



**North Liberty City Council  
Regular Session  
September 26, 2023**



# **City Administrator Memo**



To **Mayor and City Council**  
 From **Ryan Heiar, City Administrator**  
 Date **September 22, 2023**  
 Re **City Council Agenda September 26, 2023**

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### Consent Agenda

The following items are on the consent agenda and included in the packet:

- City Council Minutes (09/12/23)
- Claims
- Liquor License Renewals
  - Mirabito’s Italian

### Meetings & Events

Tuesday, Sep 26 at 6:30p.m.  
City Council

Tuesday, Oct 3 at 6:30p.m.  
Planning Commission

Thursday, Oct 5 at 7:00p.m.  
Parks & Recreation Commission

Tuesday, Oct 10 at 6:30p.m.  
City Council

### Annexation Property Tax Transition

The City accepted a voluntary petition from Kevin Paul Watts to annex a portion of his property situated in the Chipman Subdivision. The petition was offered and accepted under the condition and with the understanding that the property would benefit from certain tax relief provisions offered under state law to ease the transition from county to city tax levy rates. The property has now been annexed and the property owner is requesting that the City honor its commitment to give effect to the transition. Staff recommends approval.

### 28E Agreement for Fire Protection with Madison Township and Penn Township

The Johnson County Mutual Aid Association, in updating its own 28E agreements, has advised all the fire agencies in the county to ensure that if they provide fire protection to any parts of the county, such as townships, that those agreements are current and filed with the state. The City has a fire protection agreement in place with both Penn and Madison townships, and it dates back to 1973. To comply with the request from the JCMAA, City staff have taken steps to modernize the agreement while leaving the underlying formula for compensation for fire protection services unchanged. Under both the existing and new agreement, the townships contribute the maximum amount they are permitted under state law, amounting to approximately 13.5% of the Fire Department budget. This is an equitable arrangement for all parties, because calls for service in the townships account for 13.22% of NLFD calls for service, and the townships themselves house 13.2% of the overall protected population, and contain 18% of the overall protected assets. The updated agreement spells out the rights and responsibilities of the parties

more clearly and will be filed with the Secretary of State as a Chapter 28E agreement when executed. Staff recommends approval.

## Parking Resolution

The City received a citizen request to remove on-street parking from one side of Jonathan Street. Staff is generally in favor of limiting on-street parking to one side of a street primarily for easier snow clearing and emergency service access. Staff worked through the area Neighborhood Ambassador to solicit feedback about the request. The Neighborhood Ambassador has indicated that there was support for the removal of on street parking on the west side of Jonathan Street. This is another example of how the Neighborhood Ambassador Program fosters communication between the City and residents. Staff recommends approval of the resolution.

## Steindler Medical Final Plat

The developer of Steindler Medical Park is seeking final plat approval, which would facilitate construction of the Steindler Orthopedic Clinic and related site improvements. There are no public improvements proposed in the development so there is no need for any City acceptance. The SMF agreement contemplates all the necessary protection to ensure that the storm water facilities in the development will be managed appropriately. The final plat is consistent with the approved preliminary plat. Staff recommends approval of the final plat and the agreement.

## Pratt Real Estate Management, Inc. Zoning Map Amendment

Pratt Real Estate Management, Inc. is requesting a zoning map amendment from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District on 1.59 acres – west side of North Jones Boulevard approximately 465 feet south of 240th Street – to facilitate development of 12 two-unit residences on 12 lots. This would be a minor change, since the existing RS-9 zoning permits smaller lot sizes. It appears that smaller lot single-unit houses are not attracting first time home buyers as initially anticipated. This is one of three requests for two-unit zoning on the Council agenda. A virtual good neighbor meeting was held on July 18 where City staff, one member of the Planning Commission and the applicant attended. The Planning Commission unanimously recommended approval of the rezoning at its September 5 meeting. Staff also recommends approval.

## Pratt Real Estate Management, Inc. Zoning Map Amendment

Pratt Real Estate Management, Inc. is requesting a zoning map amendment from ID Interim Development District and RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District Planned Area Development on 6.24 acres – southwest corner of North

Jones Boulevard and 240th Street – to facilitate development of 48 two-family unit residences on 48 lots. Most of this property was left out of the initial Solomon’s Landing rezoning because there was no development plan. Although, due to its location and the proposed development surrounding it, this portion of the development was intended to be a stand-alone phase. Staff is generally supportive of a medium-density residential development in this location due to the existing residential development to the north, across 240<sup>th</sup> Street. The PAD is being requested to allow two-unit platted lots to be on a private street and to reduce lot size and setback requirements. Therefore, a preliminary site plan and preliminary plat are incorporated into the rezoning request. It is unclear why private streets are not permitted by right in the Subdivision Ordinance. A similar development with 48 two-unit residences on one lot (condominium ownership) would be permitted in the RM District without a PAD. Staff intends to explore allowing this type of development without the need for a PAD, perhaps as a future Zoning Ordinance amendment. A virtual good neighbor meeting was held on August 22 where City staff, one member of the Planning Commission and the applicant attended. The Planning Commission unanimously recommended approval of the rezoning at its September 5 meeting. Staff also recommends approval of the rezoning as well.

### Scanlon Family, LLC Zoning Map Amendment

Scanlon Family, LLC is requesting a zoning map amendment from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence District on 5.28 – north side of Berkshire Lane as extended westerly 85’ from its current terminus in Greenbelt Trail, Part 2 Subdivision – to facilitate development of 22 two-unit residences on 22 lots. This would be a minor change, since the property is currently approved for 14 RS-6 lots. It is staff’s understanding that this request is due to the developer wishing to maintain a mix of single-unit and two-unit dwellings for Greenbelt Trail Part 3. The developer has indicated that the RD zoning (south of future Hemmingway Dr) would be limited to this location and that the adjacent property would remain RS-6, which would ensure compatibility with the Arlington Ridge Subdivision. Notably, the City Council denied a rezoning from RS-6 to RD-10 on this property in 2022. Since then, the new Comprehensive Plan has been adopted, which provides better guidance on land uses than the comprehensive plan in effect in 2022. The subject property and adjacent properties to the west and north are designed Urban Low Intensity (ULI) on the Future Land Use Map. ULI allows a general aggregate development density of 3 to 8 units per acre. While RD-8 is at the higher end of this density, it is staff’s opinion that the location is appropriate due to its proximity to the future school and other RD zoned properties. Staff expects residential density to decrease (consistent with the existing RS-6 zoning) as development gets closer to Arlington Ridge. A virtual good neighbor meeting was held on July 18 where City staff,

one member of the Planning Commission and the applicant attended. The Planning Commission unanimously recommended approval of the rezoning at its September 5 meeting. Staff also recommends approval.

## Street Vacation Ordinance

This City initiated request would vacate the portion of North Front Street between Cherry Street and North Dubuque Street. It is anticipated that the right-of-way would be divided between the property at 10 West Cherry Street, 325 North Dubuque Street and the new Civic Campus. The Planning Commission unanimously recommended approval of the vacation at its September 5 meeting. Staff also recommends approval.

## Zoning Ordinance

This City initiated Ordinance amendment is a continued effort to modernize zoning regulations by adapting to land use trends and best planning practices. Giving citizens and developers flexibility while maintaining North Liberty's community standards is a primary consideration. Notably, the previous reorganization of the Zoning Ordinance into a use table and corresponding use regulations allows the City to achieve a higher-level of design standards. For example, additional standards would be added to the outdoor self-storage facility use, which would be applicable to a forthcoming preliminary site plan in a commercial district. The amendment is also the result of direct feedback from citizens and developers. The Planning Commission unanimously recommended approval of the ordinance amendment at its September 5 meeting.



# **Agenda**



**CITY COUNCIL**

September 26, 2023

6:30 p.m.

Regular Session

Council Chambers

1 Quail Creek Circle

1. Call to order
2. Roll call
3. Approval of the Agenda
4. Consent Agenda
  - A. City Council Minutes, Work and Regular Sessions, September 12, 2023
  - B. Liquor License Renewal, Mirabito's Italian
  - C. Claims
5. Public Comment
6. Engineer Report
7. City Administrator Report
8. Mayor Report
  - A. Domestic Violence Awareness Month Proclamation
9. Council Reports
10. Annexation Property Tax Transition
  - A. Resolution Number 2023-106, A Resolution providing a transition for the imposition of city taxes against property within a certain annexation area
11. 28E Agreement for Fire Protection with Madison Township and Penn Township
  - A. Resolution Number 2023-107, A Resolution approving the 28E Agreement Contract for Fire Protection Services between the City of North Liberty and Madison Township and Penn Township
12. Jonathan Street Parking
  - A. Resolution Number 2023-108, A Resolution approving parking control devices in the City of North Liberty, Iowa



13. Steindler Medical Final Plat
  - A. Resolution Number 2023-109, A Resolution approving the Stormwater Management Facilities Maintenance Agreement and Easement between the City of North Liberty and Physician's Building Group, LLC that establishes the terms and conditions under which Stormwater Management Facilities will be maintained for Steindler Medical Park in the City of North Liberty, Iowa
  - B. Resolution Number 2023-110, A Resolution approving the Final Plat for Steindler Medical Park in North Liberty, Iowa
  
14. Pratt Real Estate Management, Inc. Zoning Map Amendment
  - A. Second consideration of Ordinance Number 2023-22, An Ordinance amending the Zoning Map District Designation for certain property located in North Liberty, Iowa from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District
  
15. Pratt Real Estate Management, Inc. Zoning Map Amendment and Preliminary Subdivision Plat PAD
  - A. Second consideration of Ordinance Number 2023-23, An Ordinance amending the Zoning Map District Designation for certain property located in North Liberty, Iowa from ID Interim Development District and RS-9 Single-Unit District to RD-10 PAD Two-Unit Residence District Planned Area Development and approving the Planned Area Development Preliminary Plat and waivers pursuant to Chapter 168.05(3)(B).
  
16. Scanlon Family, LLC Zoning Map Amendment
  - A. Second consideration of Ordinance Number 2023-24, An Ordinance amending the Zoning Map District Designation for certain property located in North Liberty, Iowa from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence District
  
17. Street Vacation
  - A. Second consideration of Ordinance Number 2023-25, An Ordinance vacating a portion of the North Front Street right of way in North Liberty, Iowa
  
18. Zoning Ordinance Amendments
  - A. Second consideration of Ordinance Number 2023-26, An Ordinance amending Chapters 139, 165, 166, 167, 168, 169 and 173 of the North Liberty Code of Ordinances, amending regulations for naming of streets, conditions for construction site plan approval, zoning map amendments, and required comprehensive plan components, adding new and updating definitions, amending certain residential districts and combining the C-2-A and C-2-B Zoning Districts, amending bulk requirements in certain residential and

commercial districts, zoning use matrix and zoning use standards, off-street parking regulations, maximum fence height in residential districts, accessory structure standards, and permitted encroachments in required yards

19. Old Business

20. New Business

21. Adjournment



# **Consent Agenda**

**City Council**  
September 12, 2023  
Council Chambers

**Call to order**

Mayor Chris Hoffman called the September 12, 2023 Work Session of the North Liberty City Council to order at 6:00 pm. Councilors present: Ashley Bermel, RaQuishia Harrington, Erik Sittig, Brent Smith, and Brian Wayson.

Others present: Ryan Heiar, Ryan Rusnak, Josiah Bilskemper, Mary Byers, Terry Donahue, Paul Parks, Harold Cameron, Ashley Bonner, Chase Lovetinsky, Kevin Ni, Leela Strand, Madison Jurgens, McKenna Kelley, Megan Quinn, Oliva Roling, Piper Kearney, Montana Duran, Micah Ariel James, Amy Alice Chastain, Emily Meister, Darrel Neitderhisar, Kenneth and Marcella Raim, David Raim, and other interested parties.

**Approval of the Agenda**

Harrington moved, seconded by Wayson to approve the agenda. The vote was all ayes. Agenda approved.

**Work Session**

City Administrator Heiar addressed the Council on the recently passed state bill HF718. There are significant changes to the property tax levy structure. The most impactful part of this bill is the tiered growth formula, which is intended to drive down a city's general fund tax levy. One tool that remains untouched by HF718 is the Capital Projects Levy, that would require a successful vote of the community, which could generate up to \$730k annually. In anticipation of the FY25 Budget, staff has developed a model to help understand the ramifications of this bill on the general fund budget.

**Stormwater Utility**

The city has had a storm water utility for over two decades. In that time, rates have rarely been adjusted. The current rate is \$2.00 for each utility account and has not been adjusted since 2000. The flat fee rate is an outdated and inequitable billing structure. In the last 24 months, staff has made a monumental effort in collecting impervious surface data through GIS, throughout the city and is ready to recommend a change in the billing structure for the stormwater utility. Instead of billing a flat fee, staff is proposing to bill based on the amount of impervious surface on a lot. This method is considered a best practice and is used widely across the United States with great success.

Staff is recommending a 1% increase in the Franchise Fee to help fund the Centennial Park Project, as well as future park capital projects, and a restructuring of the stormwater utility fee. The consensus of the council was to move ahead with the increase to the Franchise Fee and restructuring of the stormwater utility fee.

## **Regular Session**

The Regular Session began at 6:40 p.m.

## **Consent Agenda**

Sittig moved, seconded by Smith to approve Item 5(D) on the Consent Agenda, Penn Meadows Parking Lot Project, Change Order Number 2, Midwest Concrete, \$168,905.35. During discussion, the City Engineer explained the reason for the change order. The vote was all ayes. Consent Agenda item 5(D) was approved.

Smith moved, seconded by Bermel, to approve City Council Minutes, Regular Session, August 22, 2023; City Hall Project, Pay Application Number 7, City Construction, \$631,442.76; Penn Meadows Parking Lot Project, Change Order Number 1, Midwest Concrete, (\$3,008.62); Penn Meadows Parking Lot Project, Pay Application Number 2, Midwest Concrete, \$205,729.65; Claims. The vote was all ayes. Consent Agenda approved.

## **Public Comment**

No public comment was offered.

## **Engineer Report**

City Engineer Bilskemper reported that the paving in Penn Meadows Park continues, and the 8' sidewalk on Penn Street will start soon to tie in the 8' trial system into the park. Forevergreen Road Signalization for the intersection of Kansas Ave and South Jones Blvd continues with the next scheduled submittal for late October. Fox Run Pond Trail is 50% designed and ready for bid in December.

## **City Administrator Report**

City Administrator Heiar reported that several members of City Staff, Greater Iowa City, Better Together and Englert Theater presented to the Enhance Iowa Board a request for \$1 million for the Centennial Park Next Stage. Heiar felt the Board was interested in the project and local fund raising should continue.

## **Mayor Report**

Mayor Hoffman congratulated Mark Farrier on receiving his Grade 4 Iowa Wastewater Operator License. Officer Chuck Tygart will be retiring at the end of September from the Police Department. Hoffman and several council members and staff attended the I80/380 Ribbon Cutting. Hoffman attended the First Friday Coffee Connection at City Tractor this month. He encouraged more people to attend. City Council Elections will be held on November 7, 2023, and three seats are up on the current council. The Next Stage is hosting a Dinner/Theater event this Friday.

Micah Ariel James, Outreach & Equity Coordinator, Amy Alice Chastain, Global Ties Iowa, and Emily Meister, United Way of Johnson and Washington County are part of this week's Welcoming Week Planning Committee. They encouraged people to come to the Neighbors and Flavors Event at the Ranshaw House this Sunday from 12:00 to 2:00 p.m.

Mayor Hoffman read a proclamation recognizing September 8-17, 2023, as Welcoming Week in the City of North Liberty.

### **Council Reports**

Councilor Bermel thanked the Colony Barn for hosting the Iowa Hawkeye and Cyclone event held last Saturday.

Councilor Smith attended the grand opening of the Colony Barn and the ribbon cutting for the I80/380 Interchange. Smith was appointed Vice Chair of The Better Together 2030 Board of the Directors. Smith announced that he has filed his papers for another term for City Council.

Councilor Wayson reported at the next MPOJC meeting on September 19 they will be discussing a feasibility study on the old CRANDIC Railroad.

### **Youth Council**

Micah Ariel James presented 10 members of the 2023-2024 Youth Councilor that were sworn in by Mayor Hoffman.

### **Steindler Way**

Rusnak reported that staff and Planning Commission recommended approval of the street name.

Bermel moved, seconded by Harrington, to approve Resolution Number 2023-98, A Resolution authorizing and approving the name of the private street as "1 Steindler Way" in Steindler Medical Park Subdivision in the City of North Liberty, Johnson County, Iowa. After discussion, the vote was: ayes—Smith, Sittig, Wayson, Harrington, Bermel; nays—none. Motion carried.

### **Sweetwater Lane**

Rusnak reported that staff and Planning Commission recommended approval of the street name.

Harrington moved, seconded by Smith, to approve Resolution Number 2023-99, A Resolution authorizing and approving the name of the private street as "Sweetwater Lane" in Water Tower Place, Lot 5 in the City of North Liberty, Johnson County, Iowa. After discussion, the vote was: ayes—Bermel, Wayson, Sittig, Smith, Harrington; nays—none. Motion carried.

### **Pratt Real Estate Management, Inc. Zoning Map Amendment**

At 7:07 pm, Mayor Hoffman opened the public hearing regarding the proposed Zoning amendment. No oral or written comments were received. The public hearing was closed.

The applicant was available for questions from the Council.

Rusnak reported that staff and Planning Commission recommended approval of the amendment.

Harrington moved, seconded by Sittig, to approve the first consideration of Ordinance Number 2023-22, An Ordinance amending the Zoning Map District Designation for certain property located in North Liberty, Iowa from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District. The vote was: ayes—Harrington, Bermel, Wayson, Sittig, Smith; nays—none. Motion carried.

**Pratt Real Estate Management, Inc. Zoning Map Amendment and Preliminary Subdivision Plat PAD**

At 7:10 pm, Mayor Hoffman opened the public hearing regarding proposed rezoning and Planned Area Development. No oral or written comments were received. The public hearing was closed.

The applicant was available for questions from the Council.

Rusnak reported that staff and Planning Commission recommended approval of the Zoning Amendment and Preliminary Subdivision Plat PAD.

Wayson moved, seconded by Sittig, to approve the first consideration of Ordinance Number 2023-23, An Ordinance amending the Zoning Map District Designation for certain property located in North Liberty, Iowa from ID Interim Development District and RS-9 Single-Unit District to RD-10 PAD Two-Unit Residence District Planned Area Development and approving the Planned Area Development Preliminary Plat and waivers pursuant to Chapter 168.05(3)(B). The vote was: ayes—Wayson, Harrington, Sittig, Smith, Bermel; nays—none. Motion carried.

**Scanlon Family, LLC Zoning Map Amendment**

The public hearing was opened at 7:19 pm regarding proposed rezoning amendment. No oral or written comments were received. The public hearing was closed.

Bob Downer spoke on behalf of the developer on the change in zoning due to the single-family housing market has decreased substantially because of increasing interest rates and construction costs, and the demand is growing in duplex market. This area is adjacent to the new school site and the developer is working with the School District on a trail system in the development.

Rusnak reported this request is compatible and consistent with the new adoption of the Comprehensive Plan. The Planning Commission recommended approval of the Zoning Map Amendment.

Some Council members feel this area has high multi-family inventory already and would not be in favor of any higher density moving west to Hemmingway Dr. and Berkshire Lane. They would be in favor of this request because of the school site in the area.

Sittig moved, seconded by Bermel, to approve the first consideration of Ordinance Number 2023-24, An Ordinance amending the Zoning Map District Designation for certain property located in North Liberty, Iowa from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence

District. After discussion, the vote was: ayes—Sittig, Smith, Harrington, Bermel; nays—Wayson. Motion carried.

### **Street Vacation**

At 7:34 Mayor Hoffman opened the public hearing regarding proposed street vacation. No oral or written comments were received. The public hearing was closed.

Rusnak reported that staff and Planning Commission recommended approval of the Street vacation.

Smith moved, seconded by Harrington to approve the first consideration of Ordinance Number 2023-25, An Ordinance vacating a portion of the North Front Street right of way in North Liberty, Iowa. The vote was: ayes—Smith, Wayson, Bermel, Harrington, Sittig; nays—none. Motion carried.

### **Zoning Ordinance Amendment**

At 7:36 p.m. Mayor Hoffman opened the public hearing regarding proposed zoning amendment. No oral or written comments were received. The public hearing was closed.

Rusnak reported that staff and Planning Commission recommended approval of the zoning ordinance amendment.

Wayson moved, seconded by Smith to approve the first consideration of Ordinance Number 2023-26, An Ordinance amending Chapters 139, 165, 166, 167, 168, 169 and 173 of the North Liberty Code of Ordinances, amending regulations for naming of streets, conditions for construction site plan approval, zoning map amendments, and required comprehensive plan components, adding new and updating definitions, amending certain residential districts and combining the C-2-A and C-2-B Zoning Districts, amending bulk requirements in certain residential and commercial districts, zoning use matrix and zoning use standards, off-street parking regulations, maximum fence height in residential districts, accessory structure standards, and permitted encroachments in required yards. The vote was: ayes—Wayson, Bermel, Harrington, Smith, Sittig; nays—none. Motion carried.

### **West Penn Street Public Improvements**

At 7:40 pm Mayor Hoffman opened the public hearing regarding the West Penn Street Public Improvements. David Raim: 2515 Swan Lake Road, North Liberty. The Raim Family opposes the improvements to the family farm located at 2536 James Ave, Iowa City. The family would like the ROW kept the same, and feel the easements asked for are not feasible and will require more encroachment on to their property. There are tile problems already in the ditches from a previous project. There is a safety issue with the big pole at the intersection of James Ave and F-28 where you must pull into the intersection to see traffic. The public hearing was closed.

Harrington moved, seconded by Bermel, to approve Resolution Number 2023-100, A Resolution granting approval to proceed with a Public Improvement, the West Penn Street Improvement Project. After discussion, the vote was: ayes—Harrington, Sittig, Wayson, Bermel, nays—Smith. Motion carried.



### **West Side Fire Station**

At 8:11 pm Mayor Hoffman opened the public hearing regarding the West Side Fire Station. No oral or written comments were received. The public hearing was closed.

Wayson moved, seconded by Sittig, to approve Resolution Number 2023-101, A Resolution granting approval to proceed with a Public Improvement, the West Side Fire Station Project. The vote was: ayes—Sittig, Smith, Bermel, Harrington, Wayson; nays—none. Motion carried.

Bermel moved, seconded by Sittig, to approve Resolution Number 2023-102, A Resolution establishing fair market value and just compensation for the acquisition of certain property for the West Side Fire Station Project. The vote was: ayes—Wayson, Harrington, Bermel, Smith, Sittig; nays—none. Motion carried.

### **Assessment Resolution**

Wayson moved, seconded by Harrington, to approve Resolution Number 2023-103, A Resolution assessing amounts owed to the City of North Liberty, Iowa to individual property taxes. The vote was: ayes—Smith, Wayson, Bermel, Harrington, Sittig; nays—none. Motion carried.

### **The Preserve Part Three A Final Plat**

Harrington moved, seconded by Wayson, to approve Resolution Number 2023-104, A Resolution approving the Final Plat for The Preserve Part Three A in North Liberty, Iowa. The vote was: ayes—Harrington, Bermel, Smith, Sittig, Wayson; nays—none. Motion carried.

### **Enhance Iowa Community Attraction and Tourism Grant**

Bermel moved, seconded by Harrington, to approve Resolution Number 2023-105, A Resolution authorizing and directing the City Administrator to sign, execute and submit application and associated documents for the Enhance Iowa – Community Attraction and Tourism Program. The vote was: ayes—Wayson, Bermel, Sittig, Harrington, Smith; nays—none. Motion carried.

### **Old Business**

No old business was presented.

### **New Business**

Wayson reported that the Wastewater Treatment Plant just changed out some of original membranes of the plant that were planned to only to last 10 years.

### **Closed Session**

Wayson moved, seconded by Smith, to go into Closed Session Pursuant to Chapter 21.5 of the Iowa Code the City Council may go into closed session to discuss the purchase or sale of particular real estate, where premature disclosure could reasonably be expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The vote was: ayes—Smith, Harrington, Sittig, Wayson, Bermel; nays—none. Motion carried.

**Adjournment**

Wayson moved, Sittig seconded to adjourn the meeting at 8:50 pm. The vote was all ayes. Meeting adjourned.

**CITY OF NORTH LIBERTY**

By: \_\_\_\_\_  
Chris Hoffman, Mayor

Attest: \_\_\_\_\_  
Mary Byers, Deputy City Clerk



# State of Iowa

Alcoholic Beverages Division

## Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
Topwop Inc.	Mirabito's Italian	(319) 459-1342		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
40 Sugar Creek Lane Unit 1		North Liberty	Johnson	52317
MAILING ADDRESS	CITY	STATE	ZIP	
40 Sugar Creek Lane Unit 1	North Liberty	Iowa	52317	

## Contact Person

NAME	PHONE	EMAIL
Gregg Mirabito	(319) 459-1342	mirabitositalian@gmail.com

## License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
BW0094637	Special Class C Liquor License	12 Month	Submitted to Local Authority

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
Oct 1, 2022	Sep 30, 2023	

SUB-PERMITS

Special Class C Liquor License

PRIVILEGES



## Status of Business

BUSINESS TYPE

Privately Held Corporation

## Ownership

### • Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Terri Mirabito	North Liberty	Iowa	52317	Treasurer	50.00	Yes
Gregg Mirabito	NorthLibery	Iowa	52317	President	50.00	Yes

## Insurance Company Information

INSURANCE COMPANY

Illinois Casualty Co

POLICY EFFECTIVE DATE

Oct 1, 2022

POLICY EXPIRATION DATE

Sep 30, 2023

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE



## North Liberty Police Department

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340 N Main St•PO Box 77•North Liberty, Iowa•52317•(319) 626-5724/Fax: 5743

September 13, 2022

Liquor License Check

Business: Mirabito's Italian Restaurant  
40 Sugar Creek Lane  
North Liberty, IA 52317

Owners:

1. Gregg Mirabito (DOB: 1964)
2. Terri Mirabito (DOB: 1964)

The North Liberty Police Department does not have any documented contacts with the owners or premise in conflict with their liquor license.

I recommend the license be granted.

This record check was conducted by Sergeant Mitch Seymour.





State of Iowa ABD approval statement from the following county department

**Legal Name of Applicant:** \_\_\_\_\_

**Name of Business (DBA):** \_\_\_\_\_

**Address of Business:** \_\_\_\_\_

**Business Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**State of Iowa ABD License #:** \_\_\_\_\_


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**Johnson County Health Department:**

The above referenced business possesses a valid Johnson County Public Health food license.

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:**  \_\_\_\_\_

# North Liberty Fire Department

Occupancy: **Mirabito's Italian Restaurant**

Occupancy ID: **SUBW01**

Address: **40 Sugar Creek LN Apt/Suite #Suite #1  
North Liberty IA 52317**

Inspection Type: **Liquor License Inspection**

Inspection Date: **9/22/2022** By: **Hardin, Bryan E (01-1022)**

Time In: **14:06** Time Out: **14:35**

Authorized Date: **09/22/2022** By: **Hardin, Bryan E (01-1022)**

Next Inspection Date: **No Inspection Scheduled**



Form: General Fire  
Inspection Checklist 1.3

## Inspection Description:

### ORDER TO COMPLY:

You must correct the violations noted upon receipt of this notice. An inspection to determine compliance with this Notice will be conducted on or after 30 days from the date of inspection.  
This initial and the first re-inspection are at no charge. If subsequent re-inspections are needed to ensure compliance, you will be charged the current fee schedule.  
If you fail to comply with this notice, you may be liable for the penalties provided for by law for such violations.

## Inspection Topics:

### Electrical Rooms / Electrical Wiring

#### Electrical Panels - Breakers Labeled

605.3.1 Labeling. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to

**Status: FAIL**

**Notes: Label electrical circuit breakers to the applicable circuit they serve.**



## Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
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**Notes:** No Additional time recorded

**Total Additional Time: 0 minutes**

**Inspection Time: 29 minutes**

**Total Time: 29 minutes**

## Summary:

**Overall Result:** Correction Notice Issued

**Inspector Notes:**

## Closing Notes:

Above is the results of your Fire Inspection conducted by the North Liberty Fire Department Department. If you have any questions, please feel free to contact Fire Marshal Bryan Hardin at (319) 626-5709. If you had any violations, please reply back when all corrections are made so we may close out your inspection. Thank you for your time and attention.

## Inspector:

Name: Hardin, Bryan E  
Rank: Assistant Chief  
Work Phone(s): 319-626-5709  
Email(s): bhardin@northlibertyiowa.org  
Hardin, Bryan E:



Signed on: 09/22/2022 14:24

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

## Representative Signature:

Signature of: Terri mirabito on 09/22/2022 14:25



\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*





# Mayor Report



# PROCLAMATION

## Domestic Violence Awareness Month

**WHEREAS**, domestic violence, dating violence, and stalking affects women, children, and men of all racial, cultural, and economic backgrounds, causing long-term physical, psychological, and emotional harm; and

**WHEREAS**, one in three Americans has witnessed an incident of domestic violence; and

**WHEREAS**, children who experience domestic violence are at a higher risk for failure in school, mental illness, substance abuse, suicide, and may choose violence as a way to solve problems later in life; and

**WHEREAS**, domestic violence in rural communities exists as a hidden, silent, and often unrecognized crime that is often underreported; and

**WHEREAS**, through the inspiration, courage, and persistence of victims of domestic violence, their children, and advocates, our communities are learning to recognize the impact of violence in the home and within intimate relationships; and

**WHEREAS**, the Domestic Violence Intervention Program has worked to end violence in intimate relationships for more than 40 years through the collaborative partnerships of advocates, volunteers, local municipalities, criminal justice, health and human services, faith communities, business leaders, and private citizens; and

**WHEREAS**, our community's achievements should be commended and we must continue our commitment to respect and support victims of domestic violence and to prevent future violence in our community.

**NOW, THEREFORE, BE IT RESOLVED** that I, Chris Hoffman, Mayor of North Liberty, do hereby proclaim the month of October, 2023 to be:

### Domestic Violence Awareness Month

in the City of North Liberty and urge all people to work together to eliminate domestic violence, dating violence, and stalking from our community.

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**Mayor Chris Hoffman**

Signed in North Liberty, Iowa  
this 26th day of September, 2023



# **Annexation Property Tax Transition**

**RESOLUTION NO. 2023-106**

**PROVIDING A TRANSITION FOR THE IMPOSITION OF  
CITY TAXES AGAINST PROPERTY WITHIN A CERTAIN  
ANNEXATION AREA**

**WHEREAS**, the City of North Liberty has enacted a resolution accepting the voluntary annexation petition of certain real estate owned by Kevin Paul Watts; and

**WHEREAS**, the annexation petition was offered by the owner with the understanding that the imposition of City taxes against the parcel to be annexed would be subject to a transition pursuant to Iowa Code § 368.11(3)(m); and

**WHEREAS**, the parcel in question, Johnson County Tax Parcel ID 0614477011, was properly annexed into the City following approval by the City Development Board; and

**WHEREAS**, the City Council of the City of North Liberty, Iowa has determined that a transition for the imposition of property taxes within the annexed area is appropriate,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF NORTH LIBERTY, IOWA, AS FOLLOWS:**

That pursuant to Iowa Code § 368.11(3)(m), the annexed area, including Johnson County Tax Parcel ID 0614477011, shall be exempt from taxation of the following percentages of assessed valuation according to the following schedule, to take effect for taxes payable beginning September of 2024:

1. For the first and second years, seventy-five percent.
2. For the third and fourth years, sixty percent.
3. For the fifth and sixth years, forty-five percent.
4. For the seventh and eighth years, thirty percent.
5. For the ninth and tenth years, fifteen percent.

**APPROVED AND ADOPTED** this 26th day of September, 2023.

CITY OF NORTH LIBERTY:

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CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

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TRACEY MULCAHEY, CITY CLERK



**Fire Protection  
Agreement with the  
Townships**

**28E AGREEMENT  
CONTRACT FOR FIRE PROTECTION SERVICES BETWEEN  
CITY OF NORTH LIBERTY, IOWA  
AND  
MADISON TOWNSHIP AND PENN TOWNSHIP**

This Fire Protection Services Agreement (the "Agreement") is entered into by and between the City of North Liberty (hereinafter "North Liberty"), an Iowa municipal corporation, Madison Township in Johnson County, Iowa, and Penn Township in Johnson County, Iowa (together, hereinafter "Townships"). North Liberty, Madison Township and Penn Township are individually each a "Party" to this Agreement and may be collectively described as "the Parties."

**RECITALS**

**WHEREAS**, the City of North Liberty has historically provided fire protection services to the Madison and Penn Townships pursuant to written agreements; and

**WHEREAS**, the most recent such agreement dates from 1973 and should be brought into conformity with current practices; and

**WHEREAS**, the parties desire to terminate that agreement and enter into a Fire Protection Service agreement pursuant to Iowa Code § 28E.32,

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

1. **Purposes: Fire Protection Service.** North Liberty agrees to furnish the Townships with fire protection services during the Term of this Agreement. It is understood and agreed that the provision of fire protection services is not exclusive, and that North Liberty's Fire Department and equipment may be deployed in accordance with mutual aid agreements between the City and other entities. North Liberty, and not the Townships, shall:
  - A. Appoint the fire chief and determine the fire chief's duties
  - B. Appoint fire fighters and determine their duties
  - C. Supply the equipment
  - D. Finance the undertaking
  - E. Establish and maintain a budget
  - F. Provide Workers' compensation coverage for fire department employees
  - G. Provide liability insurance

- H. Respond to fires and emergencies immediately adjacent to the Townships that may pose a threat to the Townships (such as by spreading to the Townships if not addressed)
- I. Interact with any relevant or appropriate fire fighters' association

2. **Payment and Calculation.** In consideration of the services furnished, Madison Township and Penn Township shall pay to North Liberty each year a proportionate share of the costs of furnishing fire protection (FPC) relative to the approved annual Fire Department budget for the City of North Liberty, Iowa. Said shares shall be calculated by the ratio that the assessed value of real estate and personal property in Madison Township (MT) and the assessed value of real estate and personal property in Penn Township (PT) bears to the combined assessed values of real estate and personal property in North Liberty (NL) and Madison Township and Penn Township (NL + MT + PT).

$$\frac{MT}{NL + MT + PT} (FPC) = \text{Madison Township annual payment}$$

$$\frac{PT}{NL + MT + PT} (FPC) = \text{Penn Township annual payment}$$

If either Township should withdraw from this Agreement as provided in Paragraph 8 below, the remaining Township's share shall be calculated by the ratio that the assessed value of real estate and personal property in the remaining Township (XT) bears to the combined assessed values of real estate and personal property in North Liberty and the remaining Township (NL + XT).

$$\frac{XT}{NL + XT} (FPC) = \text{remaining Township annual payment}$$

For purposes of this calculation, the assessed value of the property in each Township and the City of North Liberty shall be that value of real estate and personal property that is certified by the Johnson County Auditor for tax purposes on the 1<sup>st</sup> day of January of the year preceding the year for which the cost of the services is being determined.



It is further agreed by the Parties that in no event will the amount to be remitted by the Townships be greater than that which the Townships are permitted to assess for such purposes by the laws of the State of Iowa.

3. **Time and Method of Payment.** The Townships agree to make such payment as set forth in Paragraph 2 above in four equal installments, on or about May 1, July 1, October 1, and December 31 of each year during the Initial Term and during any Renewal Term of this Agreement. Payments shall be made to the City Clerk for the City of North Liberty. Any adjustments shall be calculated at the end of each calendar year and shall be given effect beginning at the May 1 payment for the succeeding calendar year. If this agreement is terminated, then any adjustments shall be made within ninety days after the agreement terminates.
4. **Notice of Annual Budget Hearing.** North Liberty shall publish notice in advance of public hearings concerning its annual budget as provided by law, and the Townships shall have an opportunity to be heard concerning matters related to fire protection during said public hearings.
5. **No Separate Legal Entity.** No separate legal entity is created by this Agreement. The Parties intend only the provision of governmental services.
6. **Effective upon Filing and Recordation.** This Agreement becomes effective upon execution by the Parties and filing with the office of the Secretary of State (the "Effective Date").
7. **Termination of Existing Agreement.** It is understood and agreed by the Parties that the agreement for fire protection services entered into among and between them effective January 1, 1973, is terminated as of the Effective Date of this Agreement.
8. **Execution of Instruments, Further Assurances.** The Parties agree to promptly execute whatever documents may be necessary to give full effect to their obligations under this Agreement.
9. **Term and Renewal.** This Agreement shall be in effect for a period of three years (the "Initial Term") from the Effective Date, and shall automatically renew thereafter in successive three-year increments (each a "Renewal Term"), unless any Party seeking to withdraw from the Agreement (a "Withdrawing Party") provides written notice to each other Party not less

than 180 days prior to the end of the Initial Term or any Renewal Term of the Withdrawing Party's intent to not renew the Agreement. Timely notice terminates a Withdrawing Party's participation in and obligations under this Agreement at the completion of the Initial Term or Renewal Term, as the case may be. The termination of North Liberty's participation in this Agreement in such a manner shall serve to terminate the Agreement in its entirety. The termination of one Township's participation in this Agreement in such a manner shall not serve to terminate the Agreement with respect to the remaining Township.

10. **Termination.** This Agreement may be terminated prior to the completion of the Initial Term or any Renewal Term by mutual written agreement of the Parties at any time through their governing bodies.
11. **Acknowledgment of Understanding.** The Parties acknowledge that they have read the foregoing Agreement, understand its terms, and freely and voluntarily execute the Agreement.
12. **Execution in Counterparts; Facsimile Signatures.** This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and which counterparts shall together contain the signatures of all of the Parties hereto and shall constitute a single, binding, and complete Agreement. The Parties agree that facsimile signatures are and will be treated the same as original signatures.

[Signature pages follow]

**MADISON TOWNSHIP**

By: Daryl Rütderhiser  
Trustee

By: Ryan Halm  
Trustee

By: George V. Swentka  
Trustee

ATTEST: Gary Swentka  
Clerk of Madison Township

**CITY OF NORTH LIBERTY, IOWA**

By: \_\_\_\_\_  
Chris Hoffman, Mayor

ATTEST: \_\_\_\_\_  
Tracey Mulcahey, City Clerk

PENN TOWNSHIP

By: *Dennis Tallum*  
Trustee

By: *Karen Lee*  
Trustee

By: *Wes Moore*  
Trustee

ATTEST: *Patricia J Edwards*  
Clerk of Penn Township

*Aug 23, 2023*

**Resolution No. 2023-107**

**RESOLUTION APPROVING THE 28E AGREEMENT  
CONTRACT FOR FIRE PROTECTION SERVICES BETWEEN  
THE CITY OF NORTH LIBERTY AND MADISON TOWNSHIP  
AND PENN TOWNSHIP**

**WHEREAS**, the City of North Liberty provides fire protection for Madison and Penn Townships; and

**WHEREAS**, the last approved agreement is dated in 1973 and should be brought into conformity with current practices; and

**WHEREAS**, the entities desire to terminate the previous agreement and enter into a Fire Protection Services agreement; and

**WHEREAS**, Chapter 28E of the Code of Iowa provides the authority for public agencies to enter into agreements for their mutual advantage; and

**WHEREAS**, this Agreement is made and entered into by the City of North Liberty, Madison Township and Penn Township; and

**NOW BE IT RESOLVED** by the City Council of North Liberty, Iowa that the Mayor is hereby authorized to sign and execute the Contract for Fire Protection Services, a copy of which is attached hereto and incorporated herein by this reference; and

**BE IT FURTHER RESOLVED** by the North Liberty City Council that said Agreement is hereby approved as to form and content and is found to be in the best interest of the City of North Liberty, Iowa and the eligible political subdivisions that adopt these Articles of Agreement; and

**BE IT FURTHER RESOLVED** by the City Council of North Liberty that the City Clerk is hereby authorized to file a copy of this Resolution and Agreement with the Secretary of State, as required by Chapter 28E, Iowa Code.

**APPROVED AND ADOPTED** this 26<sup>th</sup> day of September, 2023.

CITY OF NORTH LIBERTY:

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CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

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TRACEY MULCAHEY, CITY CLERK



# **Jonathan Street Parking**





August 1, 2023

Dear Neighbor(s),

The City of North Liberty received a citizen request to remove on street parking on Jonathan St. If approved, there would be no on street parking on the west side of Jonathan St. On street parking would continue to be allowed on the east side of Jonathan St.

For on street parking to be prohibited, it would need to be approved by City Council in the form of a resolution. If approved and signage installed, the Police Department would be able to enforce no on street parking within the prohibited areas.

City staff has indicated to the Neighborhood Ambassador for your area that it would like to solicit feedback on prohibiting on street parking on the west side of Jonathan St. You may respond directly to your Neighborhood Ambassador - Travis Hiatt 319-560-4410 or [travis.nexthome@gmail.com](mailto:travis.nexthome@gmail.com). You may also contact the City directly at the contact information below.

Your input will allow City staff to better understand if the request should be forwarded to City Council for formal consideration. Any written material you submit would be made a part of the public record and would be included with other materials for City Council consideration. Email is considered written material for this purpose. Please include your contact information in case we need clarification of your comments.

Sincerely,

Ryan Rusnak, AICP, Planning Director  
City of North Liberty  
3 Quail Creek Circle  
North Liberty, Iowa 52317  
[rrusnak@northlibertyiowa.org](mailto:rrusnak@northlibertyiowa.org)  
319-626-5747

**Resolution No. 2023-108**

**A RESOLUTION APPROVING PARKING CONTROL DEVICES IN  
THE CITY OF NORTH LIBERTY, IOWA**

**WHEREAS**, Section 69.08 of the North Liberty Code of Ordinances authorizes the City Council to establish by resolution and cause to be placed parking control devices that prohibit or limit parking at designated locations in accordance with Chapter 69 of the City's Code; and

**WHEREAS**, the City Council has previously prohibited or limited parking throughout the City and has now reviewed the same.

**BE IT THEREFORE NOW RESOLVED** by the City Council of North Liberty, Iowa, that the City of North Liberty, Iowa, hereby establishes the placement of parking control devices to prohibit or limit parking for the City's street system as follows in the attached chart.

**APPROVED AND ADOPTED** this 26th day September, 2023.

**CITY OF NORTH LIBERTY:**

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CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

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TRACEY MULCAHEY, CITY CLERK

<b>Street Name</b>	<b>Side of Street Parking is Prohibited</b>	<b>Parking Restriction</b>
236th Street	North side to a point 140' west of the centerline of its intersection with Progress Street	no parking at any time
236th Street	South side between Progress Street and North Jones Boulevard	no parking at any time
238th Street	Both sides between Progress Street and North Jones Boulevard	no parking at any time
240th Street	Both sides	no parking at any time
Alderwood Road	West side	no parking at any time
Alexander Way	Both sides	no parking at any time
Ashley Court	South side from its east terminus to Highway 965/Ranshaw Way	no parking at any time
Berkshire Lane	North side from its east terminus to a point 330' west of the centerline of its intersection with Osage Lane	no parking at any time
Birch Street	North side to a point 475' west of the centerline of its intersection with Front Street	no parking at any time
Birch Street	South side from Front Street to the easternmost South Stewart Street	no parking at any time
Brook Ridge Avenue	West side	no parking at any time
Centro Way	Both sides	no parking at any time
Cherry Street	Both sides between Dubuque Street and Front Street except the three most western spots on the south side	parking limited to 30 minutes between 8:00 a.m. to 3:00 p.m.
Cherry Street	North side from a point 190' east of the centerline of its intersections with Main Street west 100'	parking limited to Fire Department personnel only
Cherry Street	South side from Front Street to CRANDIC railroad crossing	no parking at any time
Cherry Street	Both sides from the CRANDIC railroad crossing to Highway 965/Ranshaw Way	no parking at any time
Cherry Street	South side from Highway 965/Ranshaw Way to its westerly termination	no parking at any time
Clark Avenue	West side	no parking at any time
Commercial Drive	Both sides	no parking at any time
Community Drive	West and north sides (street curves)	no parking at any time
Cook Circle	West side	no parking at any time
Cypress Ridge	West side	no parking at any time
Deerfield Drive West	North side	no parking at any time
Denison Ave	North side	no parking at any time
Devmont Court	South side	no parking at any time
Dickinson Drive	North side from Dubuque Street east to its intersection with Whitman Avenue	no parking at any time
Dubuque Street	Both sides except west side to a point 230' south of its intersection with Main Street	no parking at any time
East Hickory Street	West, north and east side adjacent to Lots 6, 39-45, 38 less the north 80' thereof & 31-34 Beaver Kreek 1 <sup>st</sup> Addition (street curves)	no parking at any time
East Hickory Street	West and south side adjacent to Lot 29 Beaver Kreek 1 <sup>st</sup> Addition (street curves)	no parking at any time
East Jefferson Street	South side	no parking at any time
East Weston Street	North side	no parking at any time
Elm Grove Avenue	North side	no parking at any time
Elm Ridge Court	North, west and south sides adjacent to odd-numbered addresses (street curves)	no parking at any time
Elm Ridge Drive	East side	no parking at any time
Emily Street	East side	no parking at any time
Forevergreen Road	Both sides	no parking at any time
Front Street	Both sides	no parking at any time
Hackberry Street	North side	no parking at any time

<b>Street Name</b>	<b>Side of Street Parking is Prohibited</b>	<b>Parking Restriction</b>
Hackberry Street	South side to a point 320' west the centerline of its intersection with Juniper Court	no parking at any time
Harrison Street	West side	No parking at any time
Hawkeye Drive	Both sides	no parking at any time
Hawkeye Drive	Both sides between Spartan Drive and Highway 965/Ranshaw Way	no parking at any time
Hawthorne Place	West and south sides (street curves)	no parking at any time
Heartland Way	Both sides	no parking at any time
Hedgwood Circle	West side	no parking at any time
Heritage Drive	North and East side of 10 - 100 block (street curves) South and East side of 100 - 200 block (street curves)	parking limited to 6:00 a.m. to 6:00 p.m. on even-numbered days
Heritage Drive	South and West side of 10 - 100 block (street curves) North and West side of 100 - 200 block (street curves)	Parking limited to 6:00 a.m. to 6:00 p.m. on odd-numbered days
Heritage Place	North side	parking limited to 6:00 a.m. to 6:00 p.m. on even-numbered days
Heritage Place	South side	Parking limited to 6:00 a.m. to 6:00 p.m. on odd-numbered days
Herky Street	West side	no parking at any time
Highway 965/Ranshaw Way	Both sides	no parking at any time
Hodge Street	East side	no parking at any time
Jessie Street	West side and anywhere on the two extensions on the east side and west side of Jessie Street	no parking at any time
<b>Jonathan Street</b>	<b>West side</b>	<b>No parking at any time</b>
Jones Boulevard	Both sides between Forevergreen Road and 240 <sup>th</sup> Street	no parking at any time
Jones Boulevard	East side from Eight Point Trail to North to its north terminus	no parking at any time
Juniper Court	Both sides from Hackberry Street to Juniper Street	no parking at any time
Juniper Court	East, north and west side (street curves) from both intersections with Juniper Street	no parking at any time
Juniper Street	North side to a point 228' west the centerline of its intersection with Dubuque Street	no parking at any time
Juniper Street	South side	no parking at any time
Kansas Avenue	Both sides	no parking at any time
Liberty Way	East side north of Penn Street	no parking at any time
Liberty Way	West side and North (street curves) between Penn Street and Jones	no parking at any time
Lincoln Drive	South side from Cameron Way to its terminus	no parking at any time
Linger Lane	Both sides	no parking at any time
Linden Lane	East side	no parking at any time
Lions Drive	Both sides	no parking at any time
Madison Avenue	North and west side (street curves)	no parking at any time
Main Street	West side	no parking at any time
Maple Street	North side	no parking at any time
Mayer Street	West side	no parking at any time
Molly Drive	East side	no parking at any time
Morrison Street	West side	no parking at any time
North Stewart Street	East side to a point 300' south of the centerline of its intersection with Penn Street	no parking at any time
Oak Terrace Avenue	East and north sides (street curves)	no parking at any time
Ogden Lane	North side	no parking at any time
Osage Lane	East and north sides (street curves)	no parking at any time

<b>Street Name</b>	<b>Side of Street Parking is Prohibited</b>	<b>Parking Restriction</b>
Parkview Court	Both sides to a point 100' south of the centerline of its intersection with Zeller Street	no parking at any time
Parkview Court	East side beginning at a point 1,185' south of the centerline of its intersection with Zeller Street to a point 55' south of the beginning	no parking at any time
Parker Court	North side	no parking at any time
Penn Court	Both sides on both the North and West parts of the street	no parking at any time
Penn Street	Both sides	no parking at any time
Pheasant Lane	South side from Scales Bend Road to Highway 965/Ranshaw Way	no parking at any time
Prairie Ridge Road	North and east side (street curves)	no parking at any time
Prairie Ridge Road	South side to a point 200' west the centerline of its intersection with Sugar	no parking at any time
Progress Street	Both sides	no parking at any time
Rachael Street	West side from its intersection with Blue Sky Drive to its southern terminus	no parking at any time
Redbud Circle	East side	no parking at any time
River Bend Lane	West side	no parking at any time
Salm Drive	North and west side from North Liberty Road to Ogden Lane (street curves)	no parking at any time
Sara Court	South and west side	no parking at any time
Scarlet Oak Circle	West side	no parking at any time
Silver Maple Trail	South side from its eastern terminus to Cypress Ridge	no parking at any time
Stoner Court	Both sides	no parking at any time
Sugar Creek Lane	Both sides from Zeller Street to Fairview Lane except the east side between Westwood Drive and Fairview Lane	no parking at any time
Suttner Drive	South side	no parking at any time
Tupelo Drive	West side	no parking at any time
Vanello Circle	North side between Lots 33 and 37 Creekside Subdivision – Part Four	no parking at any time
Vanello Drive	North side	no parking at any time
Vanello Drive	South side between Front Street and Cook Street and to a point 60' from its intersection with Sadler Drive	no parking at any time
Westwood Drive	Both sides	no parking at any time
Zeller Court	Both sides	no parking at any time
Zeller Street	Both sides between Dubuque Street and Highway 965/Ranshaw Way	no parking at any time
Zeller Street	North side between Highway 965/Ranshaw Way to its west terminus	parking limited to 6:00 a.m. to 6:00 p.m. on even-numbered days
Zeller Street	South side between Highway 965/Ranshaw Way to its west terminus	parking limited to 6:00 a.m. to 6:00 p.m. on odd-numbered days



# **Steindler Medical Subdivision**

**Prepared by and Return to:**  
**Grant D. Lientz, 3 Quail Creek Circle, P.O. Box 77, North Liberty, IA 52317 319-626-5767**

**STORM WATER MANAGEMENT FACILITY  
MAINTENANCE AGREEMENT AND EASEMENT  
STEINDLER MEDICAL PARK**

THIS AGREEMENT, made by and between the City of North Liberty, Iowa, a municipal corporation, hereinafter referred to as “City,” and Physician’s Building Group, LLC, hereinafter referred to as “Owner.”

**SECTION 1. REQUEST FOR STORMWATER MANAGEMENT FACILITY MAINTENANCE AGREEMENT.**

A. The Owner has requested that the City approve this Storm Water Management Facility Maintenance Agreement and Easement with respect to the real estate situated in North Liberty, Johnson County, Iowa, upon which the stormwater management facilities for Steindler Medical Park subdivision will be constructed, which is designated as “Drainage and Storm Water Detention Easement” on the attached Exhibit A. (the “Facilities”):

B. As part of this request, the Owner acknowledges the following:

1. The Owner has full ownership and control of the real estate described above;

2. The Owner, for the purposes of this Agreement, includes the current owner of the property described above; any successor owners, assigns, and heirs of the original Owner, and any other person or party determined to be a “responsible person” as defined in Chapter 156, City of North Liberty Code of Ordinances, or any successor ordinance thereto.

3. This Agreement is required by and shall be enforced pursuant to Chapter 156, City of North Liberty Code of Ordinances, or any successor ordinance thereto, and the Iowa Storm Water Management Manual, or any successor manual thereto.

## **SECTION 2. CONDITIONS OF APPROVAL OF AGREEMENT.**

A. The Owner agrees that this Agreement shall be a covenant running with the land and shall be binding on the present and future owners of the property in perpetuity unless released by the City.

B. This Agreement shall be filed with the City Clerk, approved by the City Council, fully executed by both parties, and recorded at the Owner's expense at the Office of the Johnson County Recorder.

## **SECTION 3. MAINTENANCE AND REPAIR OF STORM WATER MANAGEMENT FACILITY.**

A. The Owner and any future owners of any part or all of the property described in section 1.A above shall be responsible for maintaining and repairing the Facilities in a properly functioning condition, as determined in the sole judgment of the City. Maintenance and repair shall include but is not limited to the following best management practices:

1. At least annually, and after rain events of 1.25" or larger: observe conditions at outflow pipes to pond, outlet structure from pond and pipe outlet from pond for debris. Around the pond and channel along southern property edges, look for signs of sediment accumulation, flow channelization, erosion damage, local streambank instability. Check the outfall for signs of surface erosion, seepage or tunneling along outfall pipe. Schedule repairs as needed to address such issues if erosion is severe or if sediment buildup is impacting the ability to convey flow or to sustain desired vegetation.
2. Observe conditions at forebay at least twice annually.
3. Remove accumulated sediment from forebay at the end of active site construction and when forebay is half full, approximately once every five years, or more frequently depending on site conditions, adjacent agricultural land uses and active construction upstream.
4. Clean and remove debris from inlet and outlet structure at least three times annually.
5. Annually monitor vegetation and perform replacement planting as necessary. Develop and follow a maintenance schedule for native planting areas.
6. Annually inspect the pond area for the following:
  - a. Examine stability of the safety bench and shoreline edge around the perimeter of the pond.
  - b. Inspect for invasive vegetation and remove where possible.
  - c. Inspect for damage to the embankment and inlet/outlet structures; repair as necessary.
  - d. Note any signs of hydrocarbon build-up and remove accordingly.



7. Repair undercut or eroded areas when observed.
8. Annually harvest plants that have been “choked out” by sediment accumulation.
9. Remove sediment from the pond when total pool volume has become reduced significantly (~25%), when plants along pond edge are “choked” with sediment or the pond becomes eutrophic. To be performed as needed, when approximately 25% of the total pool volume has been lost, or as noted.

B. A complete copy of the specifications for the as-built Facilities and related documents will be kept on file with the City to provide more detail as to the Facilities and the maintenance and repair requirements related thereto.

C. The Owner is responsible for documenting maintenance and repair needs and ensuring compliance with the requirements of this ordinance and accomplishment of its purposes.

#### **SECTION 4. MAINTENANCE AND REPAIR; EASEMENT.**

The Owner grants to the City an easement for access to the Facilities over and across the areas designated “Drainage and Storm Water Detention Easement” on the attached Exhibit A at reasonable times for periodic inspection by City or City’s designee to ensure that the Facilities are maintained in proper working condition to meet City Storm Water requirements and, if necessary, and for maintenance and repair of the Facilities in accordance with the terms of this Agreement.

The Owner further grants to the City the following rights in connection with said easement:

A. The right to temporarily occupy the area on either side of the Facilities in order to grade said easement areas for the full width thereof.

B. The right from time to time, after providing reasonable notice to the Owner as provided in Section 7, to trim, cut down and clear away all trees and brush on said Facilities which now or hereafter in the opinion of the City may be a hazard to said Facilities, or may interfere with the exercise of the City’s rights hereunder in any manner.

The City shall indemnify the Owner against any loss and damage which shall be caused by the negligent exercise of any said ingress or egress, construction, use or maintenance by the City or its agents or employees in the course of their employment.

The Owner reserves the right to use said Facilities for purposes which will not interfere with the City’s full enjoyment of its right hereby granted; provided that the Owner shall not erect or construct any building, fence, retaining wall or other structures; plant any trees, drill or operate any well; construct any obstructions on said Facilities; or substantially add to the ground cover of said Facilities.

#### **SECTION 5. INSPECTION OF FACILITIES.**

The Facilities are subject to periodic inspections by the City on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of uses of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES Storm Water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in the Facilities, and evaluating the condition of the Facilities.

#### **SECTION 6. RECORDS OF INSTALLATION AND MAINTENANCE AND REPAIR ACTIVITIES.**

The Owner is responsible for the operation and maintenance of the Facilities in perpetuity. The Owner shall make records of the installation and of all maintenance and repairs and shall retain the records for at least twenty-five (25) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon the City's request.

#### **SECTION 7. FAILURE TO MAINTAIN STORM WATER MANAGEMENT FACILITIES.**

In the event that the Facilities are not being maintained and repaired as required by this Agreement or the City's ordinances, the City shall notify the Owner in writing. Upon receipt of that notice, the Owner shall have thirty (30) days to effect maintenance and repair of the Facilities in an approved manner. A reasonable extension may be allowed if the work cannot be completed within the thirty days due to weather, unavailability of necessary materials, or other good cause shown by the Owner.

If the Owner fails or refuses to meet the requirements of the maintenance covenant or any provision of this Agreement or the City's ordinance, the City, after reasonable notice, may correct a violation by performing all necessary work to place the Facilities in proper working condition. After correcting said violation, City may assess, jointly and severally, the owners of the Facilities, and any other persons or parties responsible for maintenance under any applicable written agreement with the Owner, for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property or prorated against the beneficial users of the property, which are all property owners of this subdivision, and may be placed on the tax bill and collected as ordinary taxes. The Owner hereby agrees that it shall not be necessary for the City to seek a court order for permission to enter upon the property or take the corrective actions it determines necessary under this Section.

Nothing in this Agreement shall be construed to impose a requirement on the City to install the original public improvement at issue herein. Nor shall the Owner be deemed acting as the City's agent during the original construction and installation of said improvement. The parties agree that the obligation to install the public improvement herein shall be in accordance with City specifications, and the obligation shall remain on the Owner until completion by the Owner, and until acceptance by the City, as provided by law.

## **SECTION 8. ENFORCEMENT AND APPEALS.**

A. Building and occupancy permits shall not be issued until the Facilities have been constructed by the Owner and inspected and approved by the City; however, upon request of the Owner and prior to completion of the Facilities, the City may, in its discretion, conditionally approve the Facilities, subject to certain terms and the posting of sufficient security in accordance with Subsection 180.11(8)(A)(2) of the City's Subdivision Ordinance. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

B. Violation of any provision of this ordinance may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover attorney fees and court costs from any person or party who is determined by a court of competent jurisdiction to have violated this ordinance.

C. Violation of any provision of this ordinance may also be enforced as a municipal infraction within the meaning of §364.22 of the Code of Iowa, pursuant to the City's municipal infraction ordinance.

## **SECTION 9. OWNER'S OBLIGATION AND CITY ACTIONS.**

A. The Owner of part or all of the property described above agrees and is fully obligated to perform as provided in this Agreement. The Owner is liable and responsible for each and every obligation agreed to be undertaken pursuant to this Agreement. Failure of any party responsible to perform under this Agreement is not a defense against any action to be taken by the City.

B. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers must be in writing, signed by both parties and approved by written resolution of the City Council.

C. Only upon completion of the Facility and, further, upon inspection and approval of the Facility by the City shall the Owner have the right to assign all of its obligations under this Agreement to a homeowners' association or the successor title holder of the property described in Section 1.A of this Agreement. Such assignment shall occur automatically upon recorded conveyance of the property by deed, contract or Declaration of Submission of Property to Horizontal Property Regime pursuant to Iowa Code Chapter 499B.

## **SECTION 10. FEES.**

The Owner agrees to pay for the costs of recording this Agreement. The Owner agrees to pay all necessary recording and filing fees that accrue as a result of any work that is performed under this Agreement or made necessary as a result of this development project. A copy of all recorded documents, including but not limited to this Agreement, shall be provided to the City.

**SECTION 11. NOTICES.**

Required notices to the Owner shall be in writing and shall either be hand delivered to the Owner, its agents or employees, or mailed to the Owner by registered mail at the following address:

Physician's Building Group, LLC  
2751 Northgate Dr  
Iowa City, IA 52245

The Owner is required to maintain current contact information on file with the City at all times. In the event ownership of the property changes for any reason and under any circumstances, any new owner shall maintain current contact information on file with the City.

Notices to the City shall be in writing and shall be either hand delivered to the City Administrator or mailed to the City by registered mail in care of the City Administrator at the following address:

North Liberty City Administrator  
3 Quail Creek Circle  
P.O. Box 77  
North Liberty, IA 52317

Notices mailed in conformance with this section shall be deemed properly given.

**SECTION 12. SUCCESSORS AND ASSIGNS.**

This Agreement shall be a covenant running with the land and inure to the benefit of and be binding upon the Owner and all successors, heirs, and assigns in perpetuity.

