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ORDINANCE NO. \_\_\_\_\_-23

AN ORDINANCE AMENDING TITLE 16, THE UNIFIED DEVELOPMENT CODE OF THE CITY OF DUBUQUE CODE OF ORDINANCES BY RESCINDING ORDINANCE 51-16 WHICH ESTABLISHED REGULATIONS FOR THE PLAZA 20 PUD PLANNED UNIT DEVELOPMENT DISTRICT WITH A PLANNED COMMERCIAL DESIGNATION AND NOW BEING AMENDED TO ALLOW FOR MODIFICATION OF THE ON-PREMISE SIGN REGULATIONS APPLIED TO PLAZA 20.

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 51-16 which established regulations for the Plaza 20 Planned Unit Development District with a Planned Commercial District designation, and now being amended to allow modification of the on-premise sign regulations applied to Plaza 20, to wit:

A. Use Regulations

The following regulations shall apply to all uses made of land in the above-described Planned Unit Development:

**Principal permitted uses:** The following uses are permitted in the Plaza 20 Planned Unit Development:

1. Regional shopping center
2. Retail sales/service
3. Indoor restaurant
4. Drive-in/carry-out restaurant
5. General offices
6. Indoor recreation
7. Outdoor recreation
8. Auto sales and service
9. Auto service centers
10. Automated gas station

11. Self-service car wash
12. Business services
13. Hotel
14. Motel
15. Auditorium or assembly hall

**Accessory Uses:** The following accessory uses are permitted in the Plaza 20 Planned Unit Development:

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

**Conditional Uses:** The following conditional uses are permitted in the Plaza 20 Planned Unit Development, subject to the provisions of Section 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. 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.

B. Lot and Bulk Regulations.

The following bulk regulations shall apply in the Plaza 20 Planned Unit Development, subject to the provisions of the Unified Development Code.

- 1. All shopping center buildings, structures, and activities shall be developed in substantial conformance with previously approved conceptual development plan(s).
- 2. All shopping center buildings and structures shall be limited to a maximum height of 40 feet.
- 3. All buildings and structures located on out lots shall be developed in compliance with the bulk regulations of the C-3 General Commercial district.

C. Sign Regulations.

- 1. The provisions of the City of Dubuque Unified Development Code, Section 15 Signs shall apply unless further regulated by this section.
- 2. On-premise signs: On-premise signs shall be regulated in accordance with the provisions of Exhibit A.
- 3. Off-premise signs: Off-premise signs shall be prohibited.
- 4. Variances: Variances from sign requirements for size, number, and height may be requested. Such variances shall be reviewed by the Zoning Board of Adjustment in accordance with Article 8-6 of the Unified Development Code.

D. Parking Regulations

- 1. Parking requirements for Plaza 20 shall be one space per 250 square feet of retail space accessible to the general public.
- 2. All vehicle-related features shall be surfaced with standard or permeable asphalt, concrete, or pavers.

3. Curbing and proper surface drainage of storm water shall be provided.
4. All parking and loading spaces shall be delineated on the surfacing material by painted stripes or other permanent means.
5. 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.
6. 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.
7. Parking requirements for businesses located on out lots shall comply with the provisions of Section 14 of the Unified Development Code.

E. Site Lighting

1. Exterior illumination of site features shall be limited to the illumination of the following:
  - a. Parking areas, driveways and loading facilities.
  - b. Pedestrian walkway surfaces and entrances to building.
  - c. Building exterior.
2. Location and Design
  - a. All exterior lighting luminaries shall be designed and installed to shield light from the luminaries at angles above 72-degrees from vertical.
  - b. Fixtures mounted on a building shall not be positioned higher than the roofline of the building.
  - c. All electrical service lines to posts and fixtures shall be underground and concealed inside the posts.

F. Exterior Trash Collection Areas

1. The storage of trash and debris shall be limited to that produced by the principal permitted use and accessory uses of the lot.
2. 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.

G. Performance Standards

The development and maintenance of uses in this Planned Unit Development shall be established in conformance with the following standards.

1. That the east side of Plaza 20 adjacent to the new retail space be planted with species of shade trees that will provide an effective screen in the future between the commercial plaza and residential properties to the east.
2. Platting: Subdivision plats shall be submitted in accordance with Section 11 Land Subdivision of the City of Dubuque Unified Development Code.
3. Site Plans: Final site development plans shall be submitted in accordance with Section 12 Site Plans and Section 13 Site Design Standards of the City of Dubuque Unified Development Code prior to construction of each building and vehicle-related feature unless otherwise exempted by Article 12.
4. Storm Water Conveyance: The developer of each lot shall be responsible for providing surface or subsurface conveyance(s) of storm water from the lot to existing storm sewers or to the flow line of open drainage ways outside the lot in a means that is satisfactory to the Engineering Department of the City of Dubuque. Other applicable regulations enforced by the City of Dubuque relative to storm water management and drainage shall apply to properties in the Planned Unit Development.

H. 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.

I. Transfer of Ownership

Transfer of ownership or lease of property in the Plaza 20 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.

J. Recording

A copy of this PUD Ordinance shall be recorded, at the expense of the property owner, 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                      day of                      2023.

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Brad Cavanagh, Mayor

Attest:

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Adrienne Breitfelder, City Clerk

# Exhibit A

On-Premise Signs	Permitted Sign Structures	Maximum				Permitted Lighting Type	Permitted Mechanical Motion	Location
		Area (sf)	Number	Projection Over Right-of-Way	Height			
Plaza 20 PUD								
Identification Signs								
Shopping Center Identification/or identification of tenants with at least 10,000 square feet in floor area	On-Premise Freestanding	400 per sign 320 per sign 250 per sign 130 per sign	Max 1 sign of each of the 4 areas listed, for a total of 4 signs	0	40 feet	External or internal, no intermittent	None	Min. 100 feet distance between signs subject to approval by Plaza 20 consistent with this Ordinance and regulations
Identification signs for business, retail, and service uses	Wall	Total allowable sign area shall not exceed 10% of area of wall parallel and/or closest to frontage on internal drives not to exceed a max. of 650 square feet	<ul style="list-style-type: none"><li>Under 5,000 square feet floor area, 1 sign per each business/ store per frontage on internal drives.</li><li>Over 5,000 square feet floor area, 2 signs per each business/ store per frontage on internal drives.</li></ul>	0	Below eave or parapet	External or internal, no intermittent	None	Any store front location consistent with this Ordinance and regulations. If 2 sides of leased area face internal frontage, then may install signs on each side.
	Under canopy	6 per sign	1 single or double-faced sign per tenant. Tenants with 2 sides of leased area facing internal frontage may install up to 2 single or double-faced signs.		Mounted to provide not less than 8 feet clearance as measured from the ground	Internal only, no intermittent		Mounted under canopy
Directional Signs								
Directional signs	Freestanding	6 per sign	Not specified	0	10 feet	Internal only, no intermittent	None	Not specified
	Wall				Below eave or parapet			
	Projecting							
Plaza 20 PUD Out Lot								
Identification Signs								
Business, Retail, or Office	Freestanding	200 per sign	1	0	40 feet	No Flashing	None	On subject property
	Wall	10% of any one building wall, or 400 aggregate sf, whichever is less	2 per business per street frontage		Below eave or parapet			
Directional Signs								
All Applications	Freestanding	6 per sign	Not specified	0	10 feet	Internal only, no flashing	None	On subject property
	Wall				Below eave or parapet	No flashing		