



City of Muscatine Planning & Zoning Commission

AGENDA

Tuesday, March 8, 2022 – 5:30 p.m.

City Council Chamber, City Hall, 215 Sycamore St, Muscatine, Iowa

To participate electronically in this meeting use the following link:

<https://global.gotomeeting.com/join/789033093> or

dial **(646) 749-3122** and then use access code **430-729-293**

1. Roll Call

2. Mission Statement

"The Planning and Zoning Commission is a seven-member group of residents of the City who are appointed by the Mayor and City Council. We serve as non-professionals and without compensation. Our purpose is to advise the City Council on managing the growth of the City. This involves reviewing subdivisions, rezoning requests, the use of public property, and reports related to land use policy and long-range planning. Recognizing that our decisions will not satisfy everyone, we attempt to base our decisions on what is best for the long-term interest of the City. We ask your input, pro or con, on issues before us in order that we formulate the best decisions possible. Please take this opportunity to share your thoughts and concerns with us. Our recommendations are not taken lightly by the City Council, but the City Council, your elected representatives, make the final decisions on all issues."

3. Development Plan

Ken Larue • NW Corner of Park Ave. West and Peachtree St (3100 Park Ave. West)

Ken Larue, has submitted a development plan for the 0.93-acre parcel located at the northwest corner of Park Avenue West and Peachtree Street (3100 Park Avenue West). The applicant is proposing to construct a 3,548 square foot building to house a cheerleading academy

4. Zoning Ordinance

An Ordinance Prohibiting the Placement of Cargo Containers in Residential Areas

The City Council has requested the Planning and Zoning Commission make a recommendation on an ordinance that would prohibit the placement of cargo containers in residential areas.

5. Adjourn



COMMUNITY DEVELOPMENT DEPARTMENT

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

MEMORANDUM

To: Planning and Zoning Commission
From: Andrew Fangman, Assistant Community Development Director
Date: March 8, 2022
Re: Development Plan Northwest Corner of Park Avenue West and Peachtree Street (3100 Park Avenue West)

INTRODUCTION:

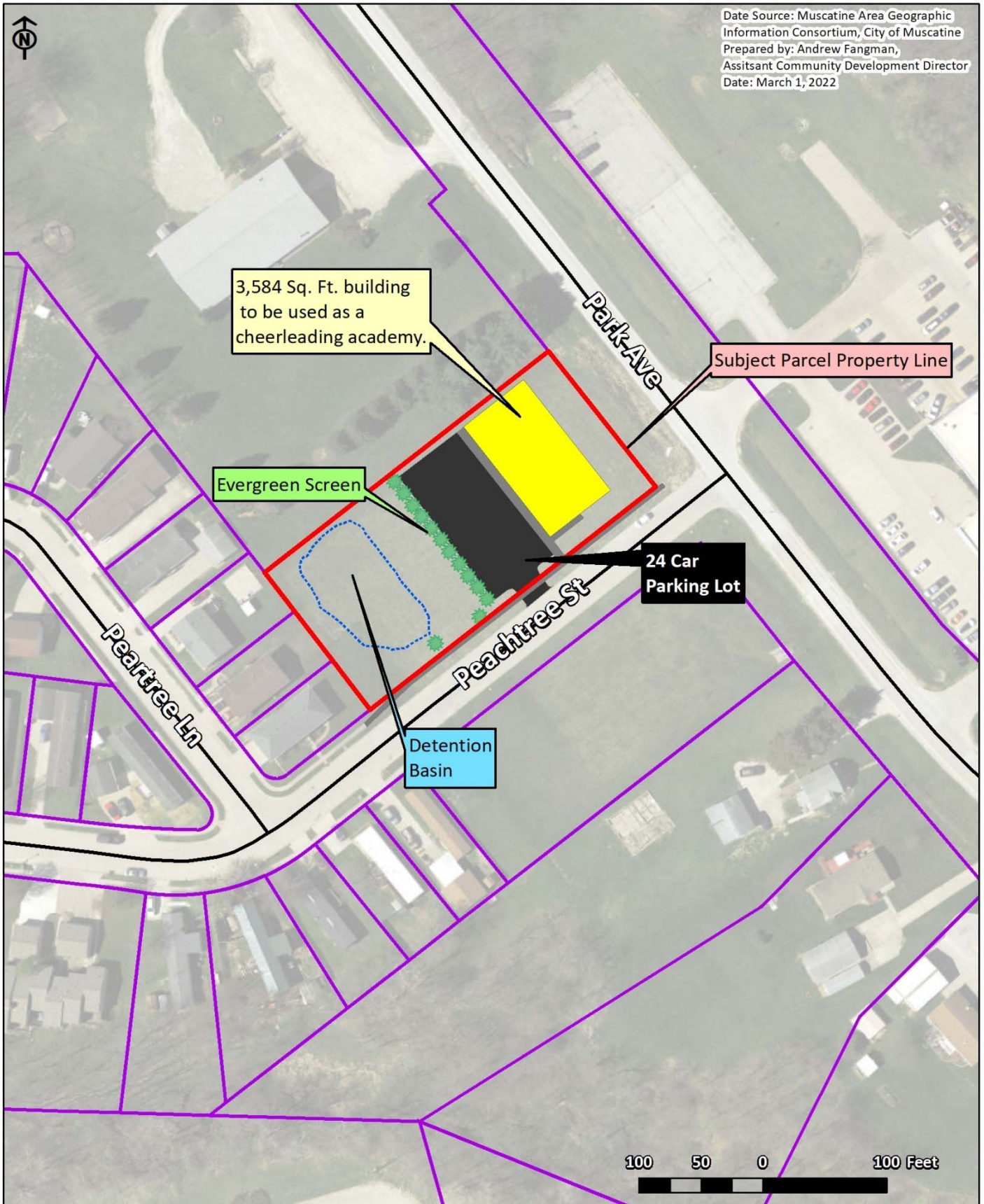
Ken Larue, has submitted a development plan for the 0.93-acre parcel located at the northwest corner of Park Avenue West and Peachtree Street (3100 Park Avenue West). The applicant is proposing to construct a 3,548 square foot building to house a cheerleading academy. The proposed development plan can be found on the following pages.