[remainder of page intentionally left blank]

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF NORTH LIBERTY, IOWA

PHYSICIAN'S BUILDING GROUP, LLC

By: \_\_\_\_\_  
Chris Hoffman, Mayor

By: \_\_\_\_\_  
Patrick Magallanes, Manager

ATTEST: \_\_\_\_\_  
Tracey Mulcahey, City Clerk

STATE OF IOWA, JOHNSON COUNTY: ss

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Chris Hoffman and Tracey Mulcahey, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of North Liberty, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the municipal corporation; and that the instrument was signed and sealed on behalf of the municipal corporation by the authority of its City Council, as contained in Resolution No. \_\_\_\_\_ of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2023; and that Chris Hoffman and Tracey Mulcahey acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa  
My Commission Expires: \_\_\_\_\_

STATE OF IOWA, JOHNSON COUNTY: ss

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2023, by Patrick Magallanes as Manager of Physician's Building Group, LLC.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

# EXHIBIT A - SMF MAINTENANCE AGREEMENT AND EASEMENT

# STEINDLER MEDICAL PARK NORTH LIBERTY, IOWA FINAL PLAT

INDEX LEGEND	
CITY:	NORTH LIBERTY
COUNTY:	JOHNSON
LOCATION:	PART OF AUDITOR'S PARCEL 2021037
TRS:	SECTION 22-T80N-R7W
PROPRIETOR:	PHYSICIAN'S BUILDING GROUP, LLC
REQUESTED BY:	RDG PLANNING AND DESIGN
SURVEYOR:	ALEC FULLER
COMPANY:	McCLURE ENGINEERING
RETURN TO:	ALEC FULLER 2229 E GRANTVIEW LANE #2 CORALVILLE, IOWA 52241 / 319-626-9090

**OWNER:**  
PHYSICIAN'S BUILDING GROUP, LLC  
2751 NORTHGATE DR  
IOWA CITY, IOWA 52240

**APPLICANT:**  
RDG PLANNING AND DESIGN  
201 E WASHINGTON STREET STE. 201  
IOWA CITY, IOWA 52240  
(515) 288-3141  
ATTN: WILL DOWNING  
WDOWNING@RDGUSA.COM

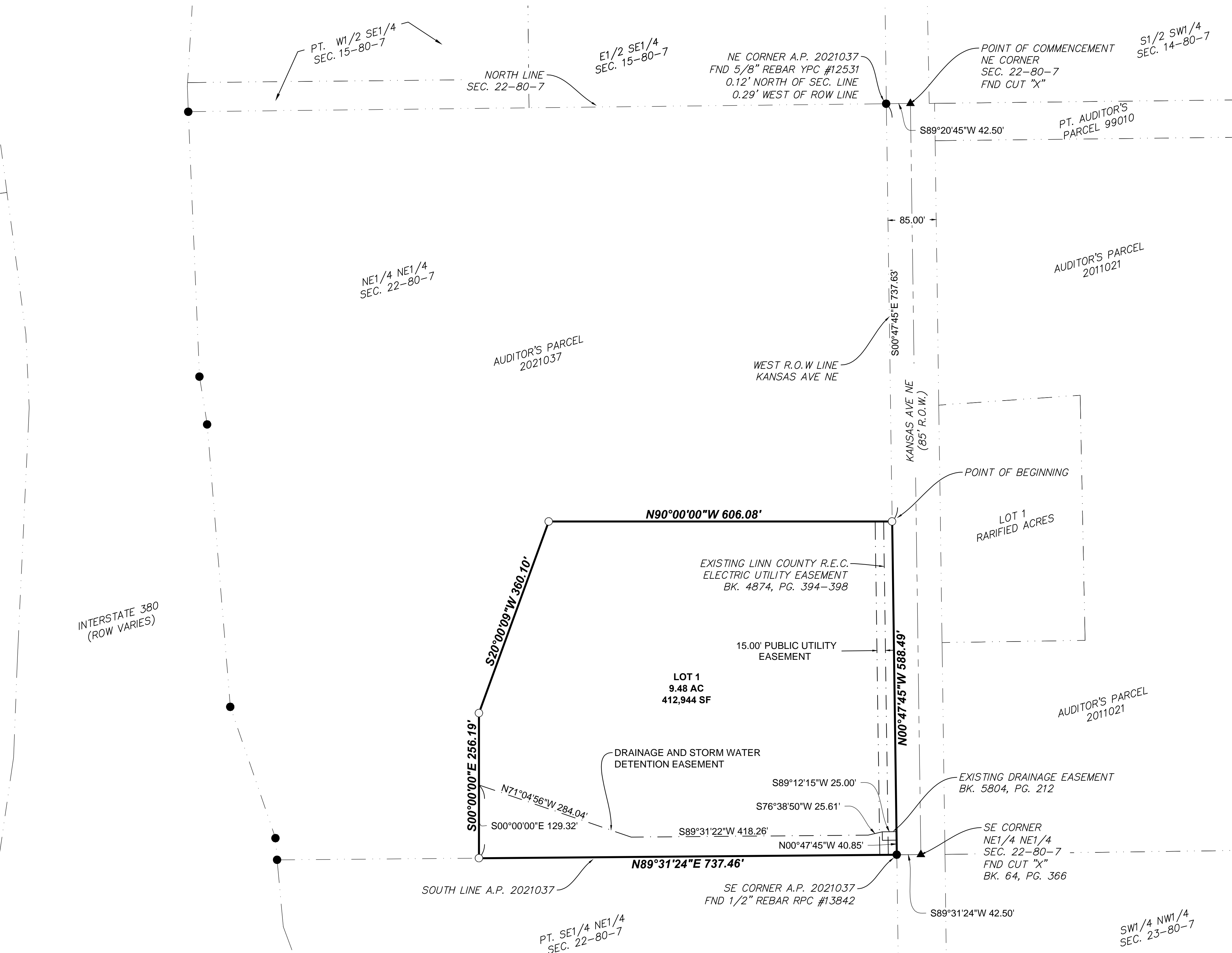
**APPLICANT'S ATTORNEY:**  
PUGH HAGAN PRAHM, PLC  
425 E OAKDALE BLVD, STE. 201  
CORALVILLE, IA 52241  
(319) 351-2028  
ATTN: RYAN PRAHM  
RPRAHM@PUGHAGAN.COM

**SETBACK SUMMARY:**  
FRONT= 25 FEET  
SIDE= 10 FEET, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN 20'  
REAR= 10 FEET, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN 25'

**ZONING:**  
ZONING: C-3 - HIGHER DENSITY COMMERCIAL DISTRICT

**NOTES:**  
1. DEVELOPER SHALL BE RESPONSIBLE FOR EXPLORATORY DIGGING ALONG THE PERIMETER OF THE SUBDIVISION TO LOCATE EXISTING FIELD TILE LINES. TILE LINES SHALL BE REMOVED OR CONNECTED TO THE PROPOSED DRAINAGE SYSTEM TO ENSURE ACTIVE TILE LINES REMAIN FUNCTIONAL

GENERAL LEGEND	
—	SURVEY BOUNDARY
- - -	PROPOSED LOT
---	EXIST PROPERTY LINE
----	SECTION LINE
----	SETBACK LINE
----	EASEMENT
MONUMENTS FOUND:	
▲	SECTION CORNER (TYPE AS NOTED)
●	1/2" REBAR W/RPC #13842 (UNLESS NOTED OTHERWISE)
MONUMENTS SET:	
△	SECTION CORNER 1/2" REBAR W/YPC #27827
○	1/2" REBAR W/YPC #27827
✂	CUT X
FND	FOUND
BK PG	BOOK AND PAGE
A.P.	AUDITOR'S PARCEL
R.O.W.	RIGHT-OF-WAY
P.U.E.	PUBLIC UTILITY EASEMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT



### LEGAL DESCRIPTION - STEINDLER MEDICAL PARK

A PART OF AUDITOR'S PARCEL 2021037 IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 80 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 65, PAGE 60, PLAT RECORDS OF JOHNSON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 80 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN; THENCE SOUTH 89°20'45" WEST ALONG THE NORTH LINE OF SAID SECTION 22, A DISTANCE OF 42.50 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KANSAS AVE NORTHEAST, ALSO BEING THE NORTHEAST CORNER OF SAID AUDITOR'S PARCEL 2021037; THENCE SOUTH 00°47'45" EAST ALONG SAID RIGHT OF WAY LINE, 737.63 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90°00'00" WEST, 606.08 FEET; THENCE SOUTH 20°00'09" WEST, 360.10 FEET; THENCE SOUTH 00°00'00" EAST, 256.19 FEET TO THE SOUTH LINE OF SAID AUDITOR'S PARCEL 2021037; THENCE NORTH 89°31'24" EAST, 737.46 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KANSAS AVE NE, ALSO BEING THE SOUTHEAST CORNER OF SAID AUDITOR'S PARCEL 2021037; THENCE NORTH 00°47'45" WEST ALONG SAID RIGHT OF WAY LINE, 588.49 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINS 9.48 ACRES AND IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

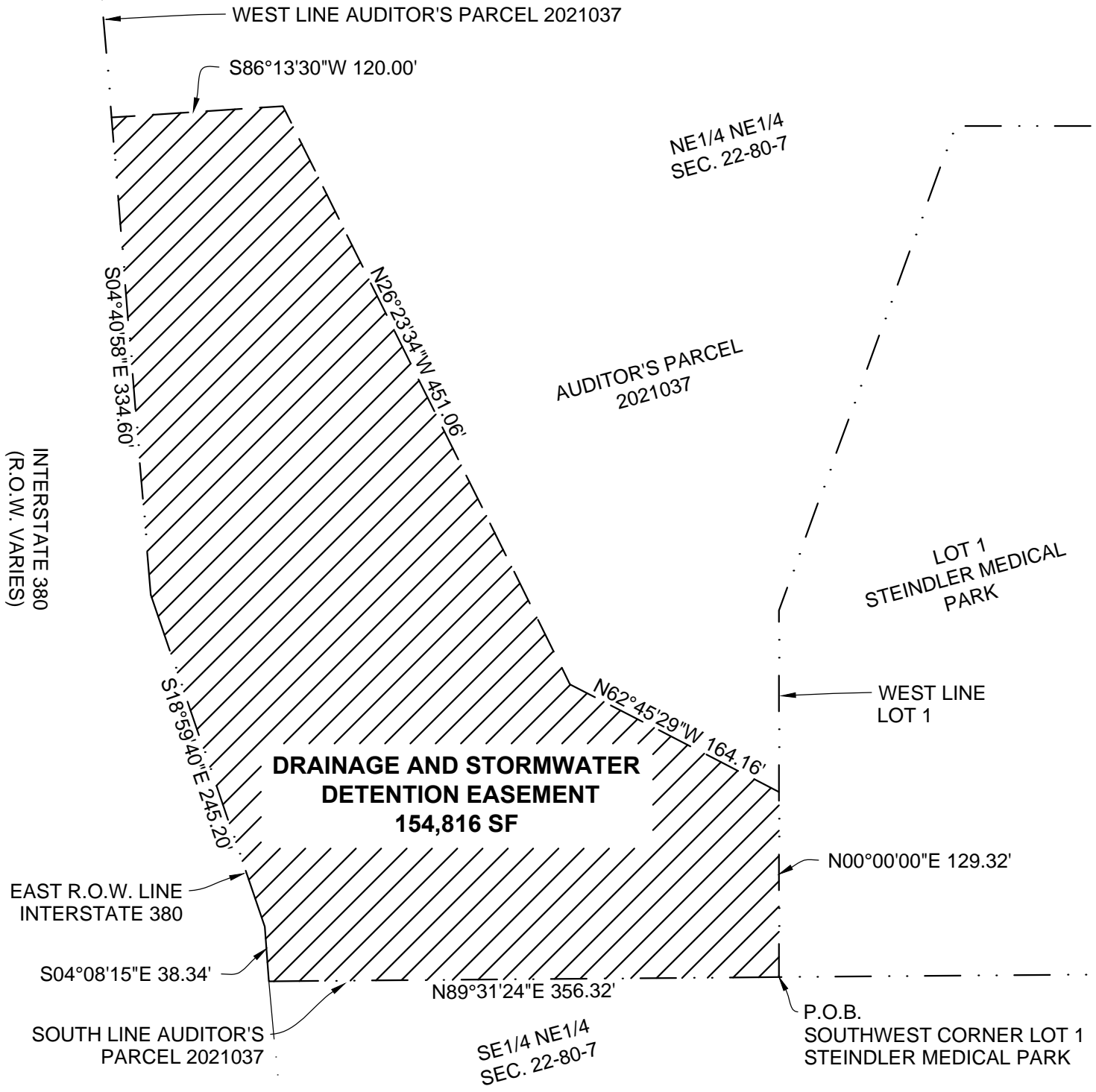
PLAT APPROVED BY THE CITY OF NORTH LIBERTY, IOWA	
CITY CLERK	DATE
UTILITY EASEMENTS, AS SHOWN HEREON, MAY OR MAY NOT, INCLUDE SANITARY SEWER LINES AND/OR STORM SEWER LINES, AND/OR WATER LINES; SEE CONSTRUCTION PLANS FOR DETAILS.	
UTILITY EASEMENTS, AS SHOWN HEREON, ARE ADEQUATE FOR THE INSTALLATION AND MAINTENANCE OF THE FACILITIES REQUIRED BY THE FOLLOWING AGENCIES:	
LINN COUNTY R.E.C	DATE
MIDAMERICAN ENERGY CO.	DATE
MEDIACOM	DATE
SOUTH SLOPE TELEPHONE	DATE

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

ALEC FULLER  
IOWA LICENSE RENEWAL DATE IS DECEMBER 31, 2024  
PAGES OR SHEETS COVERED BY THIS SEAL: 01-01  
DATE SURVEYED: 2/15/2023

	ENGINEER	DRAWN BY	REVISIONS	STEINDLER MEDICAL PARK FINAL PLAT	
	SURVEYOR	CREW CHIEF	6/20/23	NORTH LIBERTY, IOWA	
	DRIVING NO.	SHEET NO.	JOHNSON COUNTY	DATE: 4/26/2023	
	FP-01	01/01	2022000709		

# EASEMENT EXHIBIT



## LEGAL DESCRIPTION

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BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, STEINDLER MEDICAL PARK, AN OFFICIAL PLAT, IN THE CITY OF NORTH LIBERTY, JOHNSON COUNTY, IOWA, THENCE NORTH 00°00'00" EAST ALONG THE WEST LINE OF SAID LOT 1, 129.32 FEET; THENCE NORTH 62°45'29" WEST, 164.16 FEET; THENCE NORTH 26°23'34" WEST, 451.06 FEET; THENCE SOUTH 86°13'30" WEST, 120.00 FEET TO THE WEST LINE OF SAID AUDITOR'S PARCEL 2021037, ALSO BEING THE EAST RIGHT OF WAY LINE OF INTERSTATE 380; THENCE SOUTH 04°40'58" EAST, 334.60 FEET ALONG SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 18°59'40" EAST, 245.20 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 04°08'15" EAST, 38.34 FEET TO THE SOUTHWEST CORNER OF SAID AUDITOR'S PARCEL 2021037; THENCE NORTH 89°31'24" EAST ALONG THE SOUTH LINE OF SAID AUDITOR'S PARCEL 2021037, 356.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 154,816 SQUARE FEET.



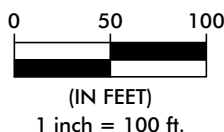
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 PAGES OR SHEETS COVERED BY THIS SEAL: 01-01

LEGEND	
	PROPERTY LINE
	EASEMENT LINE
	EASEMENT AREA
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY



2229 E GRANTVIEW LANE #2  
 CORALVILLE, IOWA 52241  
 319.626.9090



## EASEMENT EXHIBIT

DRAINAGE AND STORMWATER  
 DETENTION EASEMENT

NORTH LIBERTY, IOWA  
 JOHNSON COUNTY  
 2022000709  
 9/20/2023

REVISIONS	
-	-
-	-
-	-
ENGINEER	DRAWN BY
-	A. FULLER
SURVEYOR	CREW CHIEF
A. FULLER	W. GJERSVIK

SKETCH NO.  
**01-01**

Resolution No. 2023-109

**RESOLUTION APPROVING THE STORM WATER  
MANAGEMENT FACILITIES MAINTENANCE  
AGREEMENT AND EASEMENT BETWEEN THE CITY OF  
NORTH LIBERTY AND PHYSICIAN'S BUILDING GROUP,  
LLC THAT ESTABLISHES THE TERMS AND  
CONDITIONS UNDER WHICH STORMWATER  
MANAGEMENT FACILITIES WILL BE MAINTAINED FOR  
STEINDLER MEDICAL PARK IN THE CITY OF NORTH  
LIBERTY, IOWA**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,  
IOWA:**

**WHEREAS**, the terms and conditions for the maintenance of the storm water management facilities for Steindler Medical Park have been set forth in an Agreement between the City of North Liberty ("City") and Physician's Building Group, LLC ("Owner");

**WHEREAS**, the owner of the property shown in the attachment have executed the Public Storm Sewer Easement Agreement to permit the City to utilize property delineated in the agreement for the purpose of excavating for and the installation, replacement, maintenance and use of public storm sewer infrastructure;

**NOW, THEREFORE, BE IT RESOLVED** that that the Storm Water Management Facility Maintenance Agreement and Easement between the City and the Owners is approved for the development of Steindler Medical Park, North Liberty, Iowa.

**APPROVED AND ADOPTED** this 26th day of September, 2023.

CITY OF NORTH LIBERTY:

---

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

---

TRACEY MULCAHEY, CITY CLERK



# STEINDLER MEDICAL PARK NORTH LIBERTY, IOWA FINAL PLAT

INDEX LEGEND	
---	CITY NORTH LIBERTY
---	COUNTY JOHNSON
---	LOCATION PART OF AUDITOR'S PARCEL 2021037
---	FILE SECTION 22-80-7
---	PROPRIETOR PHYSICIAN'S BUILDING GROUP, LLC
---	REQUESTED BY RDG PLANNING AND DESIGN
---	ENGINEER ALEC FALLER
---	COMPANY MCCLURE ENGINEERING
---	RETURN TO ALEC FALLER 2202 E GRANTVIEW LANE #2 CORALVILLE, IOWA 52241 / 319-428-8090

**OWNER:**  
PHYSICIAN'S BUILDING GROUP, LLC  
2751 NORTHGATE DR  
IOWA CITY, IOWA 52240

**APPLICANT:**  
RDG PLANNING AND DESIGN  
201 E WASHINGTON STREET STE. 201  
IOWA CITY, IOWA 52240  
(515) 288-3141  
ATTN: WILL DOWNING  
WDOWNING@RDGUSA.COM

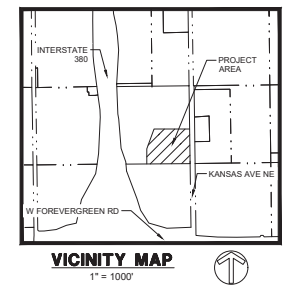
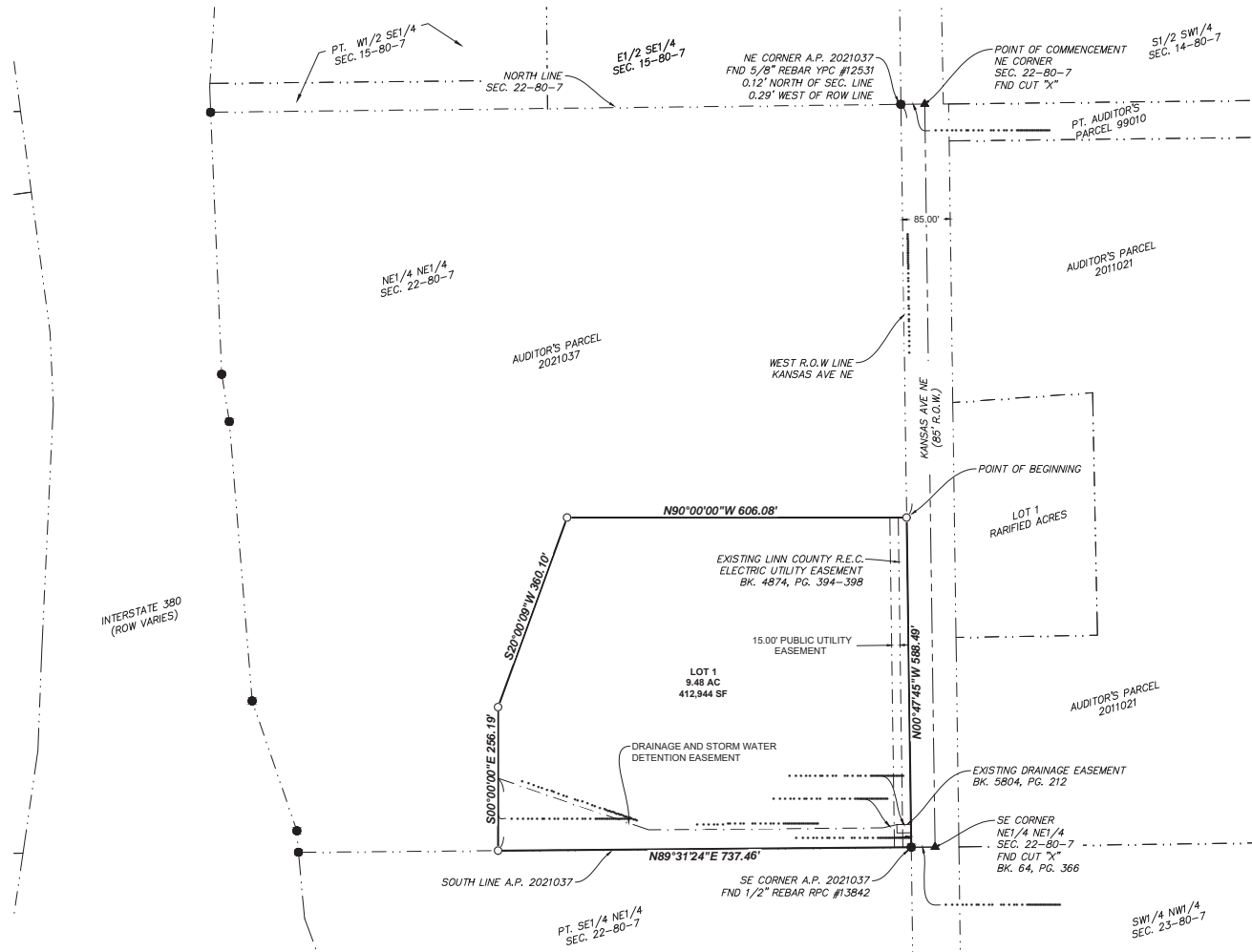
**APPLICANT'S ATTORNEY:**  
PUGH HAGAN PRAHM, PLC  
425 E OAKDALE BLVD, STE. 201  
CORALVILLE, IA 52241  
(319) 351-2028  
ATTN: RYAN PRAHM  
RPRAHM@PUGHHAGAN.COM

**SETBACK SUMMARY:**  
FRONT: 25 FEET  
SIDE: 10 FEET, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN 20'  
REAR: 10 FEET, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN 25'

**ZONING:**  
ZONING: C-3 - HIGHER DENSITY COMMERCIAL DISTRICT

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---	SECTION LINE
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---	EASEMENT
MONUMENTS FOUND:	
▲	SECTION CORNER (TYPE AS NOTED)
●	1/2" REBAR W/PC #13842 (UNLESS NOTED OTHERWISE)
MONUMENTS SET:	
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△	1/2" REBAR W/PC #27827
●	1/2" REBAR W/PC #27827
XX	CUT X
FND	FOUND
BK, PG	BOOK AND PAGE
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PLAT APPROVED BY THE CITY OF NORTH LIBERTY, IOWA	
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DATE SURVEYED: 01/15/2023  
 DATE PREPARED: 01/15/2023  
 PAGES OR SHEETS COVERED BY THIS SEAL: 01-01  
 DATE SURVEYED: 01/15/2023

ENGINEER: ALEC FALLER  
 SURVEYOR: ALEC FALLER  
 DRAFTER: CHRIS CHAPMAN  
 CHECKER: WENDY WELLS  
 DATE: 01/15/23

PROJECT: STEINDLER MEDICAL PARK FINAL PLAT  
 NORTH LIBERTY, IOWA  
 JOHNSON COUNTY  
 SHEET NO.: 202300109  
 DATE: 02/06/2023

Making Smiles Better  
 2023 © McClure Lane #0  
 5755232877

# EASEMENT EXHIBIT



**LEGAL DESCRIPTION**

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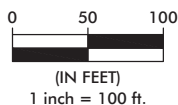
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	EASEMENT LINE
	EASEMENT AREA
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY



2229 E GRANTVIEW LANE #2  
 CORALVILLE, IOWA 52241  
 319.626.9090



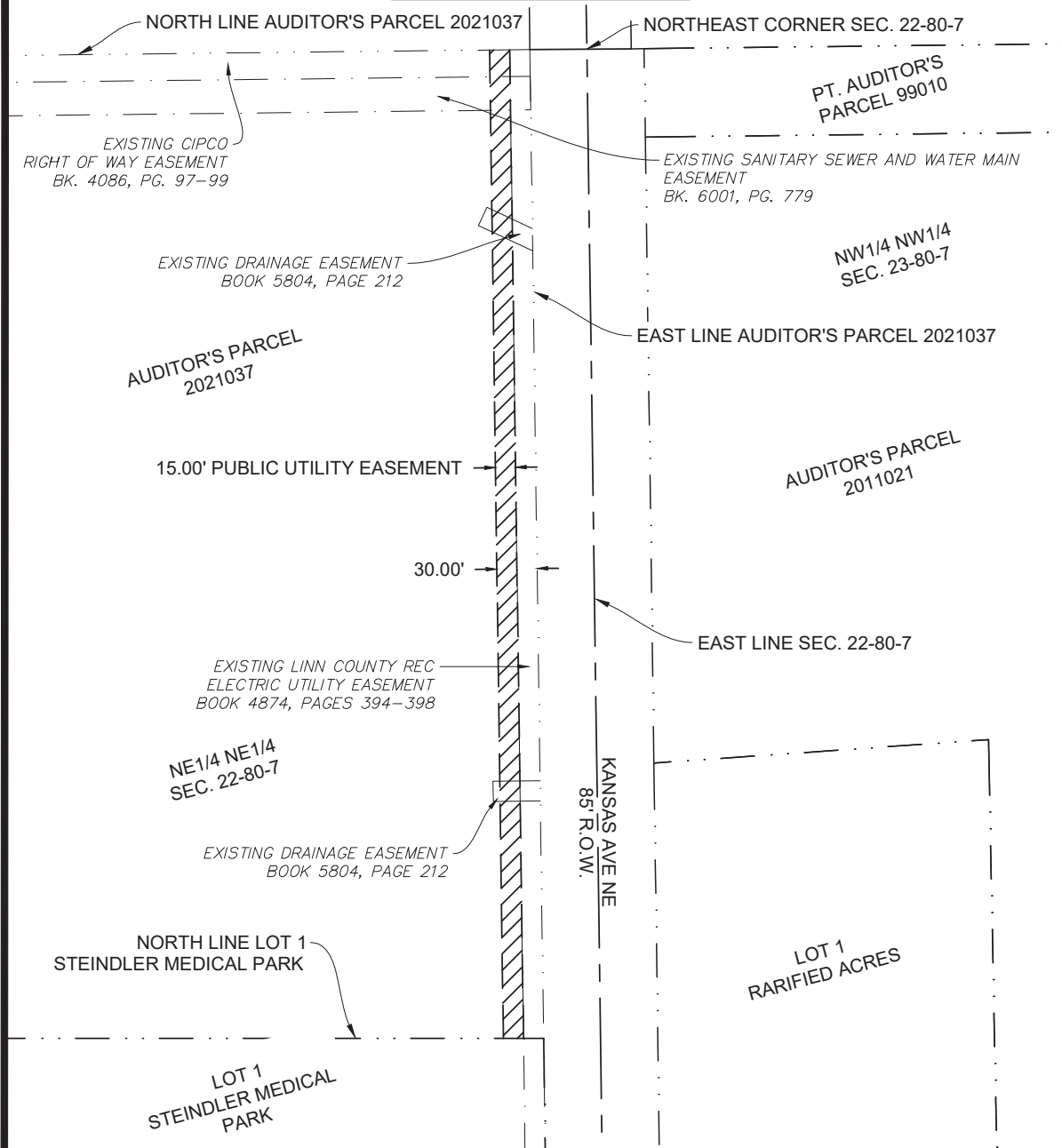
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 DETENTION EASEMENT

NORTH LIBERTY, IOWA  
 JOHNSON COUNTY  
 2022000709  
 9/20/2023

REVISIONS	-	-
ENGINEER	-	DRAWN BY A. FULLER
SURVEYOR A. FULLER	-	CREW CHIEF W. GJERSVIK

SKETCH NO.  
**01-01**

# EASEMENT EXHIBIT



## LEGAL DESCRIPTION

THE WEST 15.00 FEET OF THE EAST 30.00 FEET OF AUDITOR'S PARCEL 2021037 IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 80 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN, AS SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 65, PAGE 60, PLAT RECORDS OF JOHNSON COUNTY, IOWA, EXCEPT THAT PART THAT FALLS WITHIN LOT 1, STEINDLER MEDICAL PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF NORTH LIBERTY, IOWA.



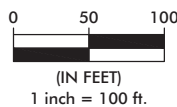
I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

ALEC FULLER  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024  
 DATE \_\_\_\_\_  
 PAGES OR SHEETS COVERED BY THIS SEAL: 01-01

LEGEND	
	SECTION LINE
	PROPERTY LINE
	EASEMENT LINE
	EASEMENT AREA
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY



2229 E GRANTVIEW LANE #2  
 CORALVILLE, IOWA 52241  
 319.626.9090



## EASEMENT EXHIBIT

PUBLIC UTILITY EASEMENT

NORTH LIBERTY, IOWA  
 JOHNSON COUNTY  
 2022000709  
 9/20/2023

REVISIONS	
-	-
-	-
-	-
ENGINEER	DRAWN BY
-	A. FULLER
SURVEYOR	CREW CHIEF
A. FULLER	W. GJERSVIK

SKETCH NO.  
**01-01**

**Resolution No. 2023-110**

**RESOLUTION APPROVING THE FINAL PLAT FOR STEINDLER MEDICAL  
PARK IN NORTH LIBERTY, IOWA**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY,  
IOWA:**

**WHEREAS**, the owner, Physician’s Building Group, LLC, has filed with the City Clerk a final plat for the property described in Exhibit A, which is attached hereto and made a part hereof;

**WHEREAS**, said real estate is owned by the above-named parties and the resubdivision is being made with the free consent and in accordance with the desires of the owners;

**WHEREAS**, said final plat is found to conform with Chapter 354 of the Code of Iowa and ordinances of the City of North Liberty;

**WHEREAS**, the installation of public improvements serving the property has been provided for in accordance with the terms of the Developer’s Agreement for Steindler Medical Park.

**NOW, THEREFORE, BE IT RESOLVED** that the final plat Steindler Medical Park is hereby approved and accepted.

**APPROVED AND ADOPTED** this 26th day of September, 2023.

CITY OF NORTH LIBERTY:

---

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

---

TRACEY MULCAHEY, CITY CLERK



# **Pratt Real Estate Zoning Map Amendment**



September 5, 2023

Chris Hoffman, Mayor  
City of North Liberty  
3 Quail Creek Circle  
North Liberty IA 52317

Re: Request of Pratt Real Estate Management, Inc. for a zoning map amendment (rezoning) on approximately 1.59 acres from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District. The property is located on the west side of North Jones Boulevard approximately 465 feet south of 240th Street.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its September 5, 2023 meeting. The Planning Commission took the following action:

**Finding:**

1. The rezoning request from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District would achieve consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

**Recommendation:**

The Planning Commission accepted the listed finding and forwards the request for zoning map amendment (rezoning) from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District on approximately 1.59 acres to the City Council with a recommendation for approval.

The vote for approval was 5-0.

Jason Heisler, Vice Chairperson  
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**  
 From **Ryan Rusnak, AICP**  
 Date **September 1, 2023**  
 Re **Request of Pratt Real Estate Management, Inc. for a zoning map amendment (rezoning) on approximately 1.59 acres from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District. The property is located on the west side of North Jones Boulevard approximately 465 feet south of 240th Street.**

---

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

- Ryan Heiar, City Administrator
- Tracey Mulcahey, Assistant City Administrator
- Grant Lientz, City Attorney
- Tom Palmer, City Building Official
- Kevin Trom, City Engineer
- Ryan Rusnak, Planning Director

**1. Request Summary:**

The request proposes to rezone a portion of the proposed Solomon’s Landing development to allow Single-Unit Zero Lot Line Dwellings.



## 2. Current and Proposed Zoning:

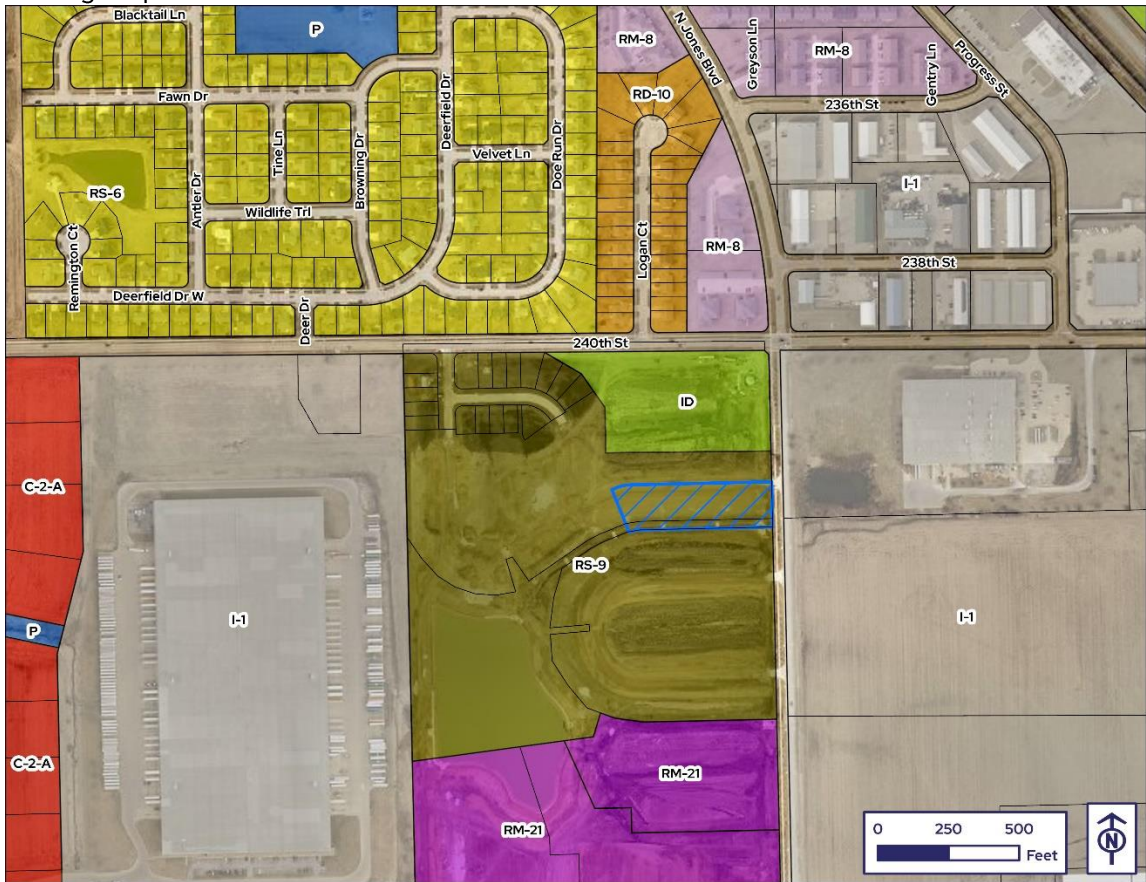
### Current Zoning

RS-9 Single-Unit Residence District. The RS-9 District is intended to provide for and maintain high-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-9 District.

### Proposed Zoning

RD-10 Two-Unit Residence District. The RD-10 District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RD-10 District.

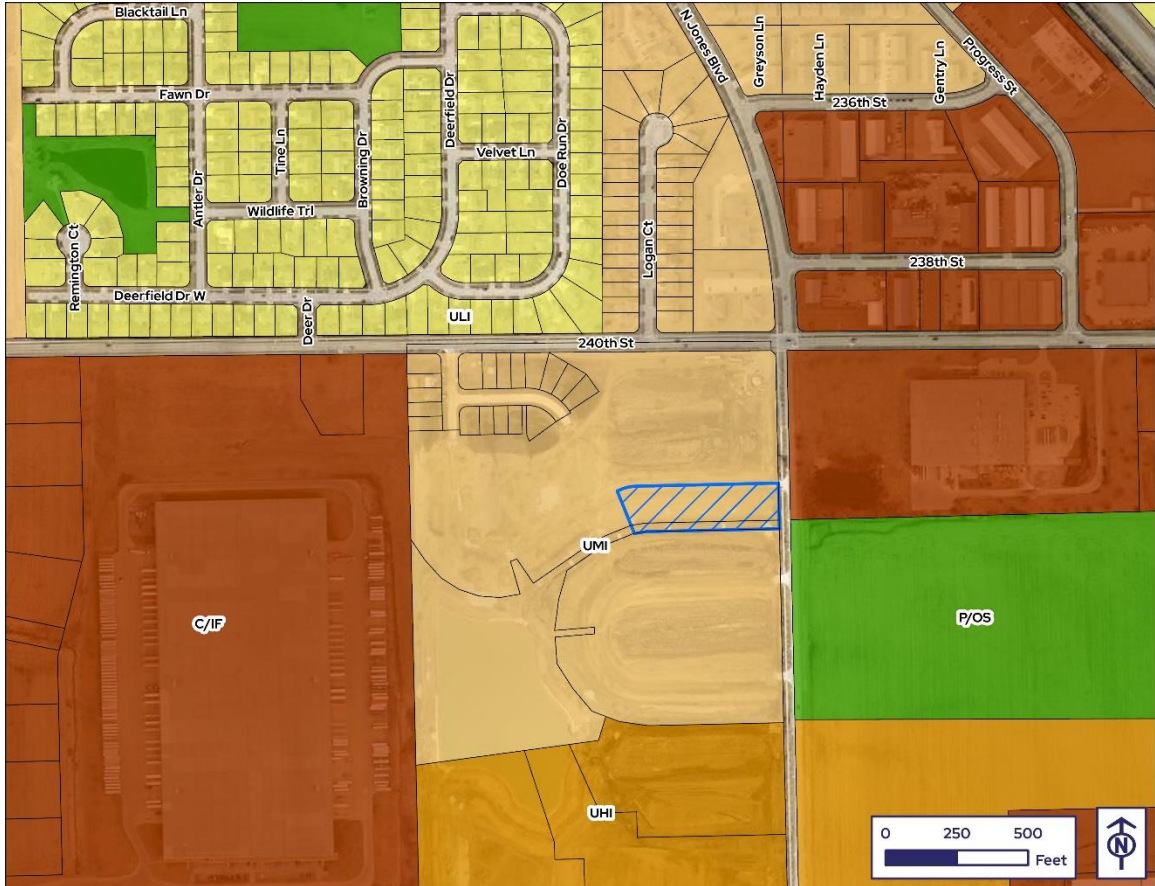
### Zoning Map





### 3. Consistency with Comprehensive Plan Land Use Designation: Urban Medium Intensity.

Future Land Use Map (FLUM)



#### Urban Medium Intensity Description

More variety in housing arrangements and more allowance for activity areas that draw people from outside the immediate area for services or recreation. Increased intensity (compared to ULI) improves opportunities for economic activity and social interaction. Medium intensity areas include mostly a horizontal mix of residential and non-residential uses at compatible moderate densities and scale, although there may be opportunities for vertical mixed-use.

#### Residential

Uses include a variety of housing types that may be on smaller lots. Housing mix can include single-family detached homes, duplexes, townhomes, and multifamily buildings to create integrated neighborhoods.

Form and Features

- » General aggregate development density of 7 to 14 dwelling units per acre. Innovative designs should allow more public spaces than ULI.
- » Attached housing developments maintain the identity of the individual housing units.
- » High connectivity with multiple access points into neighborhoods. As compared to ULI, UMI encourages closer proximity between transportation, housing, and commercial services.

**4. Public Input:**

A virtual good neighbor meeting was held on July 18, 2023. City staff, one member of the Planning Commission and the applicant attended the meeting. There are no formal objections to the request.

**5. Analysis of the Request**

Section 165.09(4)(D)(1) of the Zoning Ordinance sets for the approval standards for zoning maps amendments.

Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards (staff commentary in italics).

Map Amendments.

- (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Figure 3.4 within *Connected to Tomorrow* was utilized to determine which zoning district would be compatible with the *Future Land Use Map*.

Figure 3.4: Land Use Compatibility

TRADITIONAL LAND USES	AGRICULTURE (AG)	URBAN RESERVE (UR)	URBAN LOW INTENSITY (ULI)	URBAN MEDIUM INTENSITY (UMI)	URBAN HIGH INTENSITY (UHI)	COMMERCIAL/ INDUSTRIAL FLEX (FLX)	PUBLIC AND SEMI PUBLIC (PUB)	PARK AND OPEN SPACE (P, OS)
Agriculture	●	●						
Rural residential		●						○
Low-density residential			●	○				
Medium-density residential			●	●	○			
High-density residential				●	●	○		
Rural commercial		●						
Neighborhood commercial			○	●	●	●		
Community commercial				○	●	●		
Regional commercial					○	●		
Low/medium intensity office			○	●	●	●		
High-intensity office				○	●	●		
Limited industrial		○				●		
Heavy industrial						○		
Parks and civic uses	●	●	●	●	●	○	●	●
Major public/civic facilities						○	●	○
Residential density range (du/A*)	≤40	≤40	3-8	7-14	14+	14+	NA	NA

● Permitted ○ Permitted with special review  
\*Dwelling Units per Acre

The RD-10 zoning allows a lot size of 4,500 square feet per dwelling unit (9.68 units/acre). It is staff’s opinion that the zoning map amendment would achieve consistency with the Comprehensive Plan and adopted land use policies.

(b) The compatibility with the zoning of nearby property.  
*The surrounding properties within the Solomon's Landing development are zoned RS-9, which allows a lot size of 4,500 square feet per dwelling unit. It is staff's opinion that the proposed zoning would be compatible with the area.*

(c) The compatibility with established neighborhood character.  
*It is staff's opinion that the proposed zoning would be compatible with established neighborhood character.*

(d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.  
*It is staff's opinion that the proposed zoning would promote the public health, safety, and welfare of the City.*

(e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.  
*The RS-9 District allows for single-unit homes on smaller lots. While the property can be developed with the existing zoning, the developer is seeking this change to allow two-unit dwellings.*

(f) The extent to which the proposed amendment creates nonconformities.  
*It is staff's opinion that the proposed zoning would not create any nonconformities.*

#### **6. Additional Considerations:**

A similar zoning map amendment to RD-10 has been submitted for the portion of the development north of the subject property.

#### **7. Staff Recommendation:**

##### **Finding:**

1. The rezoning request from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District would achieve consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

##### **Recommendation:**

Staff recommends the Planning Commission accept the listed finding and forward the request for zoning map amendment (rezoning) from RS-9 Single-Unit Residence District to RD-10 Two-Unit Residence District on approximately 1.59 acres to the City Council with a recommendation for approval.

##### **Suggested motion:**

I move that the Planning Commission accept the listed finding and forward the zoning map amendment to the City Council with a recommendation for approval.

**Ordinance No. 2023-22**

**AN ORDINANCE AMENDING THE ZONING MAP DISTRICT DESIGNATION FOR CERTAIN PROPERTY LOCATED IN NORTH LIBERTY, IOWA FROM RS-9 SINGLE-UNIT RESIDENCE DISTRICT TO RD-10 TWO-UNIT RESIDENCE DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT.** The Official Zoning Map incorporated in Chapter 168.01(2) of the North Liberty Code of Ordinances is hereby amended by designating the zoning district for 1.59 acres, more or less, as RD-10 Two-Unit Residence District for property particularly described as follows:

Beginning at the Northeast Corner of Outlot "B" of Solomon's Landing - Part One, to North Liberty, Iowa, in accordance with the Plat thereof Recorded in Plat Book 66 at Page 88 of the Records of the Johnson County Recorder's Office; Thence S01°14'54"E, along the East Line of said Outlot "B", 33.00 feet; Thence S88°45'29"W, along said East Line, 467.96 feet; Thence S80°57'47"W, along said East Line, 41.42 feet; Thence N22°06'32"W, 130.82 feet; Thence N67°53'28"E, 15.53 feet; Thence Northeasterly, 43.69 feet, along a 120.00 foot radius curve, concave Southeasterly, whose 43.45 foot chord bears N78°19'17"E; Thence N88°45'06"E, 478.36 feet; Thence Southeasterly, 31.42 feet, along a 20.00 foot radius curve, concave Southwesterly, whose 28.28 foot chord bears S46°14'54"E, to a Point on the East Line of Outlot "A" of said Solomon's Landing - Part One; Thence S01°14'54"E, along said East Line, 80.08 feet, to the Point of Beginning. Said Rezoning Parcel contains 1.59 acres, and is subject to easements and restrictions of record;

**SECTION 2. CONDITIONS IMPOSED.** At the September 5, 2023, meeting the Planning Commission accepted the listed finding and forwarded the request for a zoning map amendment to the City Council with a recommendation for approval with no conditions.

**SECTION 3. ZONING MAP.** It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

**SECTION 4. RECORDATION.** The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

**SECTION 5. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 6. SCRIVENER'S ERROR.** The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

**SECTION 7. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 8. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on September 12, 2023.

Second reading on \_\_\_\_.

Third and final reading on \_\_\_\_\_.

**CITY OF NORTH LIBERTY:**

\_\_\_\_\_  
CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2023-22 in *The Gazette* on the \_\_\_\_ of \_\_\_\_\_, 2023.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK



# **Pratt Real Estate Zoning Map Amendment and PAD**



September 5, 2023

Chris Hoffman, Mayor  
City of North Liberty  
3 Quail Creek Circle  
North Liberty IA 52317

Re: Request of Pratt Real Estate Management, Inc. for a zoning map amendment (rezoning) on approximately 6.24 acres from ID Interim Development District and RS-9 Single-Unit Residence District to RD-10 PAD Two-Unit Residence District Planned Area Development and a Preliminary Subdivision Plat for a 24-lot subdivision on approximately 6.24 acres. The property is located at the southwest corner of North Jones Boulevard 240th Street.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its September 5, 2023 meeting. The Planning Commission took the following action:

**Findings:**

1. The rezoning request from RS-9 Single-Unit Residence District to RD-10 PAD Two-Unit Residence District Planned Area Development would achieve consistency with the zoning map amendment approval standards enumerated in Section 165.09 of the Zoning Code;
2. The site plan, with certain requirements modified, would achieve consistency with North Liberty Code of Ordinances Section 165.05(2) entitled, "Preliminary Site Plan Review", and other Code of Ordinance requirements;
3. The preliminary plat, with certain conditions modified, would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

**Recommendation:**

The Planning Commission accepted the listed findings and forwards the request for a zoning map amendment (rezoning) on approximately 6.24 acres from ID Interim Development District and RS-9 Single-Unit Residence District to RD-10 PAD Two-Unit Residence District Planned Area Development and a Preliminary Subdivision Plat for a 24-lot subdivision on approximately 6.24 acres to the City Council with a recommendation for approval.

The vote for approval was 5-0.

Jason Heisler, Vice Chairperson  
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**  
 From **Ryan Rusnak, AICP**  
 Date **September 1, 2023**  
 Re **Request of Pratt Real Estate Management, Inc. for a zoning map amendment (rezoning) on approximately 6.24 acres from ID Interim Development District and RS-9 Single-Unit Residence District to RD-10 PAD Two-Unit Residence District Planned Area Development and a Preliminary Subdivision Plat for a 24-lot subdivision on approximately 6.24 acres. The property is located at the southwest corner of North Jones Boulevard 240th Street.**

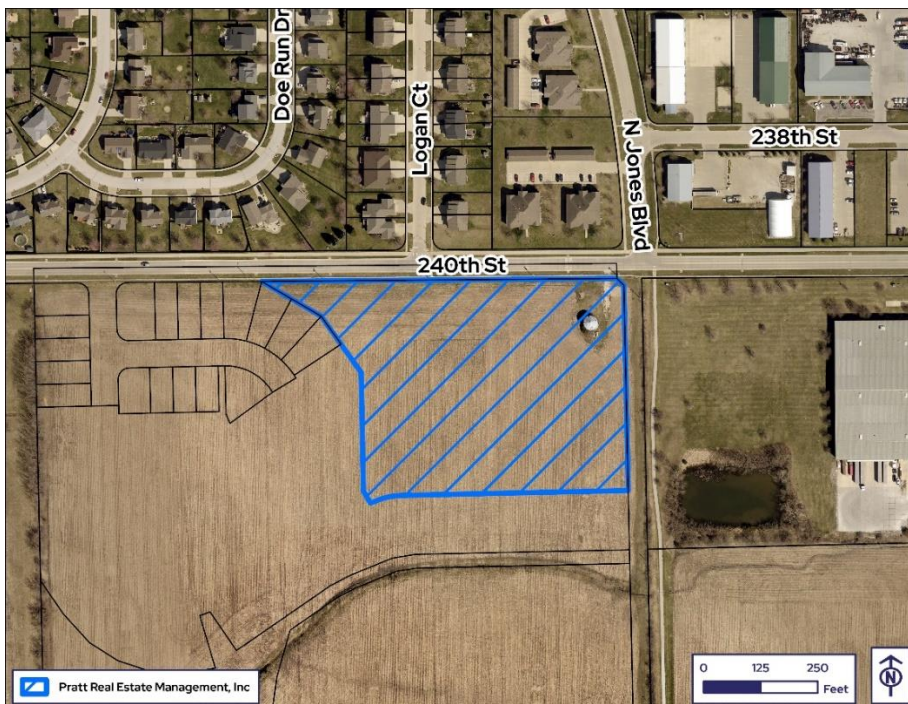
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North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

- Ryan Heiar, City Administrator
- Tracey Mulcahey, Assistant City Administrator
- Grant Lientz, City Attorney
- Tom Palmer, City Building Official
- Kevin Trom, City Engineer
- Ryan Rusnak, Planning Director

**1. Request Summary:**

The purpose of the request is to incorporate 48 single-unit zero lot line dwellings into the Solomon’s Landing development. The Planned Area Development is being requested to allow a reduction in minimum lot size, reduce minimum setbacks and to allow access from a private street.





## 2. Current and Proposed Zoning:

### Current Zoning

ID Interim Development District. The ID District is intended to preserve existing agriculture and other non-intensive uses to prevent premature development and non-orderly encroachment of higher intensity urban uses, and to help guide urban growth into suitable areas.

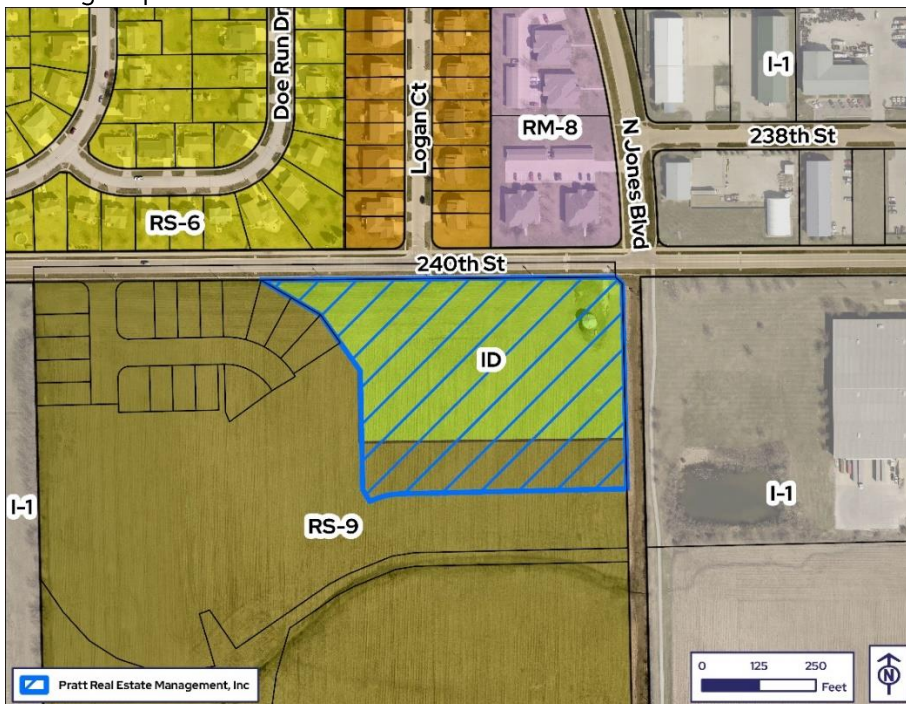
RS-9 Single-Unit Residence District. The RS-9 District is intended to provide for and maintain high-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-9 District.

### Proposed Zoning

RD-10 Two-Unit Residence District. The RD-10 District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RD-10 District.

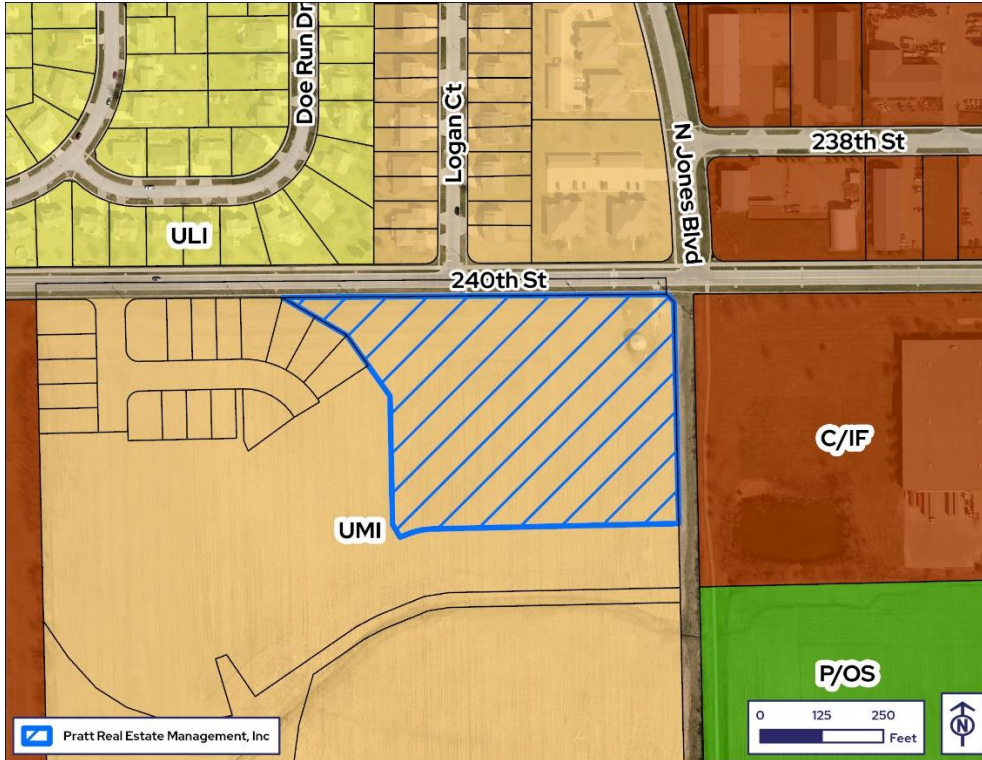
PAD Planned Area Development Overlay District. The PAD District is intended to encourage innovation and flexibility in planning the development of land so development is compatible with the site's physical and environmental characteristics. This district allows for flexibility in district requirements. The Planned Area Development District provides an opportunity for the development of a mixture of uses and housing types in a coordinated manner. The intent of the underlying district shall guide the development. It is incumbent upon the person proposing the PAD to justify the project, and any variations from the underlying zone district.

### Zoning Map



**3. Consistency with Comprehensive Plan Land Use Designation:** Urban Medium Intensity.

Future Land Use Map



Urban Medium Intensity Description

More variety in housing arrangements and more allowance for activity areas that draw people from outside the immediate area for services or recreation. Increased intensity (compared to ULI) improves opportunities for economic activity and social interaction. Medium intensity areas include mostly a horizontal mix of residential and non-residential uses at compatible moderate densities and scale, although there may be opportunities for vertical mixed-use.

Residential

Uses include a variety of housing types that may be on smaller lots. Housing mix can include single-family detached homes, duplexes, townhomes, and multifamily buildings to create integrated neighborhoods.

Form and Features

- » General aggregate development density of 7 to 14 dwelling units per acre. Innovative designs should allow more public spaces than ULI.
- » Attached housing developments maintain the identity of the individual housing units.
- » High connectivity with multiple access points into neighborhoods. As compared to ULI, UMI encourages closer proximity between transportation, housing, and commercial services.

**4. Public Input:**

A virtual good neighbor meeting was held on August 22, 2023. City staff, one member of the Planning Commission and the applicant attended the meeting. There are no formal objections to the request.

**5a. Zoning Map Approval Standards:**

Section 165.09(4)(D)(1) of the Zoning Ordinance sets for the approval standards for zoning maps amendments.

Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards (staff commentary in italics).

Map Amendments.

- (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

*Figure 3.4 within Connected to Tomorrow was utilized to determine which zoning district would be compatible with the Future Land Use Map.*

**Figure 3.4: Land Use Compatibility**

TRADITIONAL LAND USES	AGRICULTURE (AG)	URBAN RESERVE (UR)	URBAN LOW INTENSITY (ULI)	URBAN MEDIUM INTENSITY (UMI)	URBAN HIGH INTENSITY (UHI)	COMMERCIAL/ INDUSTRIAL FLEX (FLX)	PUBLIC AND SEMI PUBLIC (PUB)	PARK AND OPEN SPACE (P, OS)
Agriculture	●	●						○
Rural residential		●						
Low-density residential			●	○				
Medium-density residential			●	●	○			
High-density residential				●	●	○		
Rural commercial		●						
Neighborhood commercial			○	●	●	●		
Community commercial				○	●	●		
Regional commercial					○	●		
Low/medium intensity office			○	●	●	●		
High-intensity office				○	●	●		
Limited industrial		○				●		
Heavy industrial						○		
Parks and civic uses	●	●	●	●	●	○	●	●
Major public/civic facilities					○	○	●	○
Residential density range (du/A*)	≤40	≤40	3-8	7-14	14+	14+	NA	NA

● Permitted ○ Permitted with special review  
\*Dwelling Units per Acre

*The proposed development would allow 48 units on 6.24 acres (7.24 units/acre). It is staff's opinion that the zoning map amendment would achieve consistency with the Comprehensive Plan and adopted land use policies.*

- (b) The compatibility with the zoning of nearby property. *The surrounding properties within the Solomon's Landing development are zoned RS-9, which allows a lot size of 4,500 square feet per dwelling unit. It is staff's opinion that the proposed zoning would be compatible with the area.*

(c) The compatibility with established neighborhood character.  
*It is staff's opinion that the proposed zoning would be compatible with established neighborhood character.*

(d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.  
*It is staff's opinion that the proposed zoning would promote the public health, safety, and welfare of the City.*

(e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.  
*The ID District is intended to preserve existing agriculture and other non-intensive uses to prevent premature development and non-orderly encroachment of higher intensity urban uses, and to help guide urban growth into suitable areas. Staff is unaware of any active agricultural use on the property.*

(f) The extent to which the proposed amendment creates nonconformities.  
*It is staff's opinion that the proposed zoning would not create any nonconformities.*

Section 165.05(2) of the North Liberty Code of Ordinances entitled, "Preliminary Site Review" sets forth the approval standards (Ordinance language in *italics* and staff analysis in **bold**).

- *Date, north arrow and graphic scale.* **Provided.**
- *The property owner's name and description of proposed development.* **Provided.**
- *A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.* **Provided.**
- *Property boundary lines, dimensions, and total area.* **Provided.**
- *Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.* **Provided.**
- *The location of existing streets, sidewalks, easements, utilities, drainage courses.* **Provided.**
- *The total square feet of building floor area, both individually and collectively.* **Provided.**
- *All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.* **Provided.**
- *Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.* **Provided.**
- *Pedestrian walkways with special consideration given to pedestrian safety.* **Provided.**
- *Trash and refuse enclosures.* **Provided.**
- *The general drainage pattern and location of storm water detention features.* **Provided.**

- *The general location, type and size of landscaping and ground cover illustrated in color perspective. **Provided.***
- *A rendering, elevation or photo of the proposed development. **Provided.***

Notably, the crosswalk at Logan Court will need to be removed or relocated. The ramp at the northeast corner of Logan Court will need to be modified. This will be reviewed during review of the subdivision construction plans.



**It is staff's opinion that the site plan achieves consistency with the aforementioned design standards.**

Requirements for All Districts (ordinance language in *italics* and staff analysis in **bold**).

- *Building design shall be visually harmonious and compatible with the neighborhood character.*
- *Buildings located on property with double frontages shall have similar wall design facing both streets.*
- *Except in the R-MH district, a minimum roof pitch of 5:12 shall apply to gable, hip, or shed roofs and there shall be a minimum roof overhang at the eaves of 12 inches. This does not apply to portions of a roof that are separate from the structure's primary roof. Metal roofs shall not be corrugated or similar appearance. The color of the roof shall be visually harmonious and compatible with the building color scheme.*

**5b. Preliminary Plat Approval Standards:**

Section 180.11(3)(A) of the North Liberty Code of Ordinances sets forth the preliminary subdivision plat submittal requirements and review (Ordinance language in *italics* and staff analysis in **bold**).

*Preliminary Subdivision Plat Submittal Requirements and Review. The preliminary plat, in general, contains more information than the final plat, so that the subdivider and the City can ensure conformance with codes, master facility plans, and good planning and engineering practices. Though the preliminary plat is not recorded, it is approved by resolution of the City Council, and conditions for approval of the plat shall be addressed on any final plats of the same area.*

A. *Preliminary Plat Contents. The application shall include a preliminary plat of the subdivision drawn to a scale of one inch to one hundred feet minimum, and shall show:*

*(1) A location map to provide spatial reference, showing the outline of the area to be subdivided, existing streets and corporate limits in the vicinity, a north arrow and scale or note stating "not to scale," and other information that might help clarify where the plat is located as well as its surroundings and size relative to other City features;*

**This has been provided on the Preliminary Plat.**

*(2) Name of proposed subdivision and date;*

**This has been provided on the Preliminary Plat.**

*(3) Legal description and acreage;*

**This has been provided on the Preliminary Plat.**

*(4) Name and address of owner;*

**This has been provided on the Preliminary Plat.**

*(5) Names of the persons preparing the plat, owner's attorney, representative or agent, if any;*

**This has been provided on the Preliminary Plat.**

*(6) Existing and proposed zoning district classification of all land within the proposed subdivision and within about 200 feet of the subdivision;*

**Staff is not requiring this information on the Preliminary Plat.**

*(7) North point and graphic scale;*

**This has been provided on the Preliminary Plat.**

*(8) Contours at two-foot intervals or less, both existing and as generally proposed (subject to more refinement in subsequent construction plans);*

**This has been provided on the Preliminary Plat.**

(9) *Building setback lines as required by the current or proposed zoning district classifications;*

**This has been provided on the Preliminary Plat.**

(10) *The approximate boundaries of areas of known flood levels or floodplains, areas covered by water, wooded areas, floodways, and all open channel drainage ways;*

**This has been provided on the Preliminary Plat.**

(11) *Locations, names, and dimensions of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings within in the proposed subdivision and within about 200 feet of the subdivision;*

**This has been provided on the Preliminary Plat.**

(12) *Layout of proposed blocks, if used, and lots, including the dimension of each lot, and the lot and block number in numerical order;*

**This has been provided on the Preliminary Plat.**

(13) *Layout and dimensions of proposed streets, sidewalks, trails, alleys, utility and other easements, parks and other open spaces or reserved areas;*

**This has been provided on the Preliminary Plat.**

(14) *Grades of proposed streets and alleys;*

**This has been provided on the Preliminary Plat.**

(15) *A cross-section of the proposed streets showing the roadway locations, the type of curb and gutter, the paving, and sidewalks to be installed;*

**This has been provided on the Preliminary Plat.**

(16) *The layout of proposed water mains and sanitary sewer systems;*

**This has been provided on the Preliminary Plat.**

(17) *The drainage of the land, including proposed storm sewers, ditches, culverts, bridges and other structures;*

**This has been provided on the Preliminary Plat.**

(18) *Stormwater management facilities when applicable;*

**This has been provided on the Preliminary Plat.**

(19) *A signed certificate of the Johnson County Auditor for the subdivision name;*

**This information has been provided.**

(20) *Other special details or features that may be proposed or required.*

**None required.**

## 6. Additional Considerations:

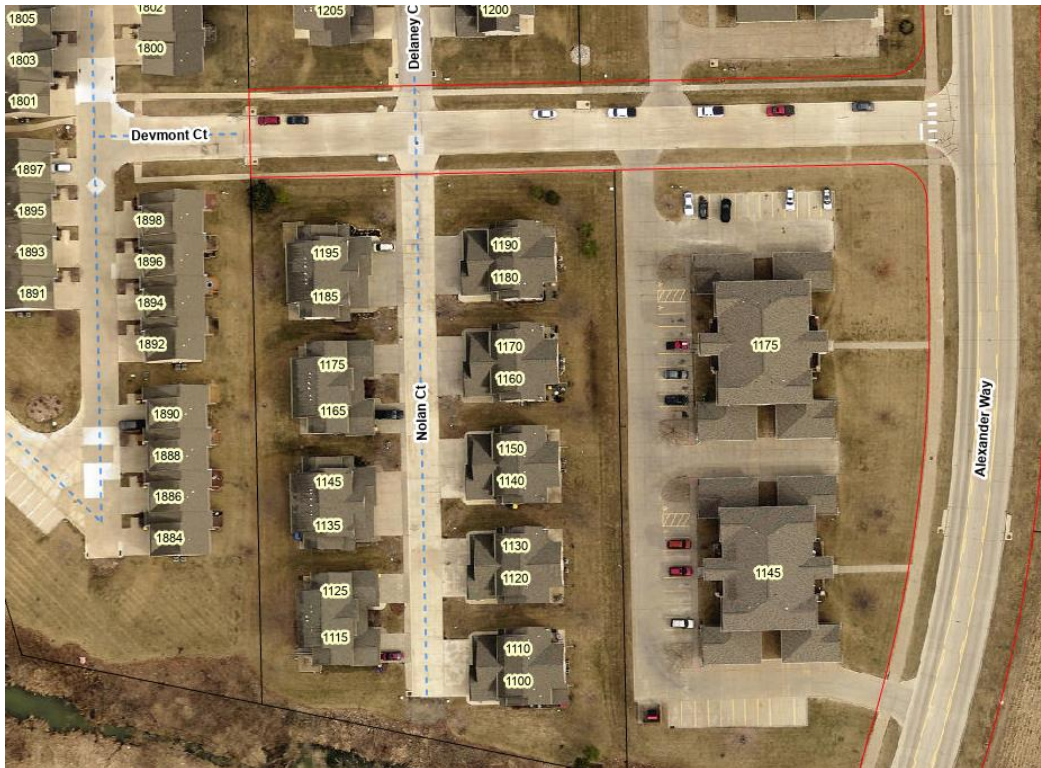
PAD waivers requested:

1. Allow the proposed development on private streets.
2. Reduction to the minimum lot size of 9,000 square feet per lot.
3. Reduction to the minimum lot frontage of 35 feet.
4. Reduction to the minimum lot width of 80 feet.
5. Reduction to the minimum front and corner side yard setback of 25 feet (on a private street).
6. Reduction to the minimum rear yard setback of 30 feet.

Section 180.12(8)(A) of the Subdivision Ordinance reads:

*Private streets in single family residential areas are not allowed.*

Staff has taken the position that this applies to RD Districts, which permit "single-unit zero lots line dwellings. Notably, this requirement is only applicable due to the desire to subdivide the property into individual lots. Below is a similar style of development on Nolan Court, which is a private street. However, it is a condominium, and therefore, was permitted as an RM – Multi-Unit Residential development.



It's unclear why the Zoning and Subdivision Ordinance doesn't support this type of development. Staff intends to explore allowing this type of development without the need for PAD.



## **7. Staff Recommendation:**

### **Findings:**

1. The rezoning request from RS-9 Single-Unit Residence District to RD-10 PAD Two-Unit Residence District Planned Area Development would achieve consistency with the zoning map amendment approval standards enumerated in Section 165.09 of the Zoning Code;
2. The site plan, with certain requirements modified, would achieve consistency with North Liberty Code of Ordinances Section 165.05(2) entitled, "Preliminary Site Plan Review", and other Code of Ordinance requirements;
3. The preliminary plat, with certain conditions modified, would achieve consistency with Section 180.11(3)(A) and 180.12 of the North Liberty Code of Ordinances, which sets forth the preliminary subdivision plat submittal requirements and design standards, respectively.

### **Recommendation:**

Staff recommends the Planning Commission accept the three listed findings and forward the request for a zoning map amendment (rezoning) on approximately 6.24 acres from ID Interim Development District and RS-9 Single-Unit Residence District to RD-10 PAD Two-Unit Residence District Planned Area Development and a Preliminary Subdivision Plat for a 24-lot subdivision on approximately 6.24 acres to the City Council with a recommendation for approval.

### **Suggested motion:**

I move that the Planning Commission accept the three listed findings and forward the zoning map amendment to the City Council with a recommendation for approval.

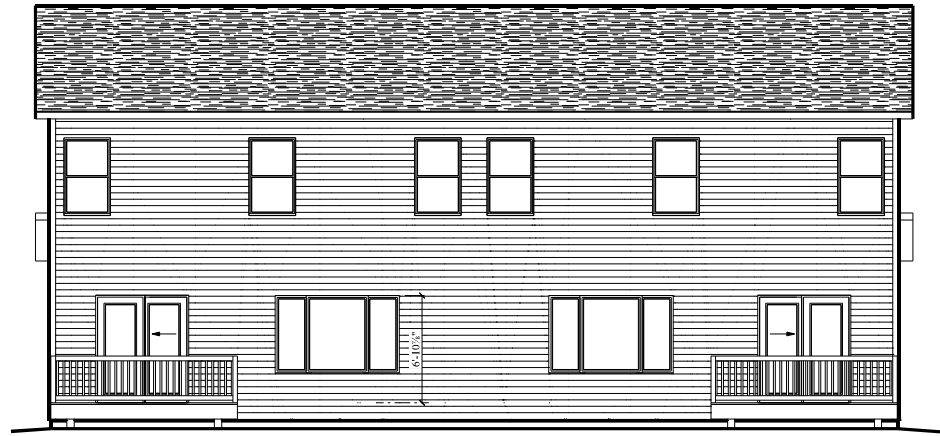








FRONT ELEVATION



REAR ELEVATION

**BUILDING  
TYPE A**

REV	REVISIONS	DATE	BY

**PROJECT:**  
SPRUCE DUPLEX  
WALKOUT

**DRAWING TITLE:**  
FRONT & REAR  
ELEVATIONS

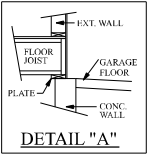
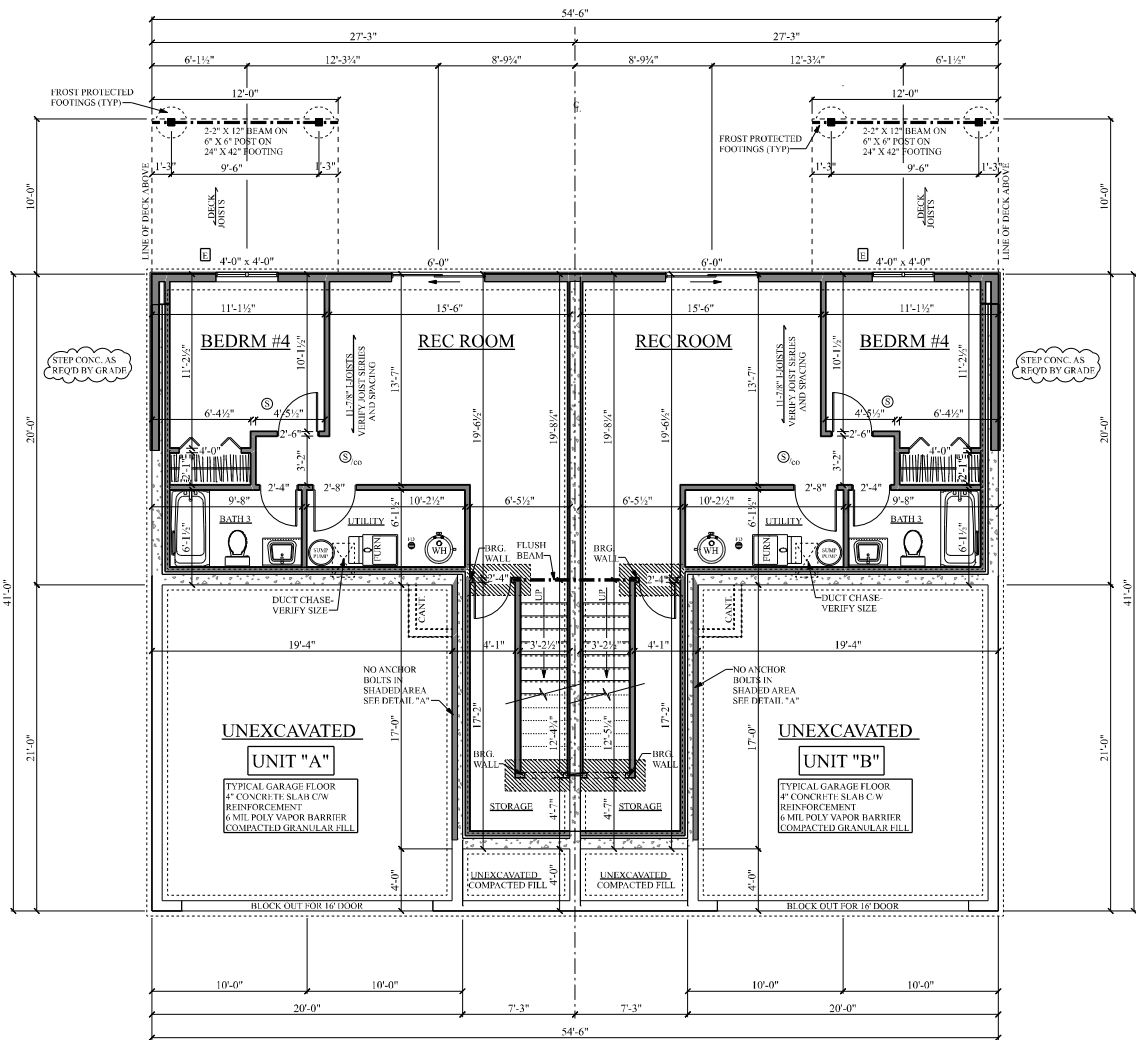
SCALE: 1/8" = 1'-0"

DRAWN BY: PCD

DATE:  
9/7/2018

PROJECT NO:  
2197-0918  
CHECKED BY:

**A1**



**FUTURE FINISHED AREA 474 SQ. FT.**

- GENERAL NOTES**
- DESIGN LOAD FACTORS.  
FLOOR AREAS - 55 TOTAL LBS. SQ. FT.  
ROOF TRUSSES - 50 TOTAL LBS. SQ. FT.
  - VERIFY ALL EXTERIOR WALLS - UNLESS NOTED.  
ALL INTERIOR WALLS ARE 2 X 4 - UNLESS NOTED.
  - 8'-0" CONC. WALL HEIGHT - UNLESS NOTED.
  - VERIFY ALL HEADER SIZES OVER ALL EXTERIOR LOAD BEARING OPENINGS.
  - EXTERIOR WALL DIMENSIONS ARE OUTSIDE TO OUTSIDE OF STUD. INTERIOR DIMENSIONS ARE INSIDE TO INSIDE OF STUD.
  - WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE DESIGNER CANNOT GUARANTEE AGAINST HUMAN ERROR. THE OWNER/CONTRACTOR ON THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS AND MUST BE RESPONSIBLE FOR SAME.
  - TRUSS SUPPLIERS ARE TO HAVE FINAL SAY ON ROOF/FLOOR LAYOUT AND INTEGRITY.
  - SMOKE DETECTORS
  - SMOKE DETECTORS W/ CO. DETECTOR
  - EGRESS WINDOW
  - EXHAUST FAN:
  - VERIFY ALL LOCAL BUILDING CODES.

- NOTES**
- INTERIOR DOORS ON NO-STEP LEVEL WITH 38" ROUGH FRAMING WIDTH. FINISHED DOORS MAY BE SMALLER.
  - WALL SWITCHES, OUTLETS, HEATING CONTROLS TO BE 15" MIN. TO 48" MAX. ABOVE FLOOR.
  - ELECTRICAL PANEL W/ BRANCH CIRCUIT BREAKERS BETWEEN 18" MIN. AND 54" MAX. ABOVE FLOOR.
  - PROVIDE WALL REINFORCEMENT FOR GRAB BARS IN BATHROOMS.
  - EXTERIOR DECK AND PATIO SURFACES ON THE NO-STEP LEVEL WITHIN 4" OF THE TOP OF THE DOOR THRESHOLD.
  - INSTALL PASSIVE RADON SYSTEM 3" PVC PIPE FROM SEALED SUMP PIT TO 12" ABOVE ROOF (VERIFY WITH LOCAL CODE).
  - VERIFY ALL LOCAL BUILDING CODES.

CONC. DEADMANS AS REQ'D FOR STRUCTURAL SUPPORT

**BUILDING TYPE A**

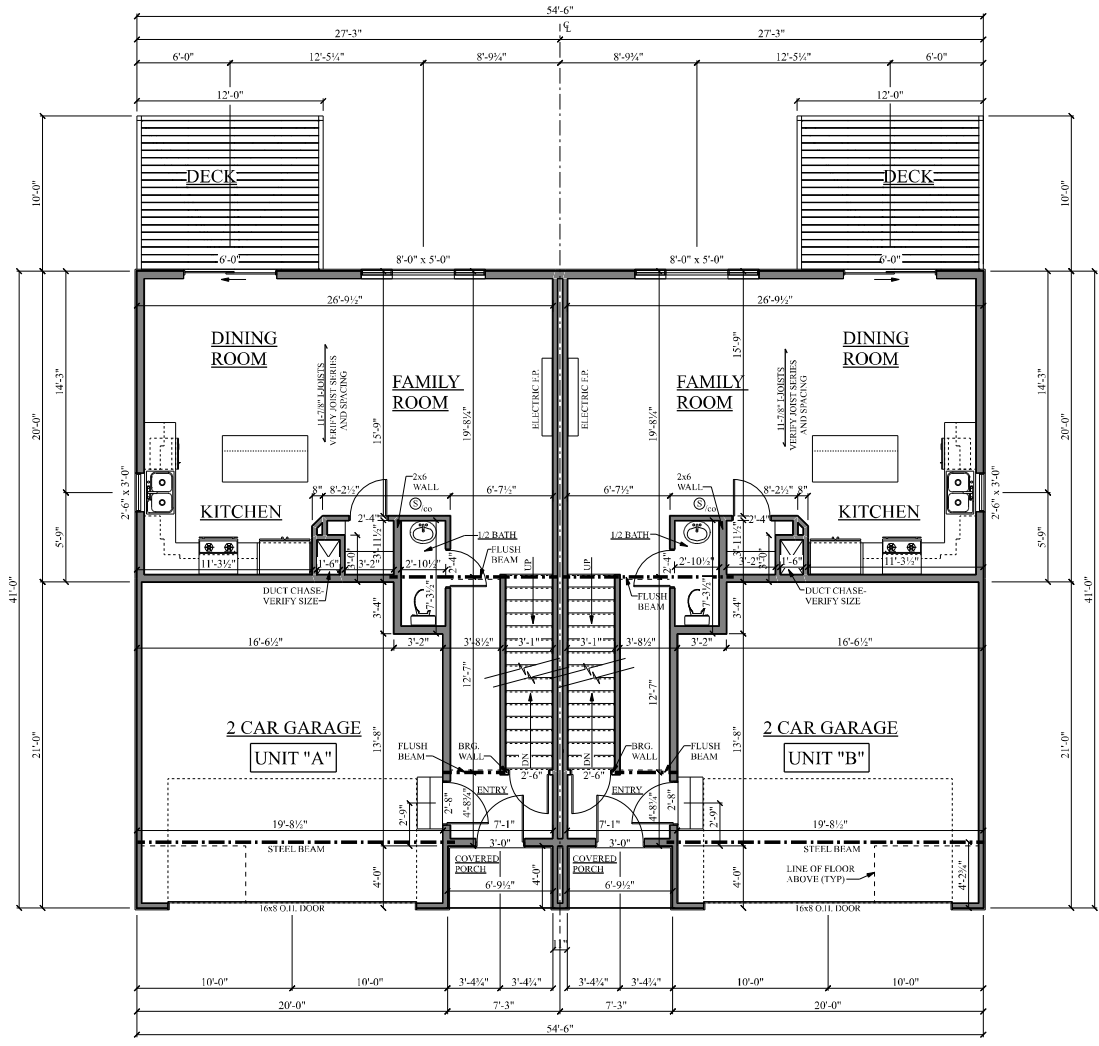
REV. NO.	DATE	BY

**PROJECT:**  
SPRUCE DUPLEX  
WALKOUT

**DRAWING TITLE:**  
LOWER FLOOR  
PLAN

**SCALE:** 1/8" = 1'-0"  
**DRAWN BY:** PCJ  
**DATE:** 9/7/2018  
**PROJECT NO:** 2197-0918  
**CHECKED BY:**

**A3**



**1ST FLOOR AREA  
678 SQ. FT.**

**GARAGE AREA  
405 SQ. FT.**

**GENERAL NOTES**

- DESIGN LOAD FACTORS.  
FLOOR AREAS - 55 TOTAL LBS. SQ. FT.  
ROOF TRUSSES - 50 TOTAL LBS. SQ. FT.
- ALL EXTERIOR WALLS ARE 2 X 6 - UNLESS NOTED.  
ALL INTERIOR WALLS ARE 2 X 4 - UNLESS NOTED.  
GARAGE WALL TO BE 2 X 4 - UNLESS NOTED.
- 9'-1 1/8" WALL HEIGHT - UNLESS NOTED.
- VERIFY ALL HEADER SIZES OVER ALL EXTERIOR LOAD BEARING OPENINGS.
- EXTERIOR WALL DIMENSIONS ARE OUTSIDE TO OUTSIDE OF STUD. INTERIOR DIMENSIONS ARE INSIDE TO INSIDE OF STUD.
- WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE DESIGNER CANNOT GUARANTEE AGAINST HUMAN ERROR. THE OWNER/CONTRACTOR ON THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS AND MUST BE RESPONSIBLE FOR SAME.
- TRUSS SUPPLIERS ARE TO HAVE FINAL SAY ON ROOF/FLOOR LAYOUT AND INTEGRITY.
- ⊙ - SMOKE DETECTOR
- ⊙<sub>CO</sub> - SMOKE DETECTOR W/ CO DETECTOR
- ⊞ - EGRESS WINDOW
- EXHAUST FAN.
- VERIFY ALL LOCAL BUILDING CODES.

- APPLIANCES**
- ELECTRIC WATER HEATER - 93%
  - 14.5 SEER A/C UNIT
  - 95% GAS FURNACE
  - ELECTRIC RANGE
  - ELECTRIC DRYER
  - GAS FIREPLACE

- NOTES**
- INTERIOR DOORS ON NO - STEP LEVEL WITH 3/8" ROUGH FRAMING WIDTH. FINISHED DOORS MAY BE SMALLER.
  - WALL SWITCHES, OUTLETS, HEATING CONTROLS TO BE 15" MIN. TO 48" MAX. ABOVE FLOOR.
  - ELECTRICAL PANEL W/ BRANCH CIRCUIT BREAKERS BETWEEN 18" MIN. AND 54" MAX. ABOVE FLOOR.
  - PROVIDE WALL REINFORCEMENT FOR GRAB BARS IN BATHROOMS.
  - EXTERIOR DECK AND PATIO SURFACES ON THE NO - STEP LEVEL WITHIN 4" OF THE TOP OF THE DOOR THRESHOLD.
  - INSTALL PASSIVE RADON SYSTEM 3" PVC PIPE FROM SEALED SUMP P/T TO 12" ABOVE ROOF (VERIFY WITH LOCAL CODES).
  - VERIFY ALL LOCAL BUILDING CODES.

**BUILDING  
TYPE A**

REV#	DATE	BY	CHK

**PROJECT:  
SPRUCE DUPLEX  
WALKOUT**

**DRAWING TITLE:  
MAIN FLOOR  
PLAN**

**SCALE: 1/8" = 1'-0"**

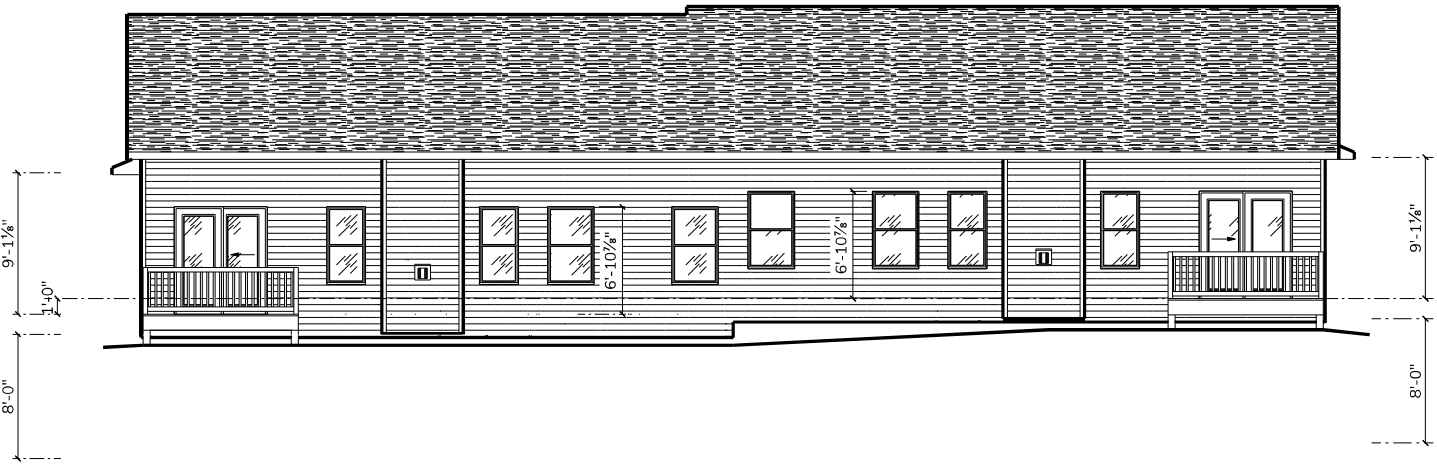
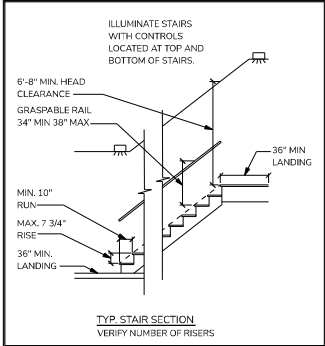
**DRAWN BY: PCD**

**DATE:  
9/7/2018**

**PROJECT NO:  
2197-0918**

**CHECKED BY:**

**A4**



R311.5.6 Handrails. Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers.

R311.5.6.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.5.6.2 Continuity. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to wall shall have a space of not less than 1 1/2 inch (38 mm) between the wall and the handrails.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

R312.1 Guards. Porches, balconies, ramps or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be equipped with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

**BUILDING TYPE B**

REV.	REVISIONS	DATE	BY	CHK

PROJECT: WEST BRANCH DUPLEX  
SYCAMORE III

DRAWING TITLE: FRONT & REAR ELEVATIONS & STAIR SECTION

SCALE: 1/8" = 1'-0"

DRAWN BY: PCD

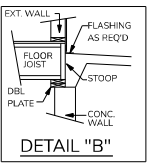
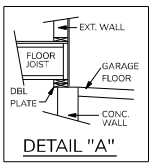
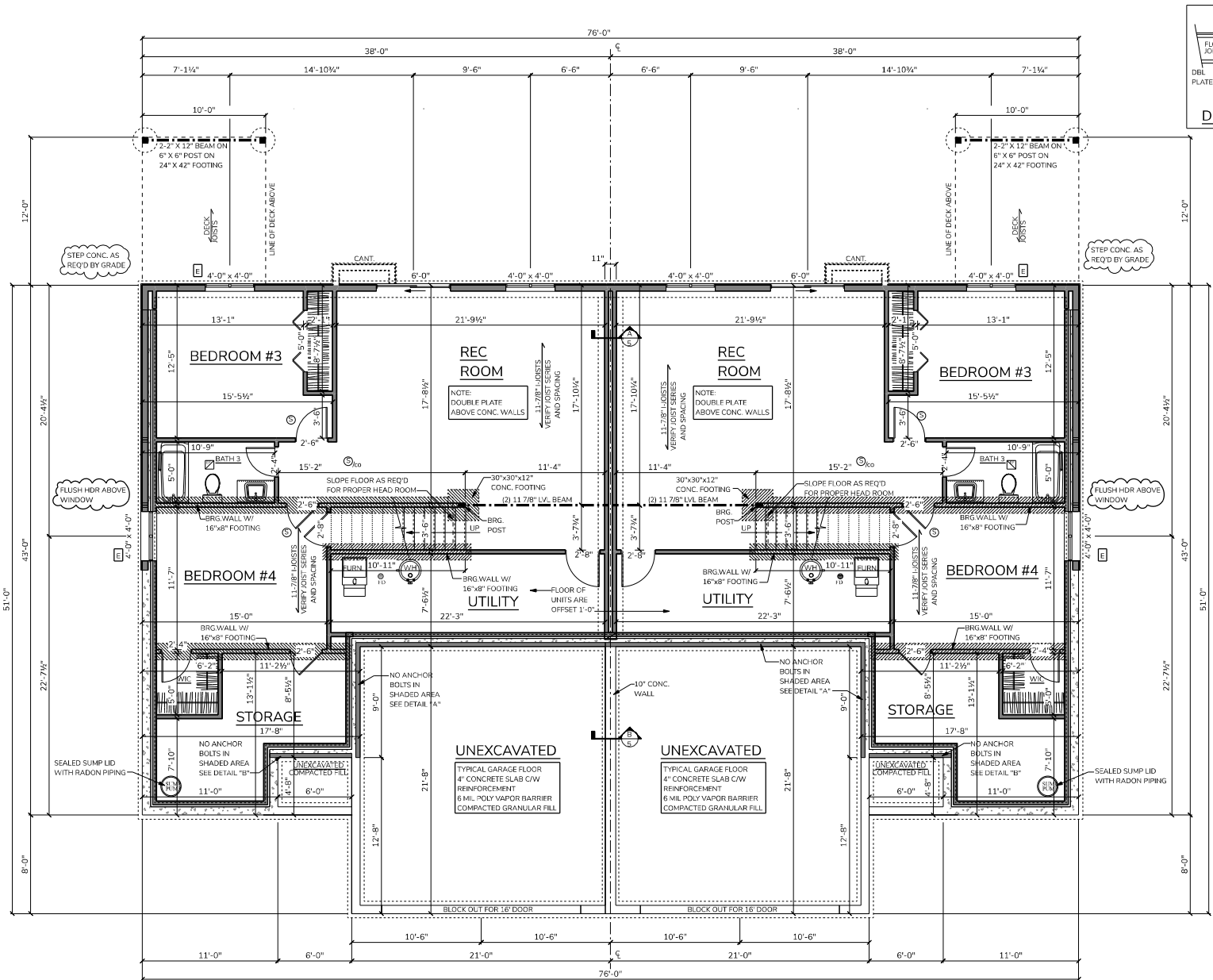
DATE: 11/09/2021

PROJECT NO: 3020-0921

CHECKED BY:

**A1**





FINISHED AREA  
930 SQ. FT.

GENERAL NOTES

- DESIGN LOAD FACTORS. FLOOR AREAS - 55 TOTAL LBS. SQ. FT. ROOF TRUSSES - 60 TOTAL LBS. SQ. FT.
- VERIFY ALL EXTERIOR WALLS - UNLESS NOTED. ALL INTERIOR WALLS ARE 2 X 4 - UNLESS NOTED.
- 8'-0" CONC. WALL HEIGHT - UNLESS NOTED.
- VERIFY ALL HEADER SIZES OVER ALL EXTERIOR LOAD BEARING OPENINGS.
- EXTERIOR WALL DIMENSIONS ARE OUTSIDE TO OUTSIDE OF STUD. INTERIOR DIMENSIONS ARE INSIDE TO INSIDE OF STUD.
- WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE DESIGNER CANNOT GUARANTEE AGAINST HUMAN ERROR. THE OWNER/CONTRACTOR ON THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS AND MUST BE RESPONSIBLE FOR SAME.
- TRUSS SUPPLIERS ARE TO HAVE FINAL SAY ON ROOFLAYOUT AND INTEGRITY.
- ☉ = SMOKE DETECTORS
- ☉<sub>CO</sub> = SMOKE DETECTORS W/ CO DETECTOR
- ☐ = EGRESS WINDOW
- EXHAUST FAN. ☑
- VERIFY ALL LOCAL BUILDING CODES.

NOTES

- INTERIOR DOORS ON NO - STEP LEVEL WITH 3/8" ROUGH FRAMING WIDTH. (FINISHED DOORS MAY BE SMALLER).
- WALL SWITCHES, OUTLETS, HEATING CONTROLS TO BE 15" MIN. TO 48" MAX. ABOVE FLOOR.
- ELECTRICAL PANEL W/ BRANCH CIRCUIT BREAKERS BETWEEN 18" MIN. AND 54" MAX. ABOVE FLOOR.
- PROVIDE WALL REINFORCEMENT FOR GRAB BARS IN BATHROOMS.
- EXTERIOR DECK AND PATIO SURFACES ON THE NO - STEP LEVEL WITHIN 4" OF THE TOP OF THE DOOR THRESHOLD.
- INSTALL PASSIVE RADON SYSTEM 3" PVC PIPE FROM SEALED SUMP PIT TO 12" ABOVE ROOF (VERIFY WITH LOCAL CODE).
- VERIFY ALL LOCAL BUILDING CODES.

CONC. DEADMANS AS REQ'D FOR STRUCTURAL SUPPORT

## BUILDING TYPE B

REV.	REVISIONS	DATE	BY	CHK

**PROJECT:** WEST BRANCH DUPLEX SYCAMORE III

**DRAWING TITLE:** LOWER FLOOR PLAN

SCALE: 1/8" = 1'-0"

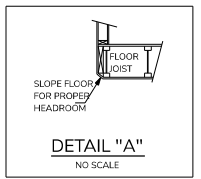
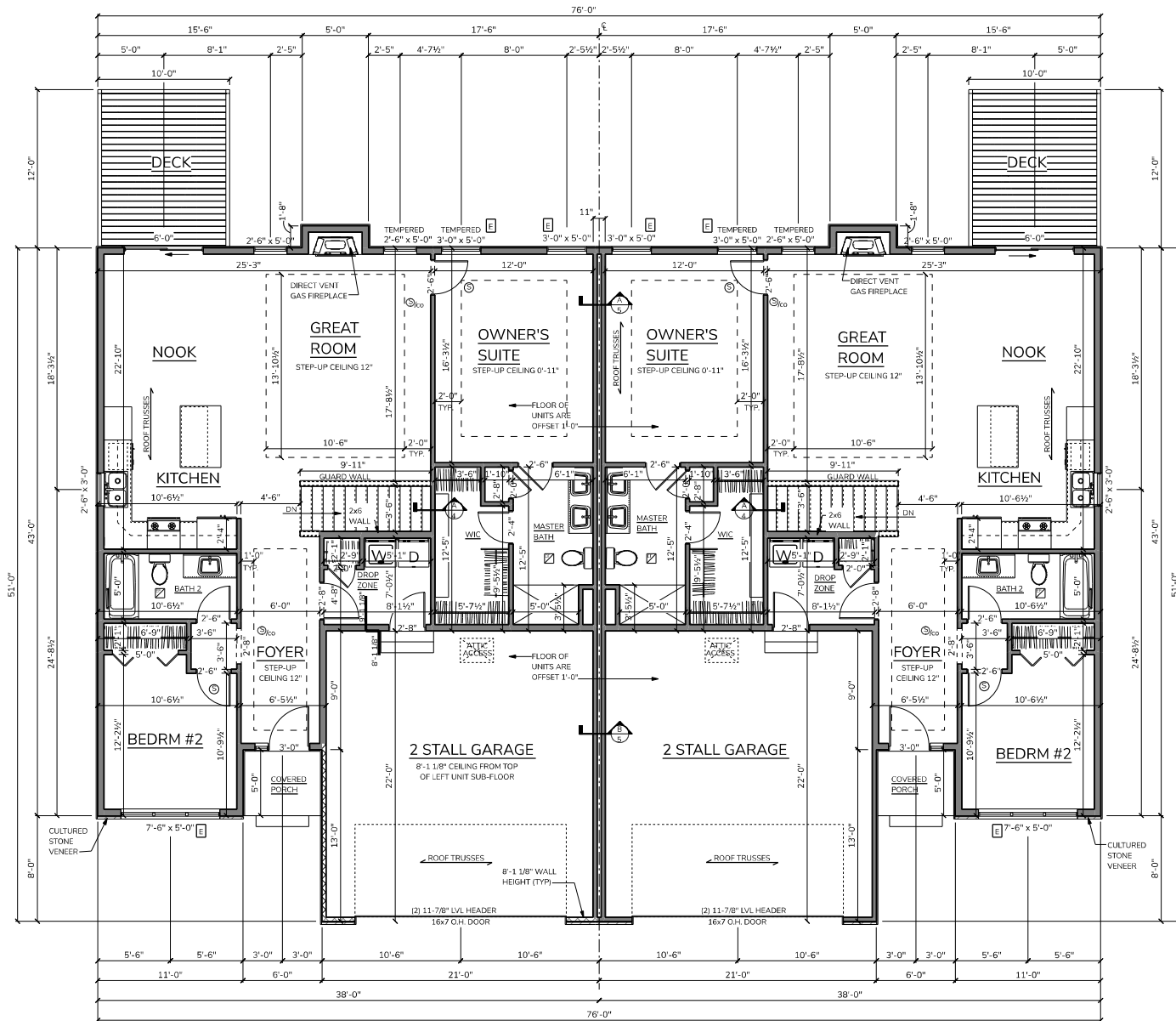
DRAWN BY: PCD

DATE: 11/09/2021

PROJECT NO: 3020-0921

CHECKED BY:

# A3



**1ST FLOOR AREA**  
1313 SQ. FT.

**GARAGE AREA**  
459 SQ. FT.

- GENERAL NOTES**
- DESIGN LOAD FACTORS.  
FLOOR AREAS - 55 TOTAL LBS. SQ. FT.  
ROOF TRUSSES - 50 TOTAL LBS. SQ. FT.
  - ALL EXTERIOR WALLS ARE 2 X 6 - UNLESS NOTED.  
ALL INTERIOR WALLS ARE 2 X 4 - UNLESS NOTED.  
GARAGE WALL TO BE 2 X 4 - UNLESS NOTED.
  - 9'-1 1/8" WALL HEIGHT - UNLESS NOTED.
  - VERIFY ALL HEADER SIZES OVER ALL EXTERIOR LOAD BEARING OPENINGS.
  - EXTERIOR WALL DIMENSIONS ARE OUTSIDE TO OUTSIDE OF STUD. INTERIOR DIMENSIONS ARE INSIDE TO INSIDE OF STUD.
  - WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE DESIGNER CANNOT GUARANTEE AGAINST HUMAN ERROR. THE OWNER/CONTRACTOR ON THE JOB MUST CHECK ALL DIMENSIONS AND DETAILS AND MUST BE RESPONSIBLE FOR SAME.
  - TRUSS SUPPLIERS ARE TO HAVE FINAL SAY ON ROOF/FLOOR LAYOUT AND INTEGRITY.
  - ☉ - SMOKE DETECTOR
  - ⊙ = SMOKE DETECTOR W/ CO. DETECTOR
  - ⊞ = EGRESS WINDOW
  - EXHAUST FAN. ☑
  - VERIFY ALL LOCAL BUILDING CODES.
- APPLIANCES**
- ELECTRIC WATER HEATER - 93% 14.5 SEER AC UNIT
  - 95% GAS FURNACE
  - ELECTRIC RANGE
  - ELECTRIC DRYER
  - GAS FIREPLACE
- NOTES:**
- INTERIOR DOORS ON NO - STEP LEVEL WITH 38" ROUGH FRAMING WIDTH. (FINISHED DOORS MAY BE SMALLER).
  - WALL SWITCHES, OUTLETS, HEATING CONTROLS TO BE 15" MIN. TO 48" MAX. ABOVE FLOOR.
  - ELECTRICAL PANEL W/ BRANCH CIRCUIT BREAKERS BETWEEN 18" MIN AND 54" MAX. ABOVE FLOOR.
  - PROVIDE WALL REINFORCEMENT FOR GRAB BARS IN BATHROOMS.
  - EXTERIOR DECK AND PATIO SURFACES ON THE NO - STEP LEVEL WITHIN 4" OF THE TOP OF THE DOOR THRESHOLD.
  - INSTALL PASSIVE RADON SYSTEM 3" PVC PIPE FROM SEALED SUMP PIT TO 12" ABOVE ROOF (VERIFY WITH LOCAL CODE).
  - VERIFY ALL LOCAL BUILDING CODES.

**BUILDING TYPE B**

**PROJECT:** WEST BRANCH DUPLEX SYCAMORE III

**DRAWING TITLE:** MAIN FLOOR PLAN

SCALE: 1/8" = 1'-0"

DRAWN BY: PCD

DATE: 11/09/2021

PROJECT NO: 3020-0921

CHECKED BY:

**A4**





**Ordinance No. 2023-23**

**AN ORDINANCE AMENDING THE ZONING MAP DISTRICT DESIGNATION FOR CERTAIN PROPERTY LOCATED IN NORTH LIBERTY, IOWA FROM ID INTERIM DEVELOPMENT DISTRICT AND RS-9 SINGLE-UNIT DISTRICT TO RD-10 PAD TWO-UNIT RESIDENCE DISTRICT PLANNED AREA DEVELOPMENT, APPROVING THE PLANNED AREA DEVELOPMENT PRELIMINARY PLAT AND WAIVERS PURSUANT TO CHAPTER 168(3)(B).**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT.** The Official Zoning Map incorporated in Chapter 168.01(2) of the North Liberty Code of Ordinances is hereby amended by designating the zoning district for 6.24 acres, more or less, as RD-10 PAD Two-Unit Residence District Planned Area Development for property particularly described as follows:

Beginning at the northernmost corner of Lot 13, Solomon's Landing – Part One, North Liberty, Iowa, in accordance with the Plat thereof recorded in Plat Book 66, Page 88, in the Records of the Johnson County Recorder's Office; Thence N89°30'36"E, along the north line of Outlot "A" of said Solomon's Landing – Part One, 779.40 feet, Thence S45°52'00"E, along said north line, 21.36 feet, to the northeast corner thereof; Thence S01°14'54"E, along the east line of said Outlot "A", 394.83 feet; Thence southwesterly, 39.27 feet, along an arc of a 25.00 foot radius curve, concave northwesterly whose 35.36 feet chord bears S43°45'07"W; Thence S88°45'06"W, 473.36 feet; thence southwesterly, 65.54 feet, along an arc of a 180.00 foot radius curve, concave southeasterly, whose 65.17 foot cord bears S78°19'17"W, Thence S67°53'28"W, 19.67 feet; Thence N01°06'43"W, 259.80 feet; Thence N35°25'36"W, along the northeasterly line of Lot 11 of said Solomon's Landing – Part One, and its southeasterly extension thereof, 151.44 feet, to the northerly most corner of said lot 11, and the easterly most corner of the Lot 12 of said Solomon's Landing – Part one; Thence N59°45'06"W, along the northeasterly line of said Lot 12, and the northly line of said Lot 13, a distance of 151.34 feet to said point of beginning. Said Rezoning Parcel contains 6.24 acres, and is subject to easements and restrictions of record;

**SECTION 2. CONDITIONS IMPOSED, PRELIMINARY PLAT AND PAD REQUIREMENTS.** At the September 5, 2023 meeting the Planning Commission accepted the listed finding and forwarded the request for a zoning map amendment to the City Council with a recommendation for approval with no conditions.

The preliminary plat accompanying the Planned Area Development application is hereby approved. Furthermore, pursuant to the application and the provisions of Chapter 168.05(3)(B), the following zoning and subdivision code requirements are authorized for the Planned Area Development:

1. The proposed development shall allow private streets.
2. Reduction to the minimum lot size of 9,000 square feet per lot.
3. Reduction to the minimum lot frontage of 35 feet.
4. Reduction to the minimum lot width of 80 feet.
5. Reduction of the minimum front and corner side yard setback of 25 feet (on private streets).
6. Reduction to the minimum rear yard setback of 30 feet.

**SECTION 3. ZONING MAP.** It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

**SECTION 4. RECORDATION.** The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

**SECTION 5. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 6. SCRIVENER'S ERROR.** The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

**SECTION 7. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 8. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on September 12, 2023.

Second reading on \_\_\_\_\_.

Third and final reading on \_\_\_\_\_.

**CITY OF NORTH LIBERTY:**

---

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

---

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2023-23 in *The Gazette* on the \_\_\_\_ of \_\_\_\_\_, 2023.

---

TRACEY MULCAHEY, CITY CLERK



# **Scanlon Family Zoning Map Amendment**





September 5, 2023

Chris Hoffman, Mayor  
City of North Liberty  
3 Quail Creek Circle  
North Liberty IA 52317

Re: Request of Scanlon Family, LLC. For a zoning map amendment (rezoning) on approximately 5.28 acres from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence District. The property is located on the north side of Berkshire Lane as extended westerly 85' from its current terminus in Greenbelt Trail, Part 2 Subdivision.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its September 5, 2023 meeting. The Planning Commission took the following action:

**Finding:**

1. The rezoning request from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence District would achieve consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

**Recommendation:**

The Planning Commission accepted the listed findings and forwards the request for zoning map amendment (rezoning) from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence District on approximately 5.28 acres to the City Council with a recommendation for approval.

The vote for approval was 5-0.

Jason Heisler, Vice Chairperson  
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**  
 From **Ryan Rusnak, AICP**  
 Date **September 1, 2023**  
 Re **Request of Scanlon Family, LLC. For a zoning map amendment (rezoning) on approximately 5.28 acres from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence District. The property is located on the north side of Berkshire Lane as extended westerly 85' from its current terminus in Greenbelt Trail, Part 2 Subdivision.**

---

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

- Ryan Heiar, City Administrator
- Tracey Mulcahey, Assistant City Administrator
- Grant Lientz, City Attorney
- Tom Palmer, City Building Official
- Kevin Trom, City Engineer
- Ryan Rusnak, Planning Director

### 1. Request Summary:

The request proposes to rezone a portion of the proposed Greenbelt Trail development to allow 22 single-unit zero lot line dwellings.



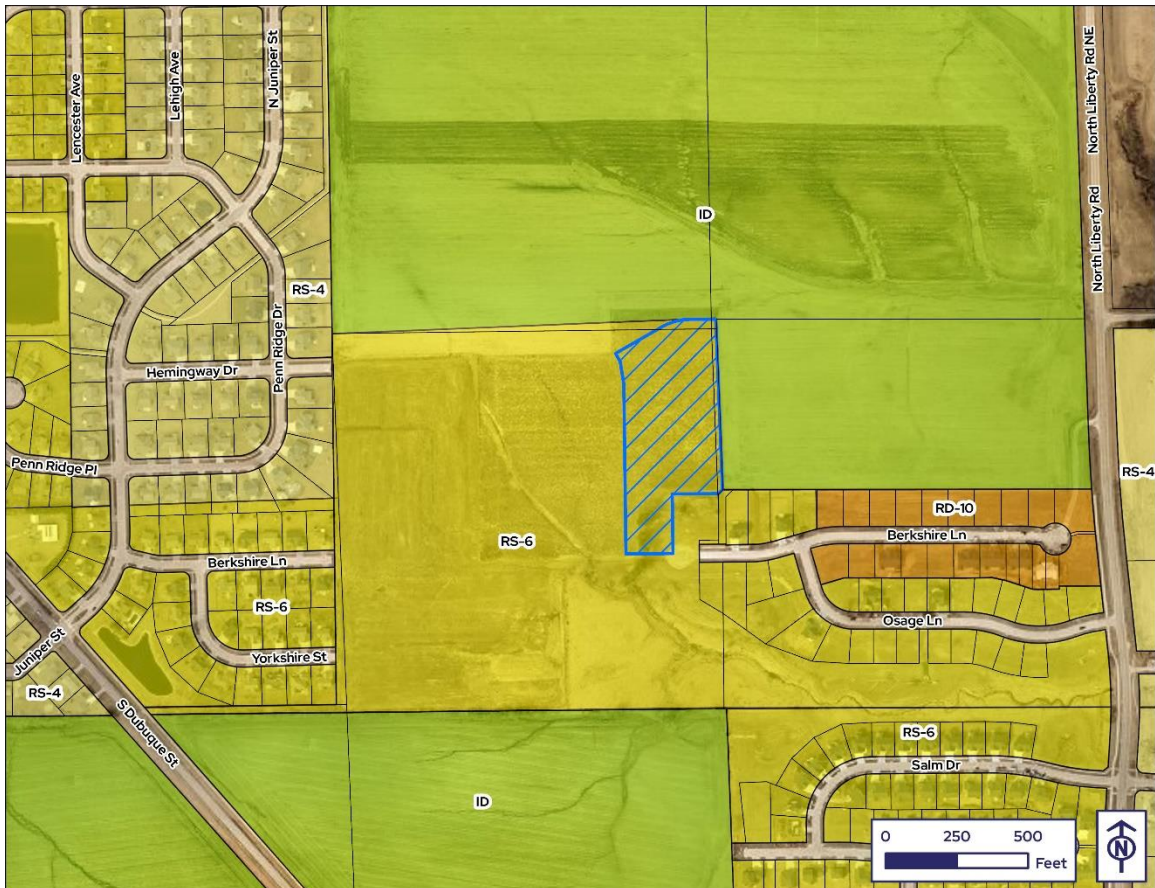
## 2. Current and Proposed Zoning:

### Current Zoning

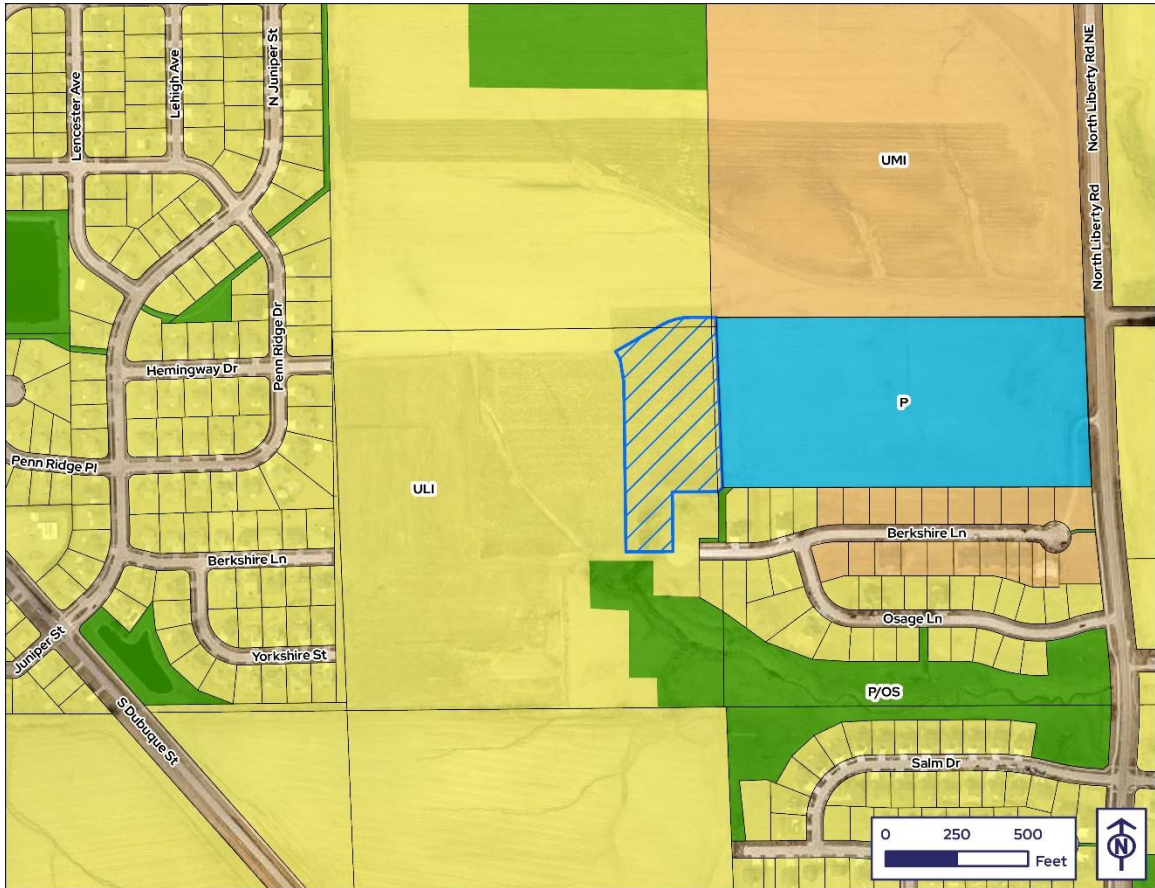
RS-6 Single-Unit Residence District. The RS-6 District is intended to provide for and maintain moderate density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-6 District.

### Proposed Zoning

RD-8 Two-Unit Residence District. The RD-8 District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RD-8 District.



**3. Consistency with Comprehensive Plan:**  
Land Use Plan designation: Urban Low Intensity.



Urban Low Intensity Description

An efficient, walkable pattern of lower-density development. Compared to denser areas, ULI has more space and separation of uses, with farther distances between destinations and fewer shared amenities. Low-intensity areas can include a horizontal mix of primarily residential and limited non-residential uses at compatible lower densities and scales.

*Residential*

Emphasis on single-family detached and attached residential developments. Attached housing projects may primarily be at transition areas between arterial or collector streets, small scale commercial uses, and higher intensity districts.

*Form and Features*

- » General aggregate development density of 3 to 8 units per acre. Lot sizes can vary within developments to provide different housing types.
- » A framework of streets and open space should create neighborhoods and multiple access points for all types of transportation.
- » Open spaces, streets, and trail connections integrate with the larger community.

#### 4. Public Input:

A virtual good neighbor meeting was held on July 18, 2023. City staff, one member of the Planning Commission and the applicant attended the meeting. There are no objections to the request.

#### 5. Zoning Map Amendment Approval Standards

Section 165.09(4)(D)(1) of the Zoning Ordinance sets for the approval standards for zoning maps amendments.

Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards (staff commentary in italics).

Map Amendments.

- (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Figure 3.4 within Connected to Tomorrow was utilized to determine which zoning district would be compatible with the Future Land Use Map.

Figure 3.4: Land Use Compatibility

TRADITIONAL LAND USES	AGRICULTURE (AG)	URBAN RESERVE (UR)	URBAN LOW INTENSITY (ULI)	URBAN MEDIUM INTENSITY (UMI)	URBAN HIGH INTENSITY (UHI)	COMMERCIAL/ INDUSTRIAL FLEX (FLX)	PUBLIC AND SEMI PUBLIC (PUB)	PARK AND OPEN SPACE (P, OS)
Agriculture	●	●						○
Rural residential		●						
Low-density residential			●	○				
Medium-density residential			●	●	○			
High-density residential				●	●	○		
Rural commercial		●		●	●			
Neighborhood commercial			○	●	●	●		
Community commercial				○	●	●		
Regional commercial					○	●		
Low/medium intensity office			○	●	●	●		
High-intensity office				○	●	●		
Limited industrial		○				●		
Heavy industrial						○		
Parks and civic uses	●	●	●	●	●	○	●	●
Major public/civic facilities					○	○	●	○
Residential density range (du/A*)	≤40	≤40	3-8	7-14	14+	14+	NA	NA

● Permitted ○ Permitted with special review  
\*Dwelling Units per Acre

The RD-8 zoning allows a lot size of 5,000 square feet per dwelling unit (8.71 units/acre). It is staff's opinion that the zoning map amendment would achieve consistency with the Comprehensive Plan and adopted land use policies.

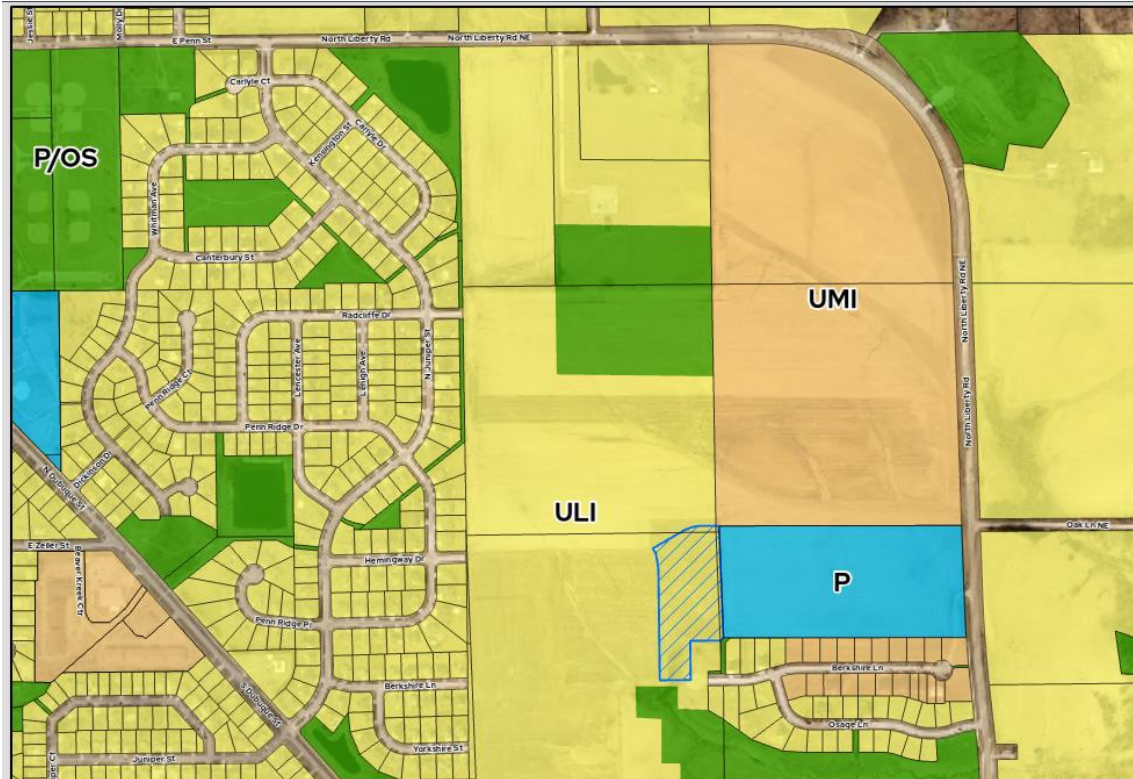
- (b) The compatibility with the zoning of nearby property.  
*The surrounding properties within the Greenbelt Trail development are zoned RS-6 and RD-10, which allow lot sizes of 7,000 square feet and 4,500 square feet per dwelling unit, respectively. It is staff's opinion that the proposed zoning would be compatible with the area.*
- (c) The compatibility with established neighborhood character.  
*It is staff's opinion that the proposed zoning would be compatible with established neighborhood character.*
- (d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.  
*It is staff's opinion that the proposed zoning would promote the public health, safety, and welfare of the City.*
- (e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.  
*The property is currently approved for 14 single-unit dwelling lots. If approved, this would 22 zero lot line single-unit dwellings.*
- (f) The extent to which the proposed amendment creates nonconformities.  
*It is staff's opinion that the proposed zoning would not create any nonconformities.*

## **6. Additional Considerations:**

It is staff's understanding that this request is due to the developer wishing to maintain a mix of single-unit and zero lot line single-unit dwellings for Greenbelt Trail Part 3. The developer has indicated that the RD zoning (south of future Hemmingway Dr) would be limited to this location and that the adjacent property would remain RS-6, which would ensure compatibility with the Arlington Ridge Subdivision.

The City Council denied a rezoning from RS-6 to RD-10 on this property in 2022. Notably, the new Comprehensive Plan has since been adopted, which provides better guidance on land uses than the comprehensive plan in effect in 2022. The subject property and adjacent properties to the west and north are designed Urban Low Intensity (ULI) on the Future Land Use Map. ULI allows a general aggregate development density of 3 to 8 units per acre. While RD-8 is at the higher end of this density, it is staff's opinion that the location is appropriate due to its proximity to the future school and other RD zoned properties. Staff expects residential density to decrease as development gets closer to Arlington Ridge.

There is a large amount of land area designed Urban Medium Intensity (UMI) on the Future Land Use Map adjacent to the North Liberty Road. UMI allows general aggregate development density of 7 to 14 dwelling units per acre. This will facilitate a good mix of residential development while allowing compatibility with surrounding neighborhood character.



**7. Staff Recommendation:**

**Finding:**

1. The rezoning request from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence District would achieve consistency with the approval standards enumerated in Section 165.09 of the Zoning Code.

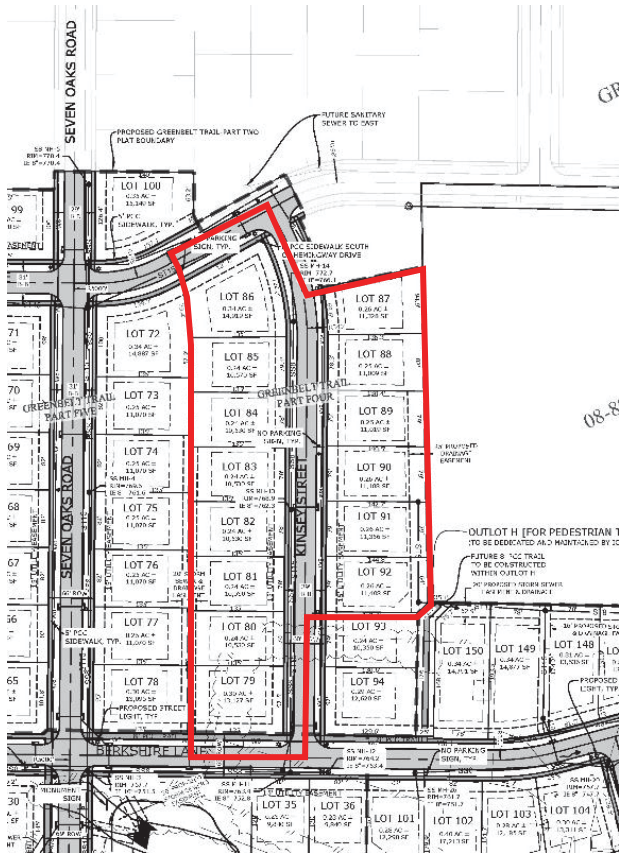
**Recommendation:**

Staff recommends the Planning Commission accept the listed finding and forward the request for zoning map amendment (rezoning) from RS-6 Single-Unit Residence District to RD-8 Two-Unit Residence District on approximately 5.28 acres to the City Council with a recommendation for approval.

**Suggested motion:**

I move that the Planning Commission accept the listed finding and forward the zoning map amendment to the City Council with a recommendation for approval.

# Comparison Approved vs. Proposed

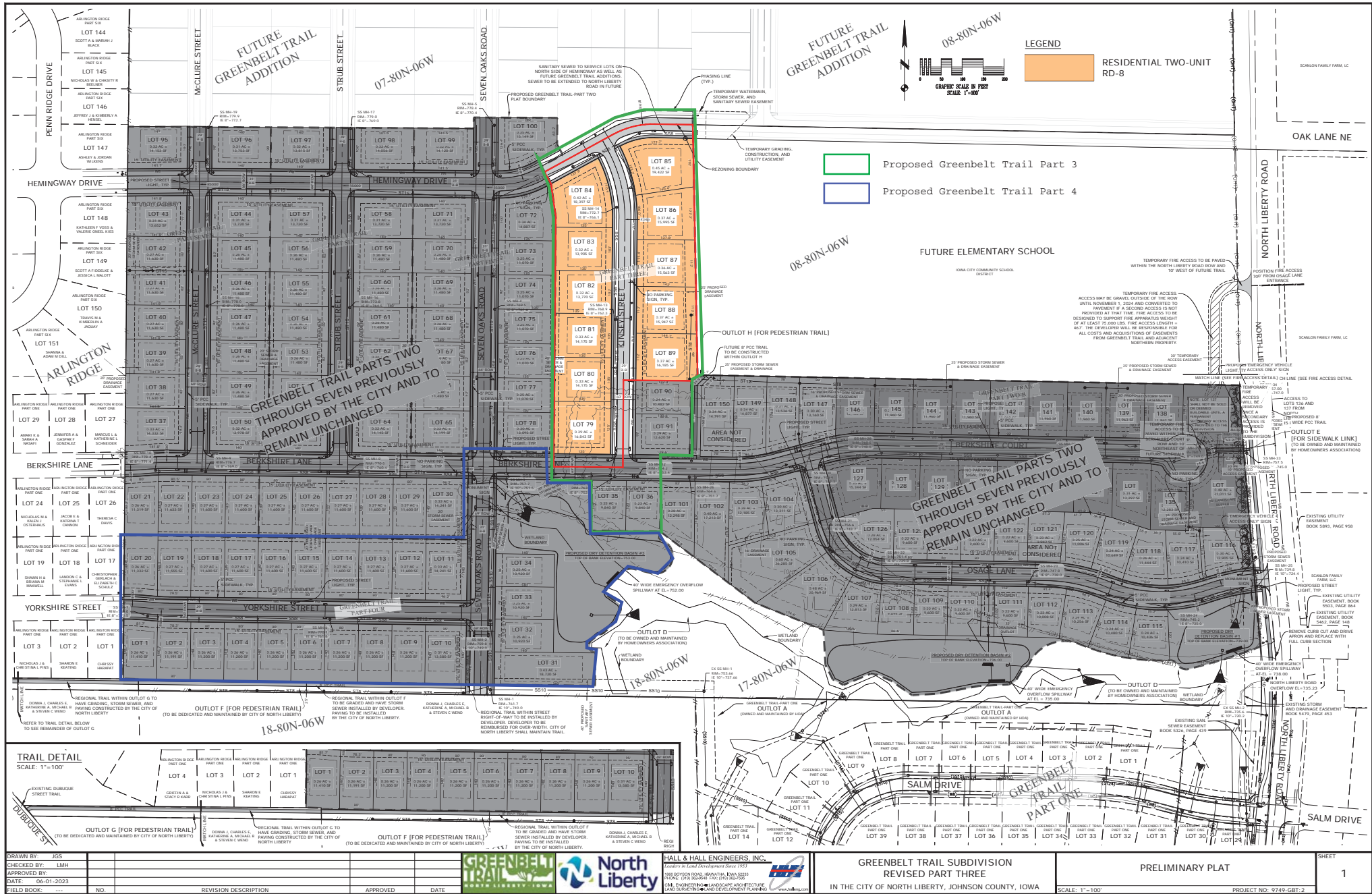


Approved Preliminary Plat - 14 units



Proposed Preliminary Plat - 22 units





**TRAIL DETAIL**  
SCALE: 1" = 100'

ARLINGTON RIDGE PART ONE	ARLINGTON RIDGE PART TWO	ARLINGTON RIDGE PART THREE	ARLINGTON RIDGE PART FOUR	ARLINGTON RIDGE PART FIVE	ARLINGTON RIDGE PART SIX	ARLINGTON RIDGE PART SEVEN	ARLINGTON RIDGE PART EIGHT	ARLINGTON RIDGE PART NINE	ARLINGTON RIDGE PART TEN
LOT 4	LOT 3	LOT 2	LOT 1	LOT 10	LOT 9	LOT 8	LOT 7	LOT 6	LOT 5
GRIBBIN & STACY K. EARL	NICHOLAS J. & NICOLE A. FINK	HARRISON E. HARTING	CHRISSEY HANAWAY	DONNA J. CHARLES C. ANDRONICO & MICHAEL A. STEVENSON WED	DONNA J. CHARLES C. ANDRONICO & MICHAEL A. STEVENSON WED	DONNA J. CHARLES C. ANDRONICO & MICHAEL A. STEVENSON WED	DONNA J. CHARLES C. ANDRONICO & MICHAEL A. STEVENSON WED	DONNA J. CHARLES C. ANDRONICO & MICHAEL A. STEVENSON WED	DONNA J. CHARLES C. ANDRONICO & MICHAEL A. STEVENSON WED

OUTLOT G (FOR PEDESTRIAN TRAIL) (TO BE DEDICATED AND MAINTAINED BY CITY OF NORTH LIBERTY)

OUTLOT F (FOR PEDESTRIAN TRAIL) (TO BE DEDICATED AND MAINTAINED BY CITY OF NORTH LIBERTY)

OUTLOT E (FOR PEDESTRIAN TRAIL) (TO BE DEDICATED AND MAINTAINED BY CITY OF NORTH LIBERTY)

OUTLOT D (TO BE OWNED AND MAINTAINED BY HOMEOWNERS ASSOCIATION)

OUTLOT A (TO BE OWNED AND MAINTAINED BY HOMEOWNERS ASSOCIATION)

2.27.18 AM Plotted By: Jason Stone  
 D:\9749-GRT-2\_Schedule\9749-GRT-2\_Schedule.dwg  
 Scale: 1" = 100'  
 Date Plotted: Tuesday, May 30, 2023

**Ordinance No. 2023-24**

**AN ORDINANCE AMENDING THE ZONING MAP DISTRICT DESIGNATION FOR CERTAIN PROPERTY LOCATED IN NORTH LIBERTY, IOWA FROM RS-6 SINGLE-UNIT RESIDENCE DISTRICT TO RD-8 TWO-UNIT RESIDENCE DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT.** The Official Zoning Map incorporated in Chapter 168.01(2) of the North Liberty Code of Ordinances is hereby amended by designating the zoning district for 5.28 acres, more or less, as RD-8 Two-Unit Residence District for property particularly described as follows:

That portion of the Northwest Quarter of the Northwest Quarter, Section 17 and that portion of the Southwest Quarter of the Southwest Quarter, Section 8 and that portion of the Northeast Quarter of the Northeast Quarter, Section 18 and that portion of the Southeast Quarter of the Southeast Quarter, Section 7 all in Township 80 North, Range 6 West of the 5th Principal Meridian, North Liberty, Johnson County, Iowa described as follows: Beginning at the Northwest Corner of Auditor's Plat No. 2021024 as recorded in Book 64, Page 353 in the Office of the Johnson County, Iowa Recorder; thence S45°44'12"W on a northwesterly line of said Auditor's Parcel, 19.89 feet; thence N89°18'06"W, 162.43 feet; thence S0°29'51"W, 208.50 feet; Thence N89°18'06"W, 165.00 feet; Thence N0°29'51"E, 595.03 feet; thence N8°02'39"W, 79.99 feet; thence N28°36'15"W, 33.00 feet; thence N61°23'45"E, 187.78 feet to the beginning of a 198.34 foot radius curve, concave southerly and having a long chord of 101.56 feet bearing N76°13'50"E; thence easterly on the arc of said curve, 102.71 feet; thence S88°54'45"E, 90.83 feet; thence S1°03'09"E on the west line of Auditor's Parcel No. 2018039 as recorded in Book 62, Page 97 in the Office of The Johnson County, Iowa Recorder, 597.25 Feet to the Point Of Beginning. Described Parcel Contains 5.28 Acres;

**SECTION 2. CONDITIONS IMPOSED.** At the September 5, 2023, meeting the Planning Commission accepted the listed finding and forwarded the request for a zoning map amendment to the City Council with a recommendation for approval with no conditions.

**SECTION 3. ZONING MAP.** It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

**SECTION 4. RECORDATION.** The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

**SECTION 5. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 6. SCRIVENER'S ERROR.** The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

**SECTION 7. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 8. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on September 12, 2023.

Second reading on \_\_\_\_.

Third and final reading on \_\_\_\_\_.

**CITY OF NORTH LIBERTY:**

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CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

---

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2023-24 in *The Gazette* on the \_\_\_\_ of \_\_\_\_\_, 2023.

---

TRACEY MULCAHEY, CITY CLERK



# **Street Vacation**



September 5, 2023

Chris Hoffman, Mayor  
City of North Liberty  
3 Quail Creek Circle  
North Liberty IA 52317

Re: Request of the City of North Liberty to vacate North Front Street between Cherry Street and North Dubuque Street.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its September 5, 2023 meeting. The Planning Commission took the following action:

**Findings:**

1. North Front Street right-of-way between the North Dubuque Street and Cherry Street rights-of-way is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified; and
2. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**Recommendation:**

The Planning Commission accepted the listed findings and forwards the request to vacate North Front Street between Cherry Street and North Dubuque Street to the City Council with a recommendation for approval.

The vote for approval was 5-0.

Jason Heisler, Vice Chairperson  
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**  
From **Ryan Rusnak, AICP**  
Date **September 1, 2023**  
Re **Request of the City of North Liberty to vacate North Front Street between Cherry Street and North Dubuque Street.**

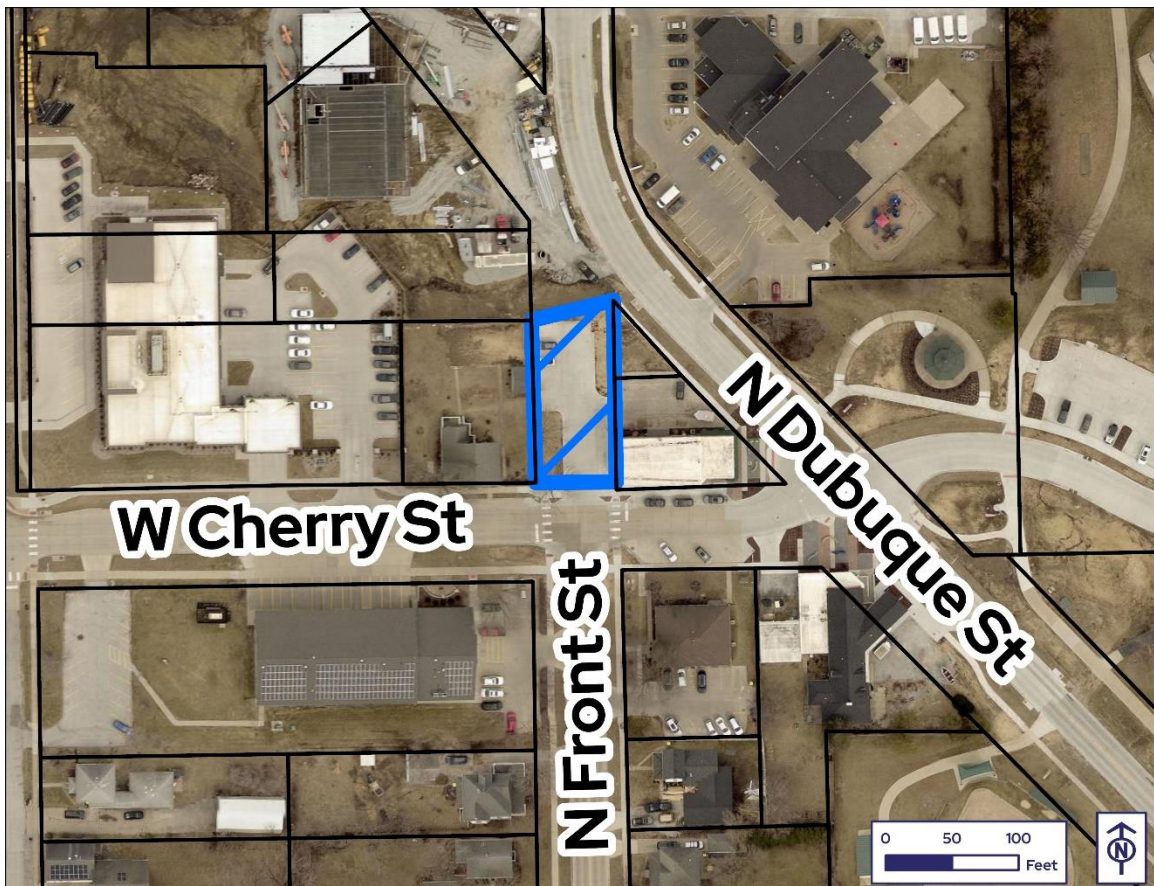
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North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

- Ryan Heiar, City Administrator
- Tracey Mulcahey, Assistant City Administrator
- Grant Lientz, City Attorney
- Tom Palmer, City Building Official
- Kevin Trom, City Engineer
- Ryan Rusnak, Planning Director

### 1. Request Summary:

With the North Dubuque Street realignment, the section of North Front Street between the realigned North Dubuque Street and Cherry Street was no longer needed as a public street. It is anticipated that the right-of-way would be divided between the property at 10 West Cherry Street, 325 North Dubuque Street and the new Civic Campus.



**2. Public Input:**

No public input has been received.

**3. Additional Considerations:**

Pursuant to Section 137.01 of the City Code:

*Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission..*

**4. Staff Recommendation:****Findings:**

1. North Front Street right-of-way between the North Dubuque Street and Cherry Street rights-of-way is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified; and
2. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**Recommendation:**

Staff recommends the Planning Commission accept the two listed findings and forward the request to vacate North Front Street between Cherry Street and North Dubuque Street to the City Council with a recommendation for approval.

**Suggested motion:**

I move that the Planning Commission accept the listed finding and forward the request to vacate North Front Street between Cherry Street and North Dubuque Street to the City Council with a recommendation for approval.

**Ordinance No. 2023-XX**

**AN ORDINANCE VACATING A PORTION OF RIGHT OF WAY IN NORTH LIBERTY, IOWA**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. PURPOSE.** The purpose of this ordinance is to vacate a portion of right of way and convey it to the adjoining property owners. Such vacation has been approved by the Planning and Zoning Commission.

**SECTION 2. FINDINGS.** The City Council of North Liberty, Iowa, hereby makes the following findings:

A. That the City of North Liberty held a public hearing on the proposal to vacate those portions of North Front Street intersecting with Cherry Street from the north, as part of the Dubuque Street Phase One public improvement project. The right of way to be vacated is divided into two parcels.

1. Parcel 1 is described as:

That part of Front Street located in the Northeast Quarter of the Southeast Quarter of Section 12, Township 80 North, Range 7 West of the 5th P.M., North Liberty, Johnson County, Iowa described as follows:

Commencing as a point of reference at the Southeast Corner of said Southeast Quarter; thence North 0°02'37" West 1390.95 feet along the east line of said Southeast Quarter (assumed bearing for this description only) to the point of beginning; thence South 89°29'32" West 33.00 feet to the southeast corner of Lot 1, Block 4 of the Original Town of North Liberty, Iowa; thence North 0°02'37" West 122.00 feet along the east line of said Block 4 and the westerly right-of-way of Front Street; thence North 81°26'31" East 33.37 feet to a point of intersection with said east line of said Southeast Quarter; thence South 0°02'37" East 126.67 feet along said east line feet to the point of beginning and containing 4103 square feet more or less.

2. Parcel 2 is described as:



That part of Front Street located in the Northwest Quarter of the Southwest Quarter of Section 7, Township 80 North, Range 6 West of the 5th P.M., North Liberty, Johnson County, Iowa described as follows:

Commencing as a point of reference at the Southwest Corner of said Southwest Quarter; thence North 0°02'37" West 1390.95 feet along the west line of said Southwest Quarter (assumed bearing for this description only) to the point of beginning; thence continuing North 0°02'37" West 169.67 feet along said west line; thence North 81°26'31" East 30.33 feet to a point of intersection with the southwesterly right-of-way of Dubuque Street; thence South 0°02'37" East 131.39 feet along the easterly right-of-way of said Front Street to a point of intersection with the northerly right-of-way of Cherry Street; thence North 89°36'21" West 30.00 feet to the point of beginning and containing 3871 square feet more or less.

B. The right of way described above is not needed for the use of the public, and therefore its maintenance at public expense is no longer justified.

C. The proposed vacation will not deny owners of property abutting it reasonable access to their property.

D. That under the provisions stated above, the above-described Parcel 1 and Parcel 2 are hereby vacated and declared no longer a part of the public streets and grounds of North Liberty, Iowa.

### **SECTION 3. CONVEYANCE.**

A. Parcel 1, as described in Section 2(A)(1) above, is hereby conveyed to MCBALLARD, L.L.C., as the owner of the adjacent property situated at 10 W. Cherry Street. Said Parcel 1 is conveyed subject to a public utility easement over and across the entirety of the area so described in Section 2(A)(1) above.

B. Parcel 2, as described in Section 2(A)(2) above, is hereby conveyed to Yetley Real Estate, LLC, as the owner of the adjacent property situated at 325 N. Dubuque Street.

**SECTION 4. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 6. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on \_\_\_\_\_.  
Second reading on \_\_\_\_\_.  
Third and final reading on \_\_\_\_\_.

**CITY OF NORTH LIBERTY:**

\_\_\_\_\_  
CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2023-XX in the *Cedar Rapids Gazette* on \_\_\_\_\_.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

**Ordinance No. 2023-25**

**AN ORDINANCE VACATING A PORTION OF RIGHT OF WAY IN NORTH LIBERTY, IOWA**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. PURPOSE.** The purpose of this ordinance is to vacate a portion of right of way and convey it to the adjoining property owners. Such vacation has been approved by the Planning and Zoning Commission.

**SECTION 2. FINDINGS.** The City Council of North Liberty, Iowa, hereby makes the following findings:

A. That the City of North Liberty held a public hearing on the proposal to vacate those portions of North Front Street intersecting with Cherry Street from the north, as part of the Dubuque Street Phase One public improvement project. The right of way to be vacated is divided into two parcels.

1. Parcel 1 is described as:

That part of Front Street located in the Northeast Quarter of the Southeast Quarter of Section 12, Township 80 North, Range 7 West of the 5th P.M., North Liberty, Johnson County, Iowa described as follows:

Commencing as a point of reference at the Southeast Corner of said Southeast Quarter; thence North 0°02'37" West 1390.95 feet along the east line of said Southeast Quarter (assumed bearing for this description only) to the point of beginning; thence South 89°29'32" West 33.00 feet to the southeast corner of Lot 1, Block 4 of the Original Town of North Liberty, Iowa; thence North 0°02'37" West 122.00 feet along the east line of said Block 4 and the westerly right-of-way of Front Street; thence North 81°26'31" East 33.37 feet to a point of intersection with said east line of said Southeast Quarter; thence South 0°02'37" East 126.67 feet along said east line feet to the point of beginning and containing 4103 square feet more or less.

2. Parcel 2 is described as:

That part of Front Street located in the Northwest Quarter of the Southwest Quarter of Section 7, Township 80 North, Range 6 West of the 5th P.M., North Liberty, Johnson County, Iowa described as follows:

Commencing as a point of reference at the Southwest Corner of said Southwest Quarter; thence North 0°02'37" West 1390.95 feet along the west line of said Southwest Quarter (assumed bearing for this description only) to the point of beginning; thence continuing North 0°02'37" West 169.67 feet along said west line; thence North 81°26'31" East 30.33 feet to a point of intersection with the southwesterly right-of-way of Dubuque Street; thence South 0°02'37" East 131.39 feet along the easterly right-of-way of said Front Street to a point of intersection with the northerly right-of-way of Cherry Street; thence North 89°36'21" West 30.00 feet to the point of beginning and containing 3871 square feet more or less.

B. The right of way described above is not needed for the use of the public, and therefore its maintenance at public expense is no longer justified.

C. The proposed vacation will not deny owners of property abutting it reasonable access to their property.

D. That under the provisions stated above, the above-described Parcel 1 and Parcel 2 are hereby vacated and declared no longer a part of the public streets and grounds of North Liberty, Iowa.

### **SECTION 3. CONVEYANCE.**

A. Parcel 1, as described in Section 2(A)(1) above, is hereby conveyed to MCBALLARD, L.L.C., as the owner of the adjacent property situated at 10 W. Cherry Street. Said Parcel 1 is conveyed subject to a public utility easement over and across the entirety of the area so described in Section 2(A)(1) above.

B. Parcel 2, as described in Section 2(A)(2) above, is hereby conveyed to Yetley Real Estate, LLC, as the owner of the adjacent property situated at 325 N. Dubuque Street.

**SECTION 4. REPEALER.** All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 6. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on September 12, 2023.

Second reading on \_\_\_\_\_.

Third and final reading on \_\_\_\_\_.

**CITY OF NORTH LIBERTY:**

\_\_\_\_\_  
CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2023-25 in the *Cedar Rapids Gazette* on \_\_\_\_\_.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK



# **Zoning Ordinance Amendments**



September 5, 2023

Chris Hoffman, Mayor  
City of North Liberty  
3 Quail Creek Circle  
North Liberty IA 52317

Re: Request of the City of North Liberty for an Ordinance amending Chapters 139, 165, 166, 167, 168, 169 and 173 of the North Liberty Code of Ordinances, amending regulations for naming of streets, conditions for construction site plan approval, zoning map amendments, and required comprehensive plan components, adding new and updating definitions, amending certain residential districts and combining the C-2-A and C-2-B Zoning Districts, amending bulk requirements in certain residential and commercial districts, zoning use matrix and zoning use standards, off-street parking regulations, maximum fence height in residential districts, accessory structure standards, and permitted encroachments in required yards.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-referenced request at its September 5, 2023 meeting. The Planning Commission took the following action:

**Findings:**

1. The proposed Ordinance would implement desired practices and adapt to changing land use trends.

**Recommendation:**

The Planning Commission accepted the listed findings and forwards the Ordinance amendment to the City Council with a recommendation for approval..

The vote for approval was 5-0.

Jason Heisler, Vice Chairperson  
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**  
From **Ryan Rusnak, AICP**  
Date **September 1, 2023**  
Re **Request of the City of North Liberty for an Ordinance amending Chapters 139, 165, 166, 167, 168, 169 and 173 of the North Liberty Code of Ordinances, amending regulations for naming of streets, conditions for construction site plan approval, zoning map amendments, and required comprehensive plan components, adding new and updating definitions, amending certain residential districts and combining the C-2-A and C-2-B Zoning Districts, amending bulk requirements in certain residential and commercial districts, zoning use matrix and zoning use standards, off-street parking regulations, maximum fence height in residential districts, accessory structure standards, and permitted encroachments in required yards.**

---

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

Ryan Heiar, City Administrator  
Tracey Mulcahey, Assistant City Administrator  
Grant Lientz, City Attorney  
Tom Palmer, City Building Official  
Kevin Trom, City Engineer  
Ryan Rusnak, Planning Director

### **1. Request Summary:**

Staff is committed to amending the Zoning Ordinance to adapt to changing land use trends a best planning practices. Giving citizens and developers flexibility while maintaining North Liberty's community standards is a primary consideration.

A summary of the proposed changes include:

- Clarifies that private street names can be designated on a preliminary site plan.
- Strengthens construction site plan review requirements.
- Removes a zoning map amendment (rezoning) approval standard.
- Amends Comprehensive Plan elements, which currently do not align with the recently adopted Plan.
- Amends and reorganizes zoning definitions.
- Reduces side yards setbacks for RD-8 and RD-10 zoned properties.
- Combines the C-2-A and C-2-B Zoning Districts into the C-2 District, amends commercial setbacks and increases commercial maximum building height.
- Amends certain zoning use standards.
- Amends parking regulations, which includes a minor allowance for off-street parking within the front yard.



- Amends fence regulations to differentiate allowances for a fence on a corner lot vs a reverse corner lot. A diagram of the various types of lots has been added to the zoning definitions.
- Allows for structures besides private garages be larger than 200 square feet. Examples include storage buildings, greenhouses, gazebos, pergolas, and other similar structures.
- Amends permitted encroachments into required yards.
- Minor amendments to the sign ordinance.

## **2. Public Input:**

No public input has been received.

## **3. Staff Recommendation:**

### **Finding:**

1. The proposed Ordinance would implement desired practices and adapt to changing land use trends.

### **Recommendation:**

Staff recommends the Planning Commission accept the listed finding and forward the Ordinance amendment to the City Council with a recommendation for approval.

### **Suggested Motion:**

I move that the Planning Commission accept the listed finding and forward the Ordinance amendment to the City Council with a recommendation for approval.

ORDINANCE NO. \_\_\_\_\_

REQUEST OF THE CITY OF NORTH LIBERTY FOR AN ORDINANCE AMENDING CHAPTERS 139, 165, 166, 167, 168, 169 AND 173 OF THE NORTH LIBERTY CODE OF ORDINANCES, AMENDING REGULATIONS FOR NAMING OF STREETS, CONDITIONS FOR CONSTRUCTION SITE PLAN APPROVAL, ZONING MAP AMENDMENTS, AND REQUIRED COMPREHENSIVE PLAN COMPONENTS, ADDING NEW AND UPDATING DEFINITIONS, AMENDING CERTAIN RESIDENTIAL DISTRICTS AND COMBINING THE C-2-A AND C-2-B ZONING DISTRICTS, AMENDING BULK REQUIREMENTS IN CERTAIN RESIDENTIAL AND COMMERCIAL DISTRICTS, ZONING USE MATRIX AND ZONING USE STANDARDS, OFF-STREET PARKING REGULATIONS, MAXIMUM FENCE HEIGHT IN RESIDENTIAL DISTRICTS, ACCESSORY STRUCTURE STANDARDS, AND PERMITTED ENCROACHMENTS IN REQUIRED YARDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

**SECTION 1. AMENDMENT OF THE NAMING OF STREETS ORDINANCES.** Chapter 139.01 of the North Liberty Code of Ordinances is amended to read as follows:

New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All streets ~~shall be names~~ named by resolution, except streets named as a part of a subdivision or platting procedure, shall be named by resolution. Streets names depicted on a final subdivision plat and/or preliminary site plan approved by resolution satisfy this requirement.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

**SECTION 2. AMENDMENT OF ZONING ORDINANCE.** Paragraph 3(D) of Chapter 165.05 of the North Liberty Code of Ordinances is amended to read as follows:

- D. Extension of public utilities and services, dedication of right-of-way.  
(1) The petitioner may, as a condition of the construction site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed development ~~and allow for the orderly future development of neighboring parcels,~~ to provide easements for the ingress and egress of public utility and emergency vehicles, and to dedicate right-of-way to accommodate motorized and

nonmotorized transportation, parking, and utility requirements. The City and petitioner may enter into a written site plan agreement governing the installation and establishment of such utilities and accommodations necessary to satisfy public needs. Where required as a condition of a construction site plan approval, utilities shall be constructed in accordance with construction standards as established by resolution of the City Council for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

~~(2) To allow orderly development, the water lines and sanitary sewer service installed in a proposed development pursuant to subparagraph 1 above shall extend to the boundary line of the subject property, and beyond as may be determined to be necessary by the City to provide for future service to adjacent properties. The City shall require the installation of water and sewer service of sufficient size and capacity to serve the full area capable of being served by each such type of improvement, so that the City will not be required to construct parallel or duplicate facilities. If such improvements are greater in size than needed to serve the subject property itself, the City, at its discretion, may share in the expense thereof. Such cost sharing shall be according to the terms of a site plan agreement. Any payment of excess costs by the City shall be pursuant to state law.~~

**SECTION 3. AMENDMENT OF ZONING ORDINANCE.** Paragraph 4(D) of Chapter 165.09 of the North Liberty Code of Ordinances is amended to read as follows:

- D. Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.
- (1) Map Amendments.
    - (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
    - (b) The compatibility with the zoning of nearby property
    - (c) The compatibility with established neighborhood character.
    - (d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
    - ~~(e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the~~

~~property in question for one or more of the uses permitted under the existing zoning classification.~~

~~(f)(e)~~ The extent to which the proposed amendment creates nonconformities.

**SECTION 4. AMENDMENT OF ZONING ORDINANCE.** Paragraph 7(A) of Chapter 166.02 of the North Liberty Code of Ordinances is amended to read as follows:

~~A.——~~ Comprehensive Plan. It shall be the duty of the Commission, after holding public hearings, to create and recommend to the Council a comprehensive plan for the physical development of its jurisdiction, which may include areas outside of the City’s boundaries which bear consideration to the planning of the jurisdiction. ~~The Commission shall also recommend amendments to the comprehensive plan. The comprehensive plan shall include at least the following elements:~~

~~B.——~~ Official Maps

~~Growth and Land Use~~

~~Commercial/Industrial Uses~~

~~Transportation and Utilities~~

~~Community Facilities~~

~~Housing~~

~~Environmental~~

~~Geologic/Natural Hazards~~

~~The Commission may also recommend amendments to the comprehensive plan.~~

**SECTION 5. AMENDMENT OF ZONING ORDINANCE.** Chapter 167.01 of the North Liberty Code of Ordinances is amended as follows:

1. The existing defined term, “Accessory building,” is amended to read as follows:

~~“Accessory building structure” means a subordinate building structure customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage as the principal building.~~

2. A new defined term, “Gazebo,” as set forth below, is inserted between the definitions of “Garage, private” and “Grade”:

~~“Gazebo” means a freestanding roofed structure with open sides.~~

3. Delete definitions, “Lot,” Lot, corner,” “Lot, flag,” “Lot, interior”.

~~“Lot” means a parcel of land, adequate for occupancy by a use permitted under this chapter, which provides the yards, area, and off-street parking required under this code and which fronts directly upon a public street or upon an officially approved place.~~

"Lot area" means the total area within the boundaries of a lot, excluding any street right-of-way, usually defined in square footage.

"Lot, corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

4. New defined term, "Lot," as set forth below, is inserted between the definitions of "Livestock" and "Lot area":

"Lot" means the basic development unit for determination of lot area, depth, and other dimensional regulations. The following describes the types of lot configurations:

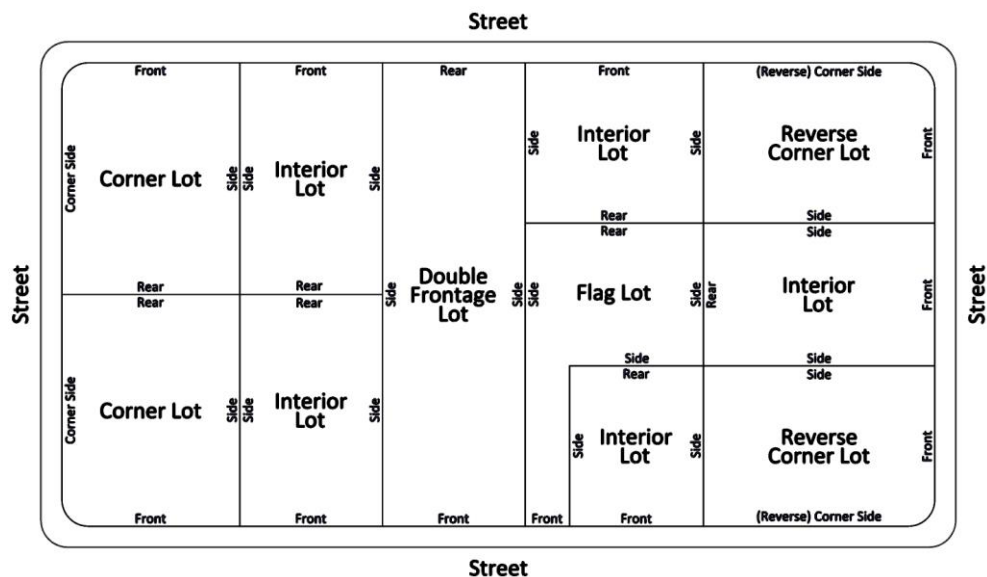
An "interior lot" means a lot other than a corner or through lot, bounded by two interior side lot lines.

A "corner lot" means a lot situated at the junction of, and abutting on, two or more intersecting streets.

A "double frontage lot" means a lot which fronts upon two streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

A "reverse corner lot" is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

A "flag lot" means a lot such that the main building site area (the "flag") is set back from the street on which it fronts and includes an access strip (the "pole") connecting the main building site with the street.



3. A new defined term, "Pergola," as set forth below, is inserted between the definitions of "Parking space" and "Person":

"Pergola" means an open structure, which may either be freestanding or attached to a structure, that forms a partially shaded pedestrian walkway, passageway, or seating area.

**SECTION 6. AMENDMENT OF ZONING ORDINANCE.** Paragraphs 1(A) and 1(B) of Chapter 168.01 of the North Liberty Code of Ordinances is amended as follows:

- A. Residential Districts
- (1) RS-3 Single-~~FamilyUnit~~ Residence District.
  - (2) RS-4 Single-Unit Residence District.
  - (3) RS-6 Single-Unit Residence District.
  - (4) RS-7 Single-Unit Residence District.
  - (5) RS-8 Single-Unit Residence District.
  - (6) RS-9 Single-Unit Residence District.
  - (7) RD-8 Two-Unit Residence District.
  - (8) RD-10 Two-Unit Residence District.
  - (9) RM-8 Multi-Unit Residence District.
  - (10) RM-12 Multi-Unit Residence District.
  - (11) RM-21 Multi-Unit Residence District.
  - (12) R-MH Residential Manufactured Home Park District.
- B. Commercial Districts
- (1) C-1-A Central Commercial District.
  - (2) C-1-B General Commercial District.
  - (3) C-2-~~A~~ Highway Commercial District.
  - ~~(4)~~ ~~C-2-B Highway Commercial District.~~
  - ~~(5)~~(4) C-3 Higher-Intensity Commercial District.
  - ~~(6)~~(5) O/RP Office and Research Park District

**SECTION 7. AMENDMENT OF ZONING ORDINANCE.** Paragraphs 1(A) and 5(B) of Chapter 168.02 of the North Liberty Code of Ordinances is amended as follows:

**168.02 RESIDENTIAL DISTRICTS.**

- A. RS-3 Single-~~FamilyUnit~~ Residence District. The ~~RS-3~~ District is intended to provide and maintain low-density single-~~familyunit~~ residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-3 District.
- B. RD and RM Districts.

Table 168.02-B Dimensional Standards SF = Square Feet, DU= Dwelling Unit, ' = Feet					
	RD-8	RD-10	RM-8	RM-12	RM-21
<b>Bulk</b>					
<b>Minimum Lot Area</b>	10,000 SF 5,000 SF/DU	9,000 SF 4,500 SF/DU	21,780 SF 5,000 SF/DU	21,780 SF 3,500 SF/DU	21,780 SF 2,000 SF/DU
<b>Minimum Frontage</b>	40'	35'	75'	50'	50'
<b>Minimum Lot Width</b>	100'	80'	100'	80'	80'
<b>Maximum Building Height</b>	35'	35'	40'	40'	65'
<b>Setbacks</b>					
<b>Minimum Required Front Yard</b>	25'	25'	25'	25'	25'
<b>Minimum Required Corner Side Yard</b>	25'	25'	25'	25'	25'
<b>Minimum Required Side Yard</b>	<del>10'8'</del>	<del>10'5'</del>	15'	15'	10'
<b>Minimum Required Rear Yard</b>	30'	30'	30'	30'	30'
*An additional foot of setback is required for every foot of building height over 45'					

**SECTION 8. AMENDMENT OF ZONING ORDINANCE.** Chapter 168.03 of the North Liberty Code of Ordinances is amended as follows:

**168.03 COMMERCIAL DISTRICTS.**

1. Defined.
  - A. C-1-A Central Commercial District. The C-1-A District is intended to provide a traditional central setting oriented toward pedestrians as well as automobiles. It is typified by high-density commercial development with minimal setback requirements.
  - B. C-1-B General Commercial District. The C-1-B District is intended to provide for the uses established under the C-1-A Central Commercial District and other commercial uses which due to space requirements and the nature of operations are not suitable for location within a compact central commercial center. Setback and yard requirements are greater than under the C-1-A Central Commercial District.
  - C. ~~C-2-A~~ Highway Commercial District. The ~~C-2-A~~ District is intended to provide for those commercial uses which may take particular advantage of a highway location and/or due to size or other nuisance constraints may be incompatible with the predominantly retail uses permitted in the C-1-A and C-1-B Commercial Districts, and whose service area is not confined to any one neighborhood or community.
  - ~~D. C-2-B Highway Commercial District. The C-2-B District is intended to provide for those commercial uses which may take advantage of a highway location and are compatible with second-story residential uses. This district will be used sparingly after initial passage of the City zoning map.~~
  - E.D. C-3 Higher-Intensity Commercial District. The C-3 District is intended to accommodate higher-intensity commercial development that serves both local and regional markets. The C-3 District addresses medium and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.
  - F.E. O/RP Office and Research Park District. The O/RP District is intended to accommodate office buildings, similar structures, and complementary uses in a mutually compatible environment. It is designed to provide landscaping and space requirements suitable for an office and research setting. Uses are limited to those compatible with an office setting and those which do not produce noise, air, or other environmental nuisances which might interfere with activities within the district and surrounding residential areas.



2. Dimensional Standards.

Table 168.03 Dimensional Standards SF = Square Feet, ' = Feet						
	C-1-A	C-1-B	C-2-A	C-2-B	C-3	O/RP
<b>Bulk</b>						
<b>Minimum Lot Area</b>	None	None	None	None	20,000 SF	1.5 acres
<b>Minimum Frontage</b>	35'	35'	35'	35'	35'	100'
<b>Minimum Lot Width</b>	35'	35'	35'	35'	35'	150'
<b>Maximum Building Height</b>	45'	45'	35'45'	35'	75'*	75'
<b>Setbacks</b>						
<b>Minimum Required Front Yard</b>	0'	25'	25'	25'	25'	50'
<b>Minimum Required Corner Side Yard</b>	0'	25'	25'	25'	25'	50'
<b>Minimum Required Side Yard</b>	0'	10'	10'	10'	10' unless abutting a residential district then 20'*	20'
<b>Minimum Required Rear Yard</b>	10'	20'10' unless abutting a residential district than 20'*	20'10' unless abutting a residential district than 20'*	20'	10' unless abutting a residential district then 25' than 20'*	50'

\* One foot of additional setback above the required side or rear yard setback as measured from a lot line of property within a residential district for every one-foot building height above 35 feet.

**SECTION 9. AMENDMENT OF ZONING ORDINANCE.** Table 168.06: Use Matrix, in Chapter 168.06 of the North Liberty Code of Ordinances is amended as follows:

**Table 168:06: Use Matrix**  
**See Section 168.07 for Use Definitions and Use Standards**

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	OR/P	I-1	I-2	I-P	P
1. Adult Entertainment													C		
2. Agricultural Experience	C														
3. Agriculture	P														
4. Amusement Facility – Indoor						C	P	P	P	P					
5. Amusement Facility – Outdoor										C					
6. Animal Care Facility						P	P	P	P			P			
7. Animal Shelter												C			C
8. Art Gallery						P	P	P	P	P					
9. Arts and Fitness Studio						P	P	P	P	P					
10. Bar						P	P	P	P	P		P		P	
11. Bed and Breakfast Home		C													
12. Body Art Establishment								P	P						
13. Brewery-Micro						P	P	P	P	P				P	
14. Broadcasting Studio								P	P	P				P	P
15. Building Trades and Services								P	P	P		P		P	
16. Car Wash								P	P						
17. Child Care Center						P	P	P	P	P	P			P	P
18. Child Care Home		P			P										
19. Child Development Home		P													
20. Community Center						P	P	P	P	P				P	P
21. Community Pantry	C	C	C	C		C	P	P	P						
22. Cultural Facility						P	P	P	P	P					P
23. Distillery, Micro						P	P	P	P	P				P	
24. Drive-Through Facility						C	P	P	P	P	P			P	
25. Dwelling – Manufactured Home					P										
26. Dwelling – Mixed Use						P	P	P	P	P					
27. Dwelling – Multiple-Unit				P				P		P					

**Table 168:06: Use Matrix**  
**See Section 168.07 for Use Definitions and Use Standards**

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	OR/P	I-1	I-2	I-P	P
28. Dwelling – Single-Unit	P	P													
29. Dwelling – Single-Unit Zero Lot Line			P												
30. Dwelling – Townhouse				P				P							
31. Dwelling – Two Unit			P	P											
32. Educational Facility – Primary	P	P	P	P		P	P	P	P	P					P
33. Educational Facility – Secondary	P	P	P	P		P	P	P	P	P					P
34. Educational Facility – University or College											P			P	P
35. Educational Facility – Vocational						C	P	P	P	P		P		P	
36. Financial Institution						P	P	P	P	P				P	
37. Fireworks, Retail Sales of												P			
38. Food Bank												P			
39. Fueling Station							P	P	P	P		P		P	
40. Fulfillment Center, Micro								C	C	C		P			
41. Funeral Home								P	P						
42. Golf Course/Driving Range							P								P
43. Greenhouse/Nursery - Retail												P			
44. Group Home	P	P	P		P										
45. Healthcare Institution										P				P	P
46. Heavy Rental and Service Establishment												P			
47. Heavy Retail Establishment										P		P			
48. Hotel						C	P	P	P	P	P			P	
49. Industrial - General												P	P		
50. Industrial - Light												P	P	P	
51. Industrial Design							P	P	P	P		P		P	



**Table 168:06: Use Matrix**  
**See Section 168.07 for Use Definitions and Use Standards**

<u>Use</u>	<u>ID</u>	<u>RS</u>	<u>RD</u>	<u>RM</u>	<u>R-MH</u>	<u>C-1-A</u>	<u>C-1-B</u>	<u>C-2-A</u>	<u>C-2-B</u>	<u>C-3</u>	<u>OR/P</u>	<u>I-1</u>	<u>I-2</u>	<u>I-P</u>	<u>P</u>
77. Vehicle Dealership, New and Used								P	P	P					
78. Vehicle Dealership, Used								C	€						
79. Vehicle Operations Facility												P			P
80. Vehicle Rental												P			
81. Vehicle Repair - Major								C	€			P			
82. Vehicle Repair - Minor								P	P			P			
83. Warehouse												P			
84. Wholesale Establishment												P			
85. Winery, Micro						P	P	P	P	P				P	

**SECTION 10. AMENDMENT OF ZONING ORDINANCE.** Paragraphs 6, 15, 27, 29, 30, 31, 39, 72 and 76 of Chapter 168.07 of the North Liberty Code of Ordinances are each respectively amended as follows:

6. Animal Care Facility.
  - A. Defined. Animal Care Facility means an establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, pet grooming facilities and animal training centers and clubs. The boarding of animals is limited. Animal care facilities do not include animal breeders or animal shelters.
  - B. Use Standards.
    - (1) Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet in height is required for all exterior exercise areas.
    - (2) Animal care facilities must locate all overnight boarding facilities indoors. Overnight boarding is not permitted in the C-1-B, ~~and C-2-A~~ Districts ~~and C-2-B Districts~~ unless short-term boarding is incidental to the veterinary treatment of animals.
    - (3) All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
  
15. Building Trades and Services
  - A. Defined. Building Trades and Services means an establishment that undertakes activities related to building construction projects, as well as those that provide repair and maintenance services to buildings, including building systems, home appliances, and the like. These specialized trade contractors may work on subcontract from a general contractor, performing only part of the work covered by the general contract, or they may work directly for the owner of the building or project. Building and Trade Services uses primarily perform their work at the site of the structure being constructed or serviced, although they also may have shops where they perform work incidental to the job site. Examples of building trades and services include electrical, plumbing, heating, and air conditioning contractors, painting, masons, stone and tile setters, glass and glazing services.
  - B. Use Standards.
    - (1) Building area shall be limited to 7,500 square feet in the C-2-~~A, C-2-B~~ and C-3 Districts.
    - (2) Vehicles such as cars, vans and pickup trucks shall be permitted in designated parking spaces in any location. Box trucks, and other similar vehicles, along with trailers which may be pulled by permitted vehicles, shall also be permitted in designated parking

spaces, but shall not be located within a front or corner side yard. Smaller equipment such as skid loaders, forklifts, etc. may be permitted, provided they are stored indoors or inside enclosed trailers. Heavy vehicles and equipment such as tractor trailers, semi-trucks, construction equipment, and other large specialty vehicles as determined by Code Official shall be prohibited.

- (3) Outdoor storage shall only be permitted in the I-1 District.
  - (a) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
  - (b) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.

27. Dwelling – Multiple–Unit.

- A. Defined. Multiple–Unit Dwelling means a structure containing three or more attached dwelling units used for residential occupancy. A multiple–unit dwelling does not include a townhouse dwelling.
- B. Use Standards.
  - (1) Buildings must be designed with consistent materials and treatments that wrap around all building elevations. There must be a unifying architectural theme for the entire multi-unit development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
  - (2) Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a facade.
  - (3) Minimum required masonry on front and corner side yard building elevations in residential districts is 25%.
  - (4) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.
  - (5) Buildings shall be oriented to the best extent possible so that attached garages doors do not face the public right-of-way.
  - (6) Additional Commercial district design standards.
    - (a) Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or

pitched may be allowed as architectural accents but shall not be used as the primary roof design.

29. Dwelling – Single-Unit Zero Lot Line.

- A. Defined. A Single-Unit Zero Lot Line Dwelling means a structure containing two dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and are on separate lots. A single-unit zero lot line dwelling is typically designed so that each unit has a separate exterior entrance and yard areas.
- B. Use Standards.
- (1) The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).
  - (2) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
  - (3) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
  - (4) Minimum required masonry on front and corner side yard building elevations is 25%, with the following exceptions:
    - (i) Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.
    - (ii) Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
  - (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

30. Dwelling – Townhouse.

- A. Defined. Townhouse Dwelling means structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and may or may not be on separate lots. A townhouse is typically designed so that each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling. To provide for design flexibility, a townhouse dwelling development may include single-unit dwellings.
- B. Use Standards.
- (1) The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).



- (2) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
- (3) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
- (4) Minimum required masonry on front and corner side yard building elevations in residential districts is 25%.
- (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
- (6) Additional commercial district design standards.
  - (a) Buildings shall be oriented to the best extent possible so that attached garages doors do not face the public right-of-way.
  - (b) Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design.
  - (c) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.

31. Dwelling - Two-Unit.

- A. Defined. A Two-Unit Dwelling means a structure containing two dwelling units, arranged side-by-side with each unit having an exterior entrance, on a single lot. To provide for design flexibility, a two-unit dwelling development may include single-unit dwellings.
- B. Use Standards.
  - (1) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
  - (2) Minimum required masonry on front and corner side yard building elevations is 25%.
  - (3) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

39. Fueling Station.
- A. Defined. Fueling Station means an establishment where fuel for vehicles is dispersed from fixed equipment into the fuel tanks or battery cells of said vehicles. A fueling station may also include ancillary car wash bays.
  - B. Use Standards. ~~None.~~
    - (1) Canopy support structures shall be wrapped in masonry materials consistent with the principal building.
72. Self-Storage Facility: Outdoor.
- A. Defined. Outdoor self-storage facility means an establishment for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.
  - B. Use Standards.
    - (1) Storage units cannot be used for residential occupancy or business.
    - (2) No plumbing connections are permitted in self-storage units.
    - (3) Outdoor self-storage facilities shall be oriented to the best extent possible so that storage unit access doors do not face the public right-of-way, or residential districts as set forth in Section 168.02.
    - (4) Exterior facades not facing the exterior of the property are not subject to the masonry requirements set forth in Section 169.10.
    - (5) Commercial district design standards.
      - (a) Exterior facades that face a right-of-way or adjoining residential district shall include the following:
        - (i) Color, texture and building material changes.
        - (ii) Wall articulation change of no less than two feet in depth or projection every 50 feet.
        - (iii) Wall articulation change no less than two feet in vertical elevation every 50 feet in building width. The change in elevation shall extend a minimum of 20 feet in building width.
        - (iv) Exterior facades that face a right-of-way or adjoining residential district shall include windows or faux windows.

76. Utility (Sub)Station

A. Defined. Utility (sub)station means a structure or facility used by a public or quasi-public utility agency to store and/or distribute public utilities. Utility (sub)stations does not include outdoor storage or maintenance facilities.

B. Use Standards.

- (1) Utility (sub)stations, shall to the greatest degree possible, be located so as to minimize impacts on surrounding properties and public infrastructure.
- (2) No setbacks are required, however, utility (sub)stations shall not block visibility or create traffic hazards.
- (3) Minimum required masonry on all building elevations is 60%,
- (3) Utility (sub)stations shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of a landscape area, a masonry wall may be used as a screen.

(4) Decorative fences within the front yard may exceed the maximum height specified in section 169.04 subject to the following:

- (a) Fence material shall be wrought iron or ornamental metal and shall have masonry columns spaced a maximum of 50 feet.
- (b) Maximum height is 10 feet.
- (c) Shall not be located within the corner visual clearance area.

**SECTION 11. AMENDMENT OF ZONING ORDINANCE.** Paragraph 2(F&G) of Chapter 169.01 of the North Liberty Code of Ordinances is amended as follows:

**169.01 OFF-STREET PARKING AND LOADING.**

- F. Setbacks. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with the minimum dimensions in Table 169.01-B Off-Street Parking and Loading Setbacks.

District	<del>Right-Of-Way</del> Front/Corner Lot Line	Side Lot Line	Rear Lot Line
ID, RS, RD	25 feet <sup>1</sup>	3 feet <sup>2</sup>	3 feet
R-MH	10 feet <sup>3</sup>	5 feet	5 feet
RM, C, I, P	10 feet	5 feet	5 feet
O/RP	25 feet	10 feet	10 feet

1. For residential uses Offoff-street parking areas may be within the front or corner sideyard, but shall not occupy greater than 50 percent of the required ~~front~~yard and shall not provide greater than one parking space in addition to that provided in the travel portion of the driveway. Notwithstanding the foregoing, the two required parking spaces for single and two-unit dwellings may be located within either the required front or corner side yard single if no garage exists and there is inadequate area to locate one of the parking spaces in the side or rear yard subject to the condition that driveway be a maximum 20 feet in width.
2. No setback required on an interior side lot line for two-unit dwelling buildings.
3. Off-street parking areas may be within the front yard.
4. In any district where off-street joint access is provided, the required setback on an interior side lot line may be reduced if a joint access easement agreement is recorded between the two lots.

- G. Single-Unit, Two-Unit Zero Lot Line, Duplex and Townhouse Dwellings.
- (1) All required off-street parking spaces must have vehicular access from a driveway that connects to a street, alley or private drive isle. The width of the driveway shall be a minimum of 10 feet.
  - (2) Townhouse developments are generally prohibited from constructing ~~curb cuts individual driveway accesses to along~~ a public street. Exceptions may be granted to lower-volume local streets and/or in areas where property boundaries make access from a private street impractical.
  - (3) Required off-street parking spaces may be designed so that the driver may back out into the street or alley.
  - (4) All off-street parking areas must be improved with a hard surfaced, all-weather dustless material; pervious and non-pervious pavers may be used. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) and gravel is prohibited. Thickness of surfacing must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.

**SECTION 12. AMENDMENT OF ZONING ORDINANCE.** Paragraph 6 of Chapter 169.04 and table 169.05 of the North Liberty Code of Ordinances are amended as follows:

6. Height.  
The height of all fences and/or retaining walls located within a front, corner side yard, side, or rear yard shall not exceed those found in Table ~~169.05~~169.04.

Table <del>169.05</del> <u>169.04</u> Maximum Fence and Wall Height				
District	Front Yard	Corner Side Yard	Side Yard	Rear Yard
Residential Districts	4'	4'	<del>8'</del> <u>6'</u>	<del>8'</del> <u>6'</u>
All Other Districts	4'	4'	16'	16'

1. Fences shall not be located within the corner visual clearance.
2. Chain ~~link~~ fences shall not be located within the required front or required corner side yard (see exception within number 4 below).
3. Fences shall not exceed 8' in height if the property abuts a residential district.
4. With the exception of a reverse corner lot~~On a corner lot, a 6-foot high privacy fence up to 6' high~~ may be erected on that portion of the corner lot at the rear of the house provided the fence is erected a minimum of 15 feet from any sidewalk, driveway, or right-of-way line. Said fence shall comply in all other respects with the fence requirements.

**SECTION 13. AMENDMENT OF ZONING ORDINANCE.** Paragraphs 1, 2 and 3 of Chapter 169.05 of the North Liberty Code of Ordinances are amended as follows:

**169.05 ACCESSORY STRUCTURES AND USES.**

Accessory structures and uses shall occupy the same lot as the main use or building. No lot shall have an accessory structure or use without the principal use. No accessory structure shall be used as a dwelling unit. Accessory structures shall be constructed out of material intended for long-term exposure to the elements. Prohibited materials include, but are not limited to cloth, fabric, canvas, plastic sheets and tarps. Exceptions to the materials prohibition includes plastic for greenhouses and fabric and/or canvas for shade structures. Shipping containers are prohibited as an accessory structure.

1. Yard Encroachment.  
No accessory building or use shall be located within any yard unless authorized by this Section and/or Section 169.08.
2. Freestanding ~~Private~~ Garages, Storage Buildings, Greenhouses, Gazebos, Pergolas, and other Similar Structures greater than 200 Square Feet Gross Floor Area.
  - A. RS, RD and ID districts shall be subject to the following:
    - (1) A maximum of one freestanding garage, storage building, greenhouse, gazebo, pergola, or other similar structure greater than 200 square feet gross floor area.
    - (2) Freestanding garages. A maximum gross floor area of 850 square feet. RS district exception: on properties exceeding .5 acres but less than .75 acres, the maximum gross floor area shall be 1,000 square feet. On properties

exceeding .75 acres but less than one acre, the maximum gross floor area shall be 1,200 square feet. On properties exceeding one acre, the maximum gross floor area shall be 1,400 square feet. Notwithstanding the foregoing, the gross floor area shall not exceed the total footprint of the residence.

~~(3)~~ All other structures besides freestanding garages. A maximum gross floor area of 600 square feet.

~~(3)(4)~~ May be located within the rear yard subject to a five foot side and rear setback.

~~(4)(5)~~ May be located within a side yard subject to meeting the required side and rear yard setbacks for the main building.

~~(5)(6)~~ Must be situated A minimum 20 feet from a public or private right-of-way or improved home.

~~(6)(7)~~ May Not not be located within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.

~~(7)(8)~~ A maximum height of 15 feet.

B. RM district.

(1) No maximum number ~~of freestanding garages accessory structures~~, however, the aggregate floor area shall not exceed the aggregate footprint of the main buildings.

(2) May be located within the rear yard subject to a 10-foot side and rear setback.

(3) A minimum 20 feet from a public or private right-of-way or improved alley.

(4) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.

(5) A maximum height of 15 feet.

3. Storage Buildings, ~~and~~ Greenhouses, Gazebos, Pergolas and other Similar Structures 200 Square Feet Gross Floor Area or Less.

A. ~~RS, and~~ RD and ID districts shall be subject to the following:

(1) A maximum two storage buildings, greenhouses, gazebos, pergolas, or structures designed for other similar use, or any combination thereof, may be located within the rear yard.

~~(2)~~ Maximum 200 square feet gross floor area per structure.

~~(3)(2)~~ A minimum of five feet from the side and rear property line.

~~(4)(3)~~ A minimum of 10 feet from a public or private right-of-way alley.

~~(5)(4)~~ Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.

~~(6)(5)~~ Maximum building height of 10 feet.

**SECTION 14. AMENDMENT OF ZONING ORDINANCE.** Paragraph 8(B) of Chapter 169.08 and table 169.08 of the North Liberty Code of Ordinances are amended as follows:

- B. In districts where a maximum height is imposed, such height limitations shall not apply to certain appurtenances and structures and are indicated in Table 169-08: Permitted Encroachments into Required Yards and Exceeding Maximum Building Height.

<b>Table 169-08: Permitted Encroachments Into Required Yards and Exceeding Maximum Building Height</b> <b>Y= Permitted // N= Prohibited</b> <b>Max. = Maximum // Min. = Minimum</b>				
	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Accessibility Ramp	Y	Y	Y	N
Air Conditioner Window Unit Max. projection of 18" from building wall	Y	Y	Y	N
Arbor or Trellis	Y	Y	Y	N
Awning or Sunshade Max. of 2' Does not include awnings used as a sign (See Chapter 173)	Y	Y	Y	N
Bay Window Max. of 2' Min. of 24" above ground	Y	Y	Y	N
Canopy Max. of 2' Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	N
Chimney Max. of 18" into required yard	Y	Y	Y	Y
Elevator and Stairway Bulkheads	N	N	N	Y
Emergency sirens and similar devices.	N	N	N	Y
Deck (uncovered) Min 5' from side lot line Min 10' from rear lot line	N	Y	Y	N
Dog House Min. of 4' from any lot line.	N	N	Y	N
Eaves, Gutters and Downspouts Max. of 4' into required yard	Y	Y	Y	N
Fire Escape Max. of 3' into required yard	N	Y	Y	Y
Fire Training Tower	N	N	N	Y
<del>Gazebo or Pergola</del> <del>Min. of 5' from any lot line.</del>	<del>N</del>	<del>Y</del>	<del>Y</del>	<del>N</del>
Grain Elevator (and necessary mechanical appurtenances)	N	N	N	Y
Landscaping	Y	Y	Y	N
Patio (uncovered) Min. 5' from any lot line	N	Y	Y	N

Table 169-08: Permitted Encroachments Into Required Yards and Exceeding Maximum Building Height Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
<u>Pergola (attached)</u> <u>Min 5' from side lot line</u> <u>Min 10' from rear lot line</u>	N	Y	Y	N
Personal Recreation Game Court Min. of 5' from any lot line	N	N	Y	N
Playground Equipment Min. of 4' from any lot line	N	N	Y	N
Sidewalk Min. of 3' from any lot line except front lot line.	Y	Y	Y	N
Sills, Belt course, Cornices, and Ornamental features Max. of 2' into required yard	Y	Y	Y	N
Silos	N	N	N	Y
Smokestack	N	N	N	Y
Steeple, Spires and Belfries	N	N	N	Y
Steps (providing access to an entryway)	Y	Y	Y	Y
Stoop Max. of 4' into required yard	Y	Y	Y	N
Utility Equipment (Directly Connected to Structure being Served). Max. of ½ into Required Yard	N	Y	Y	Y
Water Towers and Cooling Towers	N	N	N	Y
<u>Window Wells</u>	Y	Y	Y	Y

**SECTION 15. AMENDMENT OF ZONING ORDINANCE.** Chapter 173.06 of the North Liberty Code of Ordinances is amended as follows:

**173.06 SIGNS IN RESIDENTIAL ZONES.**

1. Neighborhood or Development Signs. Residential developments or neighborhoods of four or more dwelling units shall be permitted one freestanding monument sign for each public street frontage or each entrance. Such signs may be placed in any location on private property provided the sign complies with the same height limitations specified for fences. Maximum sign area for each sign ~~shall be two square feet, plus one square foot for each dwelling unit or lot, but shall not exceed 50 square feet in area per sign face.~~
2. Non-residential Uses. Each non-residential principal use shall be permitted wall signs and one freestanding monument sign per public street frontage, subject to the following size requirements.



- A. Maximum Wall Sign Area. The total area of wall signage shall not exceed one square foot for each lineal foot of building wall when viewed in elevation, not to exceed 50 square feet.
- B. Maximum Freestanding Sign Area. One sign is permitted per public street access. The surface area for each sign shall not exceed 50 square feet and the height shall not exceed 5 feet.

**SECTION 16. AMENDMENT OF ZONING ORDINANCE.** Paragraph 2 of Chapter 173.07 of the North Liberty Code of Ordinances is amended as follows:

- 2. Business and Public Use Signs. Each enterprise, institution, or business shall be permitted wall signs, one canopy sign per street frontage, and one freestanding monument sign per public street frontage, subject to the following maximum size requirements. Multiple businesses in the same building shall apportion façade length, building wall, and street frontage such that any maximum size requirement is not exceeded for a particular property.
  - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed the following requirements for each building wall to which the signage is attached.
    - (1) In the C-1-A and Public districts, one square foot for each lineal foot of building wall when viewed in elevation, not to exceed the following maximums:
      - (a) 40 square feet for building walls up to 50 feet in length.
      - (b) 80 square feet for building walls over 50 feet in length.
    - (2) In the C-1-B, C-2-A and C-3 zone districts, for buildings fewer than four-story in height, two square feet for each lineal foot of building wall when viewed in elevation, not to exceed 300 square feet. For buildings four-stories in height or greater, the total area of wall signage shall not exceed four square feet for each lineal foot of building wall the sign is attached to when viewed in elevation, not to exceed 400 square feet provided that the wall sign be mounted at or above the fourth-story.
  - B. Maximum Freestanding Sign Area.
    - (1) In the C-1-A and Public districts, one sign is permitted per public street access. The surface area for each sign shall not exceed 50 square feet, except for development complexes as specified in section 173.07(1), and the height shall not exceed 20 feet.
    - (2) In the C-1-B, C-2-A and C-3 zone districts, one sign is permitted per street frontage. The surface area for each sign shall not exceed 100 square feet, except for development complexes as specified in section 173.07(1), and the height shall not exceed 24 feet.

**SECTION 17. AMENDMENT.** The Official Zoning Map incorporated in Chapter 168.01(2) of the North Liberty Code of Ordinances is hereby amended such that each property currently designated as C-2-A Highway Commercial District is redesignated as C-2 Highway Commercial District. Each property currently designated as C-2-B Highway Commercial District is redesignated as C-2 Highway Commercial District. It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

**SECTION 18. REPEALER.** All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 19. SCRIVENER'S ERROR.** The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

**SECTION 20. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 21. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on \_\_\_\_\_, 2023.

Second reading on \_\_\_\_\_, 2023.

Third and final reading on \_\_\_\_\_, 2023.

CITY OF NORTH LIBERTY:

\_\_\_\_\_  
CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. \_\_\_\_\_ in the Cedar Rapids Gazette on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

**ORDINANCE NO. 2023-26**

**REQUEST OF THE CITY OF NORTH LIBERTY FOR AN ORDINANCE AMENDING CHAPTERS 139, 165, 166, 167, 168, 169 AND 173 OF THE NORTH LIBERTY CODE OF ORDINANCES, AMENDING REGULATIONS FOR NAMING OF STREETS, CONDITIONS FOR CONSTRUCTION SITE PLAN APPROVAL, ZONING MAP AMENDMENTS, AND REQUIRED COMPREHENSIVE PLAN COMPONENTS, ADDING NEW AND UPDATING DEFINITIONS, AMENDING CERTAIN RESIDENTIAL DISTRICTS AND COMBINING THE C-2-A AND C-2-B ZONING DISTRICTS, AMENDING BULK REQUIREMENTS IN CERTAIN RESIDENTIAL AND COMMERCIAL DISTRICTS, ZONING USE MATRIX AND ZONING USE STANDARDS, OFF-STREET PARKING REGULATIONS, MAXIMUM FENCE HEIGHT IN RESIDENTIAL DISTRICTS, ACCESSORY STRUCTURE STANDARDS, AND PERMITTED ENCROACHMENTS IN REQUIRED YARDS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:**

**SECTION 1. AMENDMENT OF THE NAMING OF STREETS ORDINANCES.** Chapter 139.01 of the North Liberty Code of Ordinances is amended to read as follows:

New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All streets shall be named by resolution. Streets names depicted on a final subdivision plat and/or preliminary site plan approved by resolution satisfy this requirement.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

**SECTION 2. AMENDMENT OF ZONING ORDINANCE.** Paragraph 3(D) of Chapter 165.05 of the North Liberty Code of Ordinances is amended to read as follows:

- D. Extension of public utilities and services, dedication of right-of-way.
  - (1) The petitioner may, as a condition of the construction site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed development , to provide easements for the ingress and egress of public utility and emergency vehicles, and to dedicate right-of-way to accommodate motorized and nonmotorized transportation, parking, and utility requirements. The

City and petitioner may enter into a written site plan agreement governing the installation and establishment of such utilities and accommodations necessary to satisfy public needs. Where required as a condition of a construction site plan approval, utilities shall be constructed in accordance with construction standards as established by resolution of the City Council for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

- (2) To allow orderly development, the water lines and sanitary sewer service installed in a proposed development pursuant to subparagraph 1 above shall extend to the boundary line of the subject property, and beyond as may be determined to be necessary by the City to provide for future service to adjacent properties. The City shall require the installation of water and sewer service of sufficient size and capacity to serve the full area capable of being served by each such type of improvement, so that the City will not be required to construct parallel or duplicate facilities. If such improvements are greater in size than needed to serve the subject property itself, the City, at its discretion, may share in the expense thereof. Such cost sharing shall be according to the terms of a site plan agreement. Any payment of excess costs by the City shall be pursuant to state law.

**SECTION 3. AMENDMENT OF ZONING ORDINANCE.** Paragraph 4(D) of Chapter 165.09 of the North Liberty Code of Ordinances is amended to read as follows:

- D. Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.
  - (1) Map Amendments.
    - (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
    - (b) The compatibility with the zoning of nearby property
    - (c) The compatibility with