

**MINUTES**  
**July 9, 2019 – 5:30 p.m.**  
**Planning and Zoning Commission**  
**Muscatine City Hall**  
**City Council Chambers**

**Present:** Rochelle Conway, Wendi Ingram, Robert McFadden, and Steve Nienhaus

**Excused:** Andrew Anderson, Jodi Hansen

**Staff:** Andrew Fangman, Assistant Community Development Director, Community Development  
Lindsay Whitson, Planner I, Community Development

Vice-Chairperson Steve Nienhaus opened the meeting at 5:30 p.m.

**Minutes:**

Mr. McFadden moved to approve the minutes, and Mr. Nienhaus seconded the motion. All ayes, motion carried.

**Other:**

**An Ordinance Amending Title 10, Chapter 4, Section 11, the City Code, Floodplain Regulations Definitions**

Mr. Fangman outlined that the Iowa Department of Natural Resources (DNR) requests that the City of Muscatine add six definitions to the City's floodplain management regulations. In order for City of Muscatine residents and businesses to be eligible to participate in the National Flood Insurance Program, the City of Muscatine must have legally enforceable floodplain management regulations that are in compliance with Title 44 Code of Federal Regulations 60.3. The DNR is requesting that the following six definitions be added to the City's floodplain management regulations in Section 10-4-11:

1. Appurtenant Structure
2. Base Flood Elevation
3. Flood Insurance Study
4. Highest Adjacent Grade
5. Minor Project
6. Routine Maintenance of Existing Buildings and Facilities

Mr. McFadden motioned to approve the Section 10-4-11 ordinance updates as requested by the DNR; seconded by Ms. Conway. All ayes, motion carried.

**An Ordinance Amending Title 10, Chapter 24, Nonconforming Regulations**

Mr. Fangman provided an overview of the initial draft that staff prepared regarding revised regulations for nonconforming situations. He provided definitions and examples of the four broad categories of nonconforming situations including; nonconforming use, nonconforming structure, nonconforming lot, and nonconforming development. The current City Code makes it hard for the reader to distinguish the difference between the four categories, so the proposed draft helps to clarify the differences.

Mr. Fangman also discussed that the proposed language makes a significant change by allowing non-conforming single-family homes with 50% or more damage to be rebuilt without a variance. The reason for the proposal is because to staff's knowledge, the Zoning Board of Adjustment has never denied a variance to allow someone to rebuild their damaged home. As a result, a code change to allow for this by right is good practice. Mr. Fangman noted that nonconforming multifamily residences and nonresidential structures that are more than 50% destroyed or damaged will still need to obtain a variance from the Zoning Board of Adjustment to permit reconstruction. The same regulations apply to any structure in the designated floodplain and flood channel districts so that the City's floodplain management regulations are compliant with Title 44 Code of Federal Regulations 60.3.

Ms. Ingram agreed that this would alleviate the need for banks to request letters from the City identifying that the Zoning Board of Adjustment generally sympathizes with homeowners that have experienced a loss that is beyond his or her immediate control. Mr. Nienhaus asked how many legal nonconforming houses there are in Muscatine. Mr. Fangman responded by saying thousands.

The proposed draft would also allow that on any single, lawful nonconforming lot located within a zoning district which permits single-family detached residential dwellings, one such dwelling may be constructed by right, provided that setbacks (yards), height, lot coverage, and off-street parking requirements of the zoning district within which the parcel is located are complied with, and all appropriate permits are obtained prior to any construction activity. On vacant lots allowing for the construction of new homes, by meeting setbacks and parking standards, it will allow for these parcels to be put back to productive use and will lead to infill development. The Commission discussed that this type of enforcement will allow for more affordable housing and that setbacks and all other requirements must be met.

Mr. Fangman then discussed how under current code, parking lots that do not meet current standards do not have to be brought up to standard unless their use as a parking lot has ceased for a period of one year, regardless of any other changes occurring on the parcel. Recent discussion has taken place as to what should trigger the requirements for a parking lot to be brought up to current standards. After reviewing other community's policies, there were three common situations identified in which these communities require a parking lot to be brought up to current standards. Mr. Fangman included the three policies in the draft and they include the following;

1. The use, lot, or structure with which the parking lot is associated is expanded by 25% or more of the building area existing at the time of adoption of this title.
2. The change in the principal use of the parcel upon which the parking lot is located upon.
3. There is development of any additional or expansion of existing driveways, parking areas or driving areas on the parcel.

Discussion from the Commission started with Mr. Nienhaus asking who enforces whether lots are being used or not for one year or more. Mr. Fangman stated that the City would, and it would basically come down to a lot deteriorating. Mr. Nienhaus and Ms. Conway indicated that they are on board with all three policies, but that the use of 25% in Item 1 may need to be explored and possibly edited. Ms. Ingram stated that 25% may be too low, and Mr. McFadden added that the language should possibly address a maximum square footage, rather than a percentage. Mr. Fangman agreed that he likes all three policies and believes them to be easier to understand and enforce compared to what is currently written in City Code.

The Commission discussed tabling the Title 10, Chapter 24 ordinance update until the next Planning and Zoning Commission meeting. This would allow the members to have more time to review the updates. Ms. Conway approved to table the ordinance update; seconded by Mr. McFadden. All ayes, motion carried.

ATTEST:

Respectfully Submitted,

---

Jodi Hansen, Chairperson  
Planning & Zoning Commission

---

Andrew Fangman, Secretary  
Assistant Community Development Director