notified of any requirements that have been waived.

#### **17.21.070 Concept Land Use Plan – Review and Adoption**

Before taking any action on the rezoning and concept land use plan, together with all required statements and supplementary information, the City Plan and Zoning Commission shall hold a public hearing regarding the proposal and shall review the proposal and cause to be prepared a report evaluating the plan and its supporting documents. The report shall also contain any specific recommendations regarding the modification of the plan, as well as off-site improvements that may be required in support of the proposed development. If the City Plan and Zoning Commission recommends approval of the rezoning request, the rezoning ordinance shall include as part of the ordinance amendment any recommendations for conditions by the City Plan and Zoning Commission. The recommendation shall be forwarded to the City Council for public hearing and consideration as an amendment to the zoning ordinance. The petitioner shall submit all information required in the Section 17.21.060 Concept Land Use Plan – Procedure with the rezoning and may submit all information required in the Section 17.21.060 A. Final Development Plan - Procedure at his/her discretion and pursue concurrent adoption. The City Council may add to, extend, reduce, or delete any of the conditions or restrictions which have been recommended by the City Plan and Zoning Commission.

#### **17.21.080 Final Development Plan – Purpose**

The final development plan (or plans) provides a more detailed review of specific development proposals that are being readied for construction and are consistent with the provisions included in the concept land use plan. At this stage of review of the proposed project, specifications regarding architecture, building sizes, lots, setbacks and build-to lines, parking, access, general buffering, parks and open space, and other related issues shall be analyzed for approval. Specific details may be required for sensitive matters that have been identified by interested parties.

#### **17.21.090 Final Development Plan – Procedure**

The owner or owners of a tract of land, which has an approved “TND” Concept Land Use Plan, shall submit to the City Plan and Zoning Commission a final development plan for the land use or development of all or part of such tract for the purpose stated above. The development plan shall be of a level of detail adequate to resolve concerns regarding the logical extension of services to serve the project site, to determine the physical extent of the project – its building(s), parking, buffering, and their impact on surrounding properties. The plan shall include, but not be limited to, the following as a minimum:

- A. An update of the information required in subsection 17.21.060 including a site plan, delineating proposed topographic contours at two-foot intervals, on a scale base of one inch equals fifty feet or other scale as approved by the development official, and which includes the location of proposed structures and existing structures that will remain.
- B. Site constraints identified in Section 17.21.060 A-4;
- C. A storm water management plan meeting the requirements of Chapter 13.34 of the Davenport Municipal Code entitled “Storm Water Management” for the entire site at full development for approval of the City of Davenport. Said plan shall show all 100 year flood plains and flood ways as defined in Chapter 15.44 of the Davenport Municipal Code entitled “Flood Damage Prevention”; as well as all storm water passageways; the locations of all storm drainage sewers and structures; infiltration or detention/retention structures; and all wetlands on the site;
- D. The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public streets and alleys; right-of-ways; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking and loading spaces, include service access for receiving and trash removal; sidewalk and other walkways;
- E. The location of any trees or tree masses to be left on site as well as plans for their protection during the construction process;
- F. The locations and sizes of the Neighborhood Center Area, Mixed Residential Area, Neighborhood Edge Area and/or Employment Center Area, if any, as well as land uses proposed for each including:
  - 1. locations of civic uses;
  - 2. locations of commercial uses in mixed residential area as well as allowed land uses;
  - 3. size and types of commercial uses allowed in Employment Center areas;
- G. Architectural standards that are consistent with the architectural goals of this chapter. Detailed elevations of all proposed commercial buildings and typical elevations of residential structures shall be required. The City will also require a materials board;
- H. Proposed building heights and setbacks. In the Neighborhood Center Area, or areas, and the Mixed Residential Areas, a build-to line shall be established.

- I. The location, ownership and maintenance of all squares, plazas, greens, playgrounds, parks, environmental corridors or greenways and open space. In particular, any public space to be dedicated to the City of Davenport shall be noted as such.
- J. Phasing of development where applicable;
- K. A written report that provides general information about the covenants, conservation easements, or agreements which will influence the use and maintenance of the proposed development;
- L. All additional information required by the development official to demonstrate compliance with the Traditional Neighborhood Development District Concept Land Use Plan.
- M. A Land Use Allocation Map designating the land uses allowed for various lots. This can be done in a general way for the overall development area and more specifically for the area included in the proposed Final Development Plan area. This allocation may establish a range of uses for specific locations if a final use is unknown. Future development and land uses shall comply with the Land Use Allocation Map.

The City Council delegates authority to the city staff's development official to waive, at his or her discretion, any of the required submissions stated in Sections 17.21.090 A. through 17.21.090 L. if the scale of the project, topography of the site or other reasons make them unnecessary. The City Plan and Zoning Commission will be notified of any requirements that have been waived and the reasons why they have been waived.

#### **17.21.100 Final Development Plan – Review and Adoption**

After the adoption of the Concept Land Use Plan the developer may proceed with the preparation of final development plans on all or part of the area approved. The Final Development Plan shall be reviewed with the development official prior to formal submittal in order to insure that all known issues have been addressed to prevent unnecessary delays. Following submission of the final development plan, it shall be reviewed by the City Plan and Zoning Commission with recommendation to the City Council. If the development plan conforms to the Concept Land Use Plan, the Commission may make a positive recommendation to the City Council. If a negative recommendation is made, written findings of fact shall be prepared and transmitted to the applicant. The recommendation then shall be forwarded to the City Council. Approval of a resolution by the City Council shall be required for Final Development Plan adoption. The City Council may add to, extend, reduce or delete any of the conditions or

restrictions which have been recommended by the City Plan and Zoning Commission. As stated in Section 17.21.070, the Final Development Plan, at the petitioner's discretion, may be submitted concurrently with the submission of the Concept Land Use Plan and all provisions be incorporated into the rezoning ordinance for concurrent consideration.

#### **17.21.110 Subdivision of Land**

If the Traditional Neighborhood Development involves the subdivision of land as defined in the City of Davenport subdivision ordinance, Title 16, the applicant shall submit all required documents and follow all procedures listed.

- A. All property within a Traditional Neighborhood Development District must be subdivided to reflect this chapter. A previously approved final subdivision plat must be vacated, and a previously approved preliminary subdivision plat must be withdrawn.
- B. Approval by the City of a Concept Land Use Plan may also serve as preliminary plat approval;
- C. Open space areas shall be included in the final subdivision plat of adjacent property. All open space areas must be platted as separate open space lots or outlots.
- D. A final subdivision plat may not be approved unless there has been compliance with the provisions of this chapter relating to Architectural Standards and the Land Use Allocation Map established by the Final Development Plan;
- E. Improvements to private open spaces, except those included in a construction phasing plan for major private open space improvements, shall be constructed by the subdivider as part of the subdivision.
- F. Each lot in a subdivision, except a lot that fronts on a plaza or square and abuts an alley, shall abut a dedicated public street, unless otherwise approved by the development official;
- G. Except in a Neighborhood Edge Area or an Employment Center Area, each lot in the subdivision shall abut an alley unless the development official determines that sufficient cause exists to omit an alley or portion of an alley.
- H. An interconnected network of streets and alleys is required unless the development official determines that sufficient cause exists to require a different street pattern.

- I. Dead-end streets are prohibited unless the development official determines that the most desirable plan due to topography or other cause requires laying out a dead-end street.
- J. Block length may not exceed 600 feet. Block width may not exceed 325 feet (unless tranversed by open spaces). The development official may approve a block width of not more that 400 feet or a block length of not more that 1000 feet if required because of topography or existing street layout, but a block longer than 800 feet must be traversed by a pedestrian path or “passage” near the midpoint.
- K. Streets, alleys, and pedestrian paths shall be designed and constructed in accordance with this chapter and the City of Davenport Construction and Engineering Specifications.
- L. For regulations regarding street grades and angles of intersection and radius refer to Chapter 16 of the Davenport Municipal Code entitled, “Subdivisions”.
- M. Attached single-family lots (row house or townhouse) may be created where each townhouse lot is to be served by a public sewage system, subject to the following conditions in addition to those applicable to all other subdivisions:
  - 1. All common areas shall be clearly identified on the plat and adequate provisions made for maintenance.
  - 2. Not more than one townhouse may be located on a lot.
  - 3. A legal opinion by an attorney licensed to practice law in the State of Iowa, accurately describing and defining the rights and duties of the owners, the legal status of common areas and faculties, and provisions for maintenance of the common area, must accompany each subdivision with townhouse lots.

**17.21.120 Site Plan - Procedure**

For commercial projects and multi-family residential structures with more that two units, a site plan shall be submitted prior to the anticipated start of construction. The development official shall review the site plan for compliance with all pertinent requirements and performance standards. The applicant shall be notified of any deficiencies within ten days of receipt of the site plan.

For sites with an approved final development plan, minor changes may be approved with only a site plan review. Minor changes may include building changes that may increase or diminish the size of the structure but do not significantly alter the approved final development plan or substantially affect neighboring properties. The development official may also approve minor revisions to the Land Use Allocation Map if he or she finds that the revised land uses are appropriate and the revision does not

adversely affect land owners within 200 feet of the boundary of the revised area. In no case shall increases in size of structures over fifteen percent in area, or increases in the number of stories or substantial changes in exterior building materials be considered minor. Changes in signage and changes in use that appear consistent with the general intent of the concept land use plan and any final development plans may also be approved with the site plan review. The development official shall make a determination as to whether a change is minor. Changes that are not considered minor shall be submitted to the City Plan and Zoning Commission for consideration as an amendment to the final development plan and/or concept land use plan, whichever is appropriate.

Upon approval of the site plan and building plans and obtaining other permits, as necessary, the project may proceed to construction. The development officials shall review construction progress to ensure that all elements of the project are being developed in accordance with the approved Traditional Neighborhood Development Plan.

#### **17.21.130 Delay in Construction**

If after two years no final development plan is submitted and approved, staff shall bring the matter to the attention of the City Plan and Zoning Commission. The City Plan and Zoning Commission, if it deems it necessary, may set for public hearing a review of the adopted concept land use plan. If a public hearing is held, the Commission shall then determine if the plan is still consistent with the comprehensive plan in light of other recent land use developments. If a determination is made that the concept land use plan is no longer consistent with the comprehensive plan or other land use developments have met the market demand, a recommendation shall be made to the City Council that the approval should be revoked. The City Council, after public hearing, shall either repeal, modify, or allow to stand the ordinance approving the concept land use plan.

If after two years no site plans (if required) are submitted and approved and/or no construction occurs, the City Plan and Zoning Commission may set for public hearing the review of the adopted concept land use plan and/or final development plan. The Commission shall determine if the plan is still feasible in light of other recent developments. If a determination is made that the development plan is no longer feasible, a recommendation shall be made to the City Council that the approval should be revoked. The City Council, after public hearing, shall either repeal, modify, or allow to stand the ordinance approving the concept land use plan.

#### **17.21.140 Traditional Neighborhood District Development Standards**

##### **A. Applicable to all development**

This article applies to the design and development of a Traditional Neighborhood Development District.

1. **Circulation Standards.** The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use areas, employment areas and open space of the traditional neighborhood development and

shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the Traditional Neighborhood Development District.

- a. **Pedestrian Circulation.** Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided throughout the Traditional Neighborhood Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets shall be bordered by sidewalks on both sides in accordance with city specifications.
- b. **Bicycle Circulation.** Bicycle circulation shall be accommodated on dedicated bicycle paths or easements. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced.
- c. **Public Transit Access.** Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through public surveillance.
- d. **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slower traffic speeds.
  - 1) The roadway designs used within the different areas of the traditional neighborhood district may vary depending on the proposed function of the roadway, the anticipated adjacent land uses, and the anticipated traffic load. The City encourages use of a variety of designs to lend character to the neighborhood.
  - 2) Roadway designs that may be used in a traditional neighborhood district are in the City of Davenport Construction and Engineering Specifications. Petitioners are encouraged to use the narrowest street profile appropriate for street function.
  - 3) The development official may approve the use of innovative roadway designs that are not listed in the City of Davenport Construction and Engineering Specifications (with consultation with the City Traffic Engineer and the Engineering Section of the Public Works Department).

- 4) Direct vehicular access from a lot to an alley in the traditional neighborhood district is permitted and preferred. Direct vehicular access from a lot to a street is not permitted, except as provided in this section.
- 5) Alleys in the traditional neighborhood district shall have twenty (20) feet of right-of-way and fifteen (15) feet of pavement.

Exceptions.

1. Direct vehicular access from a lot to a street is permitted in a Neighborhood Edge Area or if a lot does not abut an alley.
2. Direct vehicular access from a lot to a street is permitted in the Employment Center Area.
3. The development official may grant vehicular access from a lot directly to a street if the development official determines it is warranted in certain circumstances.

If adjacent lots have direct vehicular access to a street, the development official may require that the access be through a common or joint driveway.

2. Parking Requirements.

The following parking regulations apply in a Traditional Neighborhood Development District:

- a. Parking areas for shared or community use are encouraged.
- b. A parking lot or garage may not front on a square, or plaza.
- c. A parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided at the lot line by landscaping or decorative walls or fences. (The development official may waive this requirement to accommodate an exceptional design or hardship situation).
- d. Parking in alleys is prohibited.
- e. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.



- f. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.
- g. The standards of Chapter 17.56 of the City of Davenport Municipal Code entitled "Site Plans" applies for parking lot setbacks and design. For parking lots with 12 or more spaces, 5% of the interior of the parking lot must be in pervious open space such as islands or peninsulas.
- h. Parking lots or garages serving commercial or civic uses shall provide not less than one bicycle parking space on a bicycle rack or stand for every (10) motor vehicle parking spaces.
- i. Immediately adjacent on-street parking may be applied toward minimum parking requirements.

Mixed Residential Areas:

- a. In the Mixed Residential Area, a commercial use must provide one parking space for every (500) square feet of gross commercial building area. (excluding home offices as defined in Section 17.04.300).
- b. In the Mixed Residential Area, parking may be provided on-site. Two off-street parking spaces with unrestricted ingress and egress shall be provided for each single family home or duplex unit and one space for each secondary dwelling unit.
- c. In the Mixed Residential Area, multi-family uses must provide one parking space for every dwelling unit and (0.5) parking space for each additional bedroom over one.

In Employment Center Areas:

- a. Parking requirements shall be based on use and are determined at the discretion of the development official.

3. Garages

- a. Garages may be attached or detached.
- b. The maximum footprint for a free-standing garage shall be 1080 square feet.
- c. Garages may be used in conjunction with car ports.

- d. Garages may contain a secondary dwelling unit on the second floor.
- e. Garages may contain an office, or other allowable commercial use (meeting ordinance restrictions on land use).
- f. Free-standing garages may be a maximum of 35 feet in height.
- g. Alley-loaded free-standing garages shall be a minimum of four feet off of the rear property line.
- h. Detached or free-standing garages preferably will be set a minimum of four feet from any side property line. This distance can be reduced to two feet if the side adjacent to the neighboring property has a one-hour fire rating.
- i. A minimum of 60% of the garages within a Traditional Neighborhood Development District shall rear load onto alleys.

4. Land Use Allocations.

- a. While a Traditional Neighborhood Development may consist of a single land use, particularly in the case of a small residential infill project, the mixing of land uses is encouraged. A large Traditional Neighborhood Development should strive to have a mixture of civic, institutional, commercial and residential uses. Each area within the Traditional Neighborhood Development must be allocated to a particular land use activity. This is done in a general way with the Concept Land Use Map and more specifically with the Final Development Plan which establishes a Land Use Allocation Map.

1) The Neighborhood Center

- a). Land uses allowed in the Neighborhood Center include civic or institutional uses. These include the following:
  - i. Municipal offices, fire stations, libraries, museums, community meeting facilities, post offices and/or other similar and compatible facilities.
- b) Land uses also in the Neighborhood Center include commercial, residential and open-space uses. These include the following:
  - i. Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants (not including drive-throughs); cafes; coffee shops; neighborhood bars or pubs and/or other similar and compatible facilities).

- ii. Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops for artists and artisans and/or other similar and compatible facilities).
  - iii. Service uses (day care centers; music, dance or exercise studios; offices, including professional and medical offices; service stations; barber, hair salon; dry cleaning and/or other similar and compatible facilities).
  - iv. Accommodations (bed and breakfast establishments, small hotels or inns).
  - v. Multi-family residential uses (row houses; apartments; also housing above commercial first floor uses).
- c) Land uses in the Neighborhood Center also include open space uses such as a central square, plaza, greens, playgrounds or parks.
- d) Neighborhood Center setbacks, height and yard regulations.

As in a planned unit development, lot size and front, rear and side yard setbacks are flexible but generally will be determined by the approval of the final development plan. Front yard, side yard, and rear yard setbacks can be as little as zero. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified, public space.

The maximum height allowed in the Neighborhood Center Area shall be five stories or sixty feet for multi-family uses and three stories or 45 feet for commercial uses or mixed residential/commercial uses.

## 2) Mixed Residential Area

- a) A mix of residential uses may occur anywhere in the Mixed Residential Area. These include single-family detached dwellings, including manufactured homes; single-family attached dwellings, including duplexes, townhouses, row houses; multi-family dwellings, including senior housing; secondary dwelling units and special needs housing, such as community living arrangements and assisted living facilities. As a general rule, however, higher density uses work best if they are nearer to the Neighborhood Center.
- b) Limited commercial uses may also occur in the Mixed Residential Area. These uses are to be residential in scale and are required to blend into the residential character of the neighborhood.

Commercial uses in the Mixed Residential Area will be expected to meet strict architectural and land use controls to insure compatibility. Generally, the commercial uses shall be similar to those listed in Section 17.21.020 D. The city reserves the right to disallow any commercial use not listed as deemed inappropriate for the Mixed Residential Area.

- c) Mixed Residential Area setbacks, height and yard regulations.
- i. Building Setback, Front – Areas of Mixed Residential Uses. Single-family detached residences shall have a front build to line of between (0 and 15) feet (a setback of 0 will depend on utility locations). Single-family attached residences and multifamily residences shall have a build to line of between (0 and 15) feet (a setback of 0 will depend on utility locations). A build-to line will be established with the final development plan. (The front yard setback is established by a roofed porch or the building façade if there is no roofed porch. An open, uncovered porch or paved terrace may project into the required front or rear yard for a distance of not more than ten feet, but this shall not be interpreted to include or permit fixed canopies. Door canopies extending not more than four feet from the main building are permitted).
  - ii. Building Setback, Rear – Areas of Mixed Residential Uses. The principal building on lots devoted to single-family detached residences shall be set back no less than (30) feet or 20% of lot depth (whichever is least) as measured from the rear lot line. Secondary structures may be located in the required rear yard. Secondary structures must be a minimum of 4 feet off any alley or rear lot line.
  - iii. Sideyard Setbacks – Areas of Mixed Residential Uses. The principal building on lots devoted to single-family detached residences and multi-family residences shall have a minimum setback between 0 and 5 feet (a setback of 0 will depend on utility locations). Zero-lot-line single-family dwellings are allowed provided that a reciprocal access easement for maintenance is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.
  - iv. Building height – Areas of Mixed Residential Use. The maximum height for single-family detached dwellings, secondary dwellings and duplexes shall be 35 feet. The maximum height for townhouses and multi-family units shall be 45 feet.

- e) Additional regulations for Mixed Residential Areas.
  - i. A commercial use may only be located on the first floor of a mixed commercial/residential principal building with the following exceptions: Up to one-half of the second floor may be used for accessory uses that are not open to the public. Alternatively, a principal building or structure may be split with the residential side being entered from the street and the commercial side from the alley. Office and limited commercial uses are also allowed on the second floor of a secondary building.
  - ii. Commercial uses are limited to corner locations that are designated on the Final Development Plan or blocks specifically designed for the live/work arrangements or the second floor of secondary buildings as noted above.
  - iii. There may not be more than one principal structure on a detached single-family lot.
  - iv. There may not be more than one secondary dwelling unit on a detached single-family lot.
  - v. A garage entry may not face the street unless it is at least 20 feet behind the front building face of the principal structure (side-loaded or rear-loaded garages may be closer).
  - vi. A front porch or stoop with a depth of six to eight feet is required on eighty (80) % of all single family residential or duplex structures.

### 3) The Neighborhood Edge Area

- a). A Neighborhood Edge Area may be designated along the perimeter of a Traditional Neighborhood Development District at the petitioner's option. The intention of the Neighborhood Edge Area is to provide a buffer for existing subdivisions of a different design. Development in a Neighborhood Edge Area is restricted to detached single-family dwellings; secondary dwellings; churches, synagogues or other places of worship; parks and accessory buildings and accessory uses customarily incidental to the above uses;

The site development regulations for a Neighborhood Edge Area are as follows:

1. Minimum lot size: shall be one based on the zoning of the adjacent subdivision to be buffered but may be one zoning classification lower in terms of lot size. Adjacent to “R-1” lots, the “R-2” minimum lot size of 10,000 square feet shall be required. Adjacent to lot zoned “R-2”, the “R-3” minimum lot size if 7,500 square feet shall be required. Adjacent to lots zoned “R-3”, the “R-4” minimum lot size of 6,000 square feet shall be used. A size of 6,000 square feet, however, shall be the minimum allowed lot size allowed in a Neighborhood Edge Area.
  2. Minimum lot width: 50 feet
  3. Maximum height: 35 feet
  4. Minimum front yard setback: 25 feet
  5. Minimum side yard setback: 7 feet
  6. Minimum rear yard setback: 25 feet
- 4) Employment Center Area.
- a) The range of uses for the Employment Center Area shall include offices; banking facilities; indoor and outdoor recreation uses; business parks; mixed office warehouse distribution uses (provided that all storage activities are carried out completely within a building); the assembly of products (provided that all storage and business activity takes place completely within a building) and other similar and compatible facilities.
  - b) A Traditional Neighborhood Development is not required to have an Employment Center Area.
  - c) Employment Center Area setbacks, height and yard regulations.
    - i. Building setback front and rear shall be determined with the Final Development Plan.
    - ii. Building setback sides shall be 10 feet.
    - iii. Maximum height shall be 3 stories or 45 feet.
    - iv. Minimum lot size shall be 5,000 square feet.
    - v. Maximum lot size shall be 10 acres.

- 5) Arterial and major collector streets: Deeper yard setbacks may be allowed on arterial and major collector streets. In such cases, the setbacks for all yards shall be established with the Final Development Plan.
5. Architectural Standards. A Traditional Neighborhood Development District is required to have Covenants, Conditions and Restrictions that contain architectural standards. Architectural Standards shall be approved with the Final Development Plan and be reviewed in a preliminary way with the Concept Land Use Plan. (The review with the Concept Land Use Plan may be based on sample elevations or a written narrative).
- a. Guidelines for existing structures
    - 1) Existing structures, if determined to be historic or architecturally significant, (buildings on, or eligible to be placed on, the National Register of Historic Places or listed on the City of Davenport Register of Historic Properties) shall be protected from demolition or encroachment by incompatible structures or landscape development.
    - 2) The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.
  - b. Guidelines for new structures
    - 1) The use of architectural features and building materials that give each building or group of buildings a distinct character (withing the overall architectural design framework ) are encouraged.
    - 2) Important civic buildings should be located on prominent sites. These uses such as libraries, schools and churches, serve as focal points and landmarks for the community. These buildings shall be designed appropriately to fit within neighborhoods as integral parts of the community. The scale and architectural sophistication on these buildings should match their civic importance.
    - 3) A building at an entrance to a Traditional Neighborhood Development District, an entrance to the Neighborhood Center, or an intersection of a main street or other significant intersection shall use special architectural features and/or landscape features to emphasize the importance of the location. Special architectural features include corner towers, cupolas, clock towers, spires, balconies, colonnades, or other similar architectural features. Special architectural features of this nature (cupolas, clock towers, spires) may exceed building height limits if waived by the development official.

- 4) The private building is used to form a distinct street edge and define the border between the public space of the street and the private space of the individual lot. This helps promote active streets, provides visual interest to the pedestrian in commercial areas and encourages informal encounters between neighbors in residential areas. Important street vistas should terminate in a focal point, such as a building or other architectural or natural feature.
- 5) The integration of varied land uses within a Traditional Neighborhood District requires a common architectural vocabulary. The consistent use of compatible architectural forms helps to relate individual structures resulting in a coherent overall development pattern and streetscape.
- 6) Quality building materials shall be required. Metal commercial buildings shall be prohibited unless the City of Davenport agrees that the design is of exceptional architectural merit through the Final Development Plan approval process). Vinyl or aluminum siding may be appropriate for some single-family attached or detached residential structures. These materials, however, shall not be used on porches.
- 7) Entries and facades
  - i. The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street (not alley).
  - ii. The front façade of the principal building on any lot in a Traditional Neighborhood Development District shall face onto a public street, square, plaza or green.
  - iii. The front façade shall not be oriented to face directly toward a parking lot on the same lot. Main pedestrian access to a building is to be from the street with secondary access (if any) from the parking lot (unless waived by the development official).
  - iv. Porches, roof overhangs, hooded front doors or other similar architectural elements shall be required on eighty (80) % of all residential structures.
  - v. The main entrance of a structure shall be clearly articulated through the use of architectural detailing.
  - vi. Windows and doors on the front façade of a building should create lines of sight between the building and the street.



- vii. Doorways, windows, and other openings in the façade of a building should be proportioned to reflect pedestrian scale and movement, and to encourage interest at street level.
  - viii. Awnings, covered walkways, open colonnades, or similar weather protection are strongly encouraged on commercial buildings.
  - ix. For commercial buildings with the exception of office structures, a minimum of 40 percent of the front façade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
- 8) Structures that are located on, or adjacent to, a square or plaza shall be a minimum of two stories.
  - 9) Architectural details such as porches, windows, balconies and roof dormers articulate a buildings façade which enhances visual quality and contributes to human-scaled development.
  - 10) Buildings shall avoid long, monotonous, uninterrupted wall or roof planes. The façade of a building should be divided into distinct modules no longer than 100 feet.
  - 11) Generally, structures shall align with build-to lines. In the case of long commercial rows or residential row houses, units may step back and forward returning to the build-to line to help articulate the façade.
  - 12) To create a visually unified streetwall, buildings shall be no more than 30 percent taller or 30 percent shorter than the average building height on the block.
  - 13) In Mixed Residential Areas, rooflines must be pitched, hipped, or gabled unless waived by the development official.
  - 14) The height of buildings shall not be more than twice the height of buildings on the other side of the street.
  - 15) Project elements like mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on the building, roof or ground shall be screened from public view with materials similar to the structure or they shall be so located as to not be visible from any public view or from potential nearby buildings. Roof-top mechanical equipment shall not be visible from the street. Unused equipment shall be removed. The color of roof blend with roof colors.

stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with roof colors.

- c. The development official may waive various architectural requirements, if in his or her opinion, a strict application of a particular guideline or requirement would be detrimental to an otherwise excellent design.

## 6. Open Space Standards

Formal and informal open space is to be located throughout a Traditional Neighborhood Development District. The design of the neighborhood gives priority to open space. These spaces enhance community activity, identity and civic pride. The neighborhood plan shall create a hierarchy of useful open spaces: a formal square or plaza in the Neighborhood Center; parks, greens and playgrounds throughout residential neighborhoods, greenbelts or greenway corridors along creeks and natural features; and streets that promote walking and encourage informal meetings. At least 20 percent of the gross acreage of the Traditional Neighborhood Development must be open space. Open space may include land that cannot be developed, such as steep slopes and wetlands, and storm-water detention and retention basins. At least twenty-five (25) percent of the open space must be common open space dedicated to the public as open space. Ninety (90) percent of the lots within the areas devoted to residential uses shall be within a ¼ mile of some form of common open space.

### a) Types of open spaces

#### 1) Pedestrian passage or passageways

Pedestrian passageways are relatively narrow public spaces between commercial buildings, allowing pedestrian access from rear parking areas to the public storefront. Alternatively, they can create a pedestrian passage at the mid-point of a long residential block. In commercial areas, open air pedestrian passageways (with or without overhead cover) are more inviting than interior hallways. They can be attractive, successful locations for store entries, window displays and café seating.

#### 2) Close

A close is a front space for buildings interior to the block. It may be pedestrian in nature or it may have a roadway loop around a green area. The close is a superior alternative to a cul-de-sac, as the focus is green space rather than vehicle paving.

A close may be used in residential or commercial areas. The paved area used for vehicles shall not exceed 50 percent of the total area of the close.

3) Playgrounds

Playgrounds provide play areas for children as well as benches (and possibly shelters) for parents. Playgrounds may be built within squares or parks or may stand alone within a residential block.

Playing surfaces shall be covered in sand, wood chips, or other equivalent material. Paths and walkways shall be constructed of concrete, gravel, brick pavers, or similar materials.

4) Green

A green is an open space available for unstructured recreation, its landscaping consisting of grassy areas and trees. A green should be designed for passive and unstructured active recreation. Improvements to a green may consist of paths, benches, landscaping, and other improvements.

5) Parks

A park is an open space, available for recreation, its landscaping consisting of paved paths and trails, open lawn, trees, open shelters or recreational facilities. Parks can be used for both active and passive recreation.

6) Square

A square is an open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscaping consisting of paved walks, lawns, trees and civic buildings. A square is bordered by streets and may have major civic uses located on it or adjacent to it. The neighborhood square is intended as a central place for the community and should accommodate a variety of formal and informal gatherings.

7) Greenways

Greenways are corridors of protected open space managed for conservation and recreation purposes, often following natural land or water features. They may link parks, cultural features, and historic sites with each other and developed sites. With trails, they can

separate the walking and cycling public from vehicular traffic patterns.

## 8) Plazas

A plaza is an open area adjacent to a civic or commercial building. Plazas function as gathering places and may contain a variety of intermittent activities such as vendors and display stands. Plazas can add vitality, promote security, and draw people to ground level retail. Plazas shall be level, stepped, or gently sloping (less than 3 percent grade). Generally, the shorter dimension of a plaza must be less than 3 times the height of surrounding buildings.

Plazas should be constructed of impervious materials such as brick, pavers, or crushed stone. Natural elements, however, should also be introduced into all plazas.

Buildings located on plazas shall promote and accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards for residents' and workers' use and interaction.

Art, sculpture, and fountains may be provided for visual attraction, to screen traffic noise and for cooling effects.

- a. A minimum of ninety percent (90%) of all dwelling units shall be within (1/4) mile of an open space activity area (park, plaza, square, playground greenway, or trail) measured in a straight line from the boundaries of the subdivision lot to the nearest boundary of the activity area.
- b. Existing natural resources shall be preserved and incorporated into open space parks or greenway areas.
- c. Open space areas shall serve as an identity and focus for individual neighborhoods as well as the overall community. Neighborhood parks are improved areas and shall include such amenities as informal playfields, play equipment and other such improvements. Open space shall be conserved in its natural state in perpetuity and preserve significant natural features.

## 7. Signage

A comprehensive sign program for business identification signage is required for the entire Traditional Neighborhood District for city review and approval. Signs (within each district) shall share a common style (e.g. size, shape, material). Overall signage shall be based on lineal lot frontage with one (1)

foot of signage allowed for each foot of lot frontage. Free standing signs are limited to monument or ground signs (where appropriate). Free-standing signs shall have a minimum set back of ten (10) feet and a maximum sign face of one hundred (100) square feet. In the Mixed Residential Area, all signs shall be wall signs, or projecting signs or a one foot square plaque mounted on a front yard fence. Projecting signs shall be mounted perpendicular to the building face and shall not exceed eight (8) square feet. Projecting signs may encroach above city sidewalks if the build-to line makes that necessary. Pole signs and billboards are not allowed in the Traditional Neighborhood Development District. Informational kiosks are not considered to be billboards and may be approved on a case by case basis.

**SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are seperable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**EFFECTIVE DATE.** This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration May 19, 2004

Second Consideration June 2, 2004

Approved June 16, 2004



[Handwritten Signature]

Charles W. Brooke  
Mayor

Attest: [Handwritten Signature]

Jackie E. Holecek, CMC  
Deputy City Clerk

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