BACKGROUND:

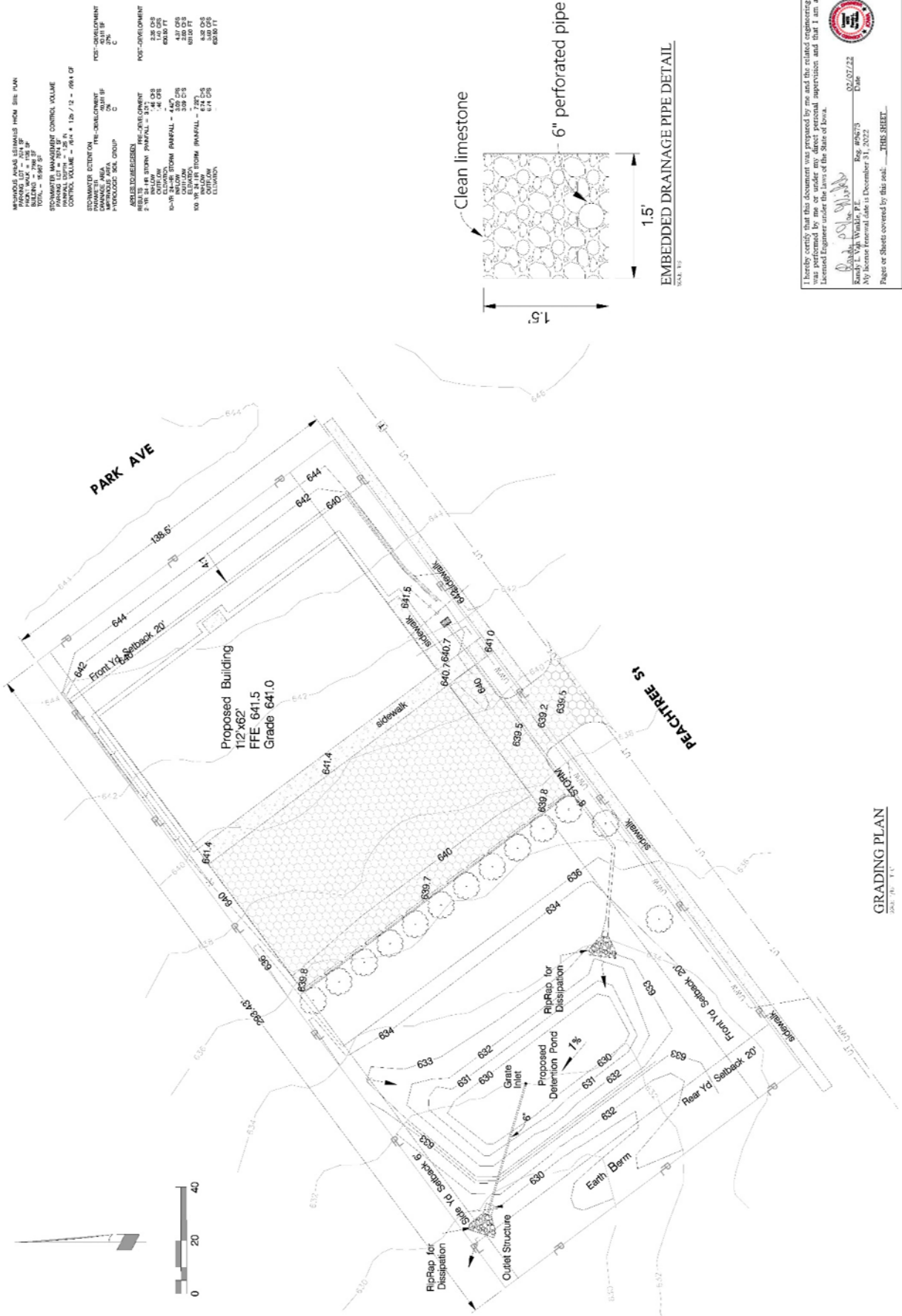
The subject parcel is located in the S-1 Special Development District. The proposed usage is an allowed use in the S-1 District. Within the S-1 prior to any usage of existing structures or commencement of new construction, a development plan must be approved. This development plan must detail the proposed usage and development for the subject parcel. The submitted development plan is attached to this memo.

In addition to the 3,548 square foot building to be located on the northerly half of the parcel, the development would also include a 24-car parking lot with a driveway off of Peachtree Street. A line of evergreen trees planted directly the west of the proposed parking lot, would screen it from the properties on Peartree Lane that directly adjoin the subject parcel. A detention basin is proposed on the western end of the subject parcel. The location and design of the proposed detention basin has been reviewed by the City Engineer to ensure that it will properly manage, without ill-effect to neighbors, the additional stormwater runoff that would be generated by the proposed development.


RECOMMENDATION/RATIONALE: Staff is recommending approval this development plan. The proposed use and site layout, both minimize impact on nearby homes, while allowing for this currently vacant parcel to be put a more productive and beneficial use.



Development Plan Northwest Corner of Peachtree St & Park Ave West



I hereby certify that this document was prepared by me and the related engineering work was performed by me or under my direct personal supervision and that I am a duly Licensed Engineer under the laws of the State of Iowa.

 *John A. Winkler* Date 07/27/22
State of Iowa, Iowa State Board of Engineers Reg. #496793
My license renewal date is December 31, 2022

Pages or Sheets covered by this set. THIS SHEET

COMMUNITY DEVELOPMENT

MEMORANDUM

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

To: Planning and Zoning Commission
From: Andrew Fangman, Assistant Community Development Director
Date: March 8, 2022
Re: An Ordinance Prohibiting the Placement of Cargo Containers in Residential Areas

INTRODUCTION: The City Council has requested the Planning and Zoning Commission make a recommendation on an ordinance that would prohibit the placement of cargo containers in residential areas.

BACKGROUND:

Currently City Code does not contain specific regulations regarding cargo containers. Due to the lack of specific regulatory language the placement of cargo containers is regulated under the rules for the placement of prefabricated accessory structures, i.e. sheds. In residential areas the following existing regulations for accessory structures apply to the placement of cargo containers:

- Disallow placement of a cargo container in the front yard.
- Establishes required setbacks of 4' from rear and side property lines if a cargo container is located more than 10' from the main structure on the parcel upon which it is located. If the container is located less than 10' from the main structure setbacks of 6' from side property lines and 25' from rear property lines apply.
- The square footage of any cargo containers counts towards the maximum allowed cumulative square footage of all attached garages and accessory structures on a parcel; 1,440 square feet for parcels less than 20,000 square feet, or 7.2% of the overall parcel size, up to 2,500 square feet for parcels over 20,000 square feet in size.
- All signage must be painted over or otherwise removed in order to comply with the sign code.

While cargo containers are functionally equivalent to many accessory structures used for storage purposes, they are not designed and built to be aesthetically compatible with a residential setting. On December 16, 2021, in response to concerns about the visual impact of the placement of cargo containers on neighborhood aesthetics, City Council directed staff to bring forward options for specific and restrictive regulation of cargo container placement in residential areas. There are two different approaches to regulating the placement of cargo containers in residential areas, that are used in other communities and which could be used in Muscatine. Both approaches were presented to City Council at the February 10, 2022 in-depth session.

The first approach is based on a finding that cargo containers are fundamentally incompatible with a residential setting and prohibits the placement of cargo containers in residential locations. The premise of the second approach is the that impact of the placement of cargo containers on neighborhood aesthetics can be mitigated by the adoption of specific regulations

that: (a) restrict the number of cargo containers that may be placed on a residential parcel; (b) reduce the visibility of cargo containers through the use of screening requirements and increased setbacks; and (c) requiring cargo containers be painted a single color that matches main structure on the parcel upon which it is placed.

Attached to this memo are versions of draft regulations for both of these approaches. Both options would add a new section to Chapter 20 of City Code, which would regulate the placement of cargo containers. The draft regulation labeled as “Option A” would prohibit the placement of cargo containers in residentially zoned districts. The draft regulations labeled as “Option B” would allow for the restricted placement of cargo containers in residentially zoned districts.

Option A specifically lists all of the non-residential zoning districts in which prohibition would not apply. It also makes allowances for the temporary use of cargo containers in residentially zoned districts in two specific situations. The first situation being when a cargo container is being used for the storage of tools, material, and equipment by a contractor during a construction project for which there is a valid construction permit. The second situation being if a cargo container is actively involved in making a pickup or delivery as part of a household move.

- Option B differs from Option A in that it would allow for the placement of a single cargo container on a residentially zoned parcel subject to the following restrictions:
- No more than one cargo container placed on a parcel;
- The placement of a cargo container shall comply with the following setback requirements:
 - Property line: 25’, or
 - Dwelling unit on a different parcel: 50’;
- Cargo containers shall be screened from abutting properties and the right of way, through the use of one or a combination of following:
 - Opaque fencing of at least six feet in height;
 - Vegetation that is at least six in height and is at least 75% opaque year-round; or
 - Solid structures;
- Cargo containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing; and
- Cargo containers shall be painted a single color that match the color of the main structure on the parcel upon which the cargo container is located.

City Council must also decide if an ordinance regulating the placement of cargo containers in residential areas is adopted, should its provision apply to all cargo containers in residential areas, regardless of the placement dates, or if it should apply only to those containers placed after the adoption of such an ordinance. Unless otherwise specified by City Council, cargo containers placed prior to any new regulations governing their placement, would be covered by Chapter 24 of Title 10 of City Code, and be allowed to remain as legal non-conforming (grandfathered).

The City Code provision that allows for a legally built or placed structure or established use to continue after a change to City Code that would otherwise prohibit such a use or structure is rooted in the idea that requiring the demolition of a legally built structure or discontinuance of

a legally established use would create an unreasonable hardship on the property owner in question. However, because cargo containers can easily be moved and there is a market for used cargo containers, it can logically be argued that placement of cargo containers should be exempt from being considered a legal non-conforming structure. For this reason, both Option A and Option B contain provisions that would require all cargo containers in the City comply with these proposed regulations by September 1, 2022, regardless of when they were initially placed. If City Council so desired, this provision can be removed, and any cargo containers that are now legally placed could qualify as legal-confirming even if their placement conflicts with the newly adopted regulations.

The consensus of City Council at February 10th meeting that for an ordinance adopting Option A and prohibiting the placement of cargo containers in residential areas be brought forward for action upon. Further, the consensus of City Council is that the ordinance require that all cargo containers comply with proposed regulations by September 1, 2022, regardless of when they were initially placed.

The proposed regulations on cargo containers would be placed in Chapter 20 of Title 10 (Zoning) of City Code. This chapter deal garage, accessory building, and accessory use regulations. Section 10-31-6(A) of City Code requires that the Planning and Zoning Commission make a recommendation on any proposed amendment to Title 10. City Council may still approve an amendment the Planning and Zoning Commission recommends disapproval of, however as per City Code section 10-31-6(B) such approval would require the affirmative vote of three-fourths of City Council.

The Planning and Zoning Commission is being asked to make a recommendation specifically on ordinance adopting Option A and prohibiting the placement of cargo containers in residential areas, with a requirement that all cargo containers comply with proposed regulations by September 1, 2022, regardless of when they were initially placed. If the Planning and Zoning desires to recommend approval of Option B, or an any other set regulations for cargo containers, it should do so a second recommendation to go alongside its recommendation on Option A.

Attachments:

- Option A
- Option B
- Pictures of cargo containers in residential areas



Chapter 20 – Garage, Accessory Building, & Accessory Use Regulations

10-20-5 Cargo Containers

A. Definition and Scope

“Cargo containers” include standardized reusable vessels that were:

1. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device; and/or
3. Containers that are designed to be used for storage and appear to be cargo containers, yet do not meet the specifications for commercial shipping, packing, or transportation of freight, shall comply with the requirements of this section.
4. Does not include containers incorporated, in a manner that is fully compliant with adopted building code, as habitable space in dwelling unit.

B. Permitted Locations

1. The placement of cargo containers is limited to the following zoning districts:
 - a. **AG** Agricultural District.
 - b. **C-1** Neighborhood and General Commercial District.
 - c. **C-2** Central Commercial District.
 - d. **C-3** Planned Commercial District.
 - e. **M-1** Light Industrial District.
 - f. **M-2** General Industrial District.
 - g. **S-1** Special Development District, if the allowed use for a given parcel in the approved development plan is non-residential.
 - h. **S-3** Large Scale Mixed Use Development District, if the allowed use for a given in the approved development plan is non-residential.
2. A cargo container may be temporarily placed within a zoning district not listed in Section 10-20-5(B)(1) if;
 - a. A cargo container is being used for the storage of tools, material, and equipment by a contractor during building construction of project for which there is a currently valid construction permit.

Option A

- b.** A cargo container is actively involved in making a pickup or delivery as part of a household move.

3. Setbacks

Cargo containers placed for accessory storage use; shall maintain setbacks equivalent to the required setbacks for accessory structures in the zoning district in which a cargo container is placed.

C. Compliance

- 1.** All cargo containers placed after the effective date of the ordinance codified in Section 10-20-5, shall fully comply with all applicable provision of Section 10-20-5, at the time of their placement.
- 2.** All cargo containers, regardless of their date of placement, shall fully comply with applicable provisions of Section 10-20-5 by September 1, 2022.

Chapter 20 – Garage, Accessory Building, & Accessory Use Regulations

10-20-5 Cargo Containers

A. Definition and Scope

“Cargo containers” include standardized reusable vessels that were:

1. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device; and/or
3. Containers that are designed to be used for storage and appear to be cargo containers, yet do not meet the specifications for commercial shipping, packing, or transportation of freight, shall comply with the requirements of this section.
4. Does not include containers incorporated, in a manner that is fully compliant with adopted building code, as habitable space in dwelling unit.

B. Permitted Locations for Placement of Cargo Containers

1. The placement of a cargo container as an accessory storage use is limited to the following zoning districts:
 - a. **AG** Agricultural District.
 - b. **C-1** Neighborhood and General Commercial District.
 - c. **C-2** Central Commercial District.
 - d. **C-3** Planned Commercial District.
 - e. **M-1** Light Industrial District.
 - f. **M-2** General Industrial District.
 - g. **S-1** Special Development District, if the allowed use for a given parcel in the approved development plan is non-residential.
 - h. **S-3** Large Scale Mixed Use Development District, if the allowed use for a given in the approved development plan is non-residential.
2. A cargo container may be placed as an accessory storage use within a zoning district not listed in Section 10-20-5(B)(1) if all the following criteria is met;
 - a. No more than one cargo container placed on a parcel.
 - b. The placement of a cargo container shall comply with the following setback requirements:

Option B – Cargo Containers Allowed in Residential Areas with Restrictions

- i. Property line: 25'
 - ii. Dwelling unit on a different parcel: 50'
 - c. Cargo containers shall be screened from abutting properties and right of way, through the use of one or combination of following:
 - i. Opaque fencing of at least six feet in height.
 - ii. Vegetation that is at least six feet in height and is at least 75% opaque year-round.
 - iii. Solid structures
 - d. Cargo containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
 - e. Cargo containers shall be painted a single color that matches the color of the main structure on the parcel upon which the cargo container is located.
3. A cargo container may be temporarily placed within a zoning district not listed in Section 10-20-5(B)(1) if;
- a. A cargo container is being used for the storage of tools, material, and equipment by a contractor during building construction of project for which there is a currently valid construction permit.
 - b. A cargo container is actively involved in making a pickup or delivery as part of a household move.

4. Setbacks

Cargo containers placed for accessory storage use, shall maintain setbacks equivalent to the required setbacks for accessory structures in the zoning district in which a cargo container is placed.

C. Compliance

1. All cargo containers placed after the effective date of the ordinance codified in Section 10-20-5, shall fully comply with all applicable provisions of Section 10-20-5, at the time of their placement.
2. All cargo containers, regardless of their date of placement, shall fully comply with applicable provisions of Section 10-20-5 by September 1, 2022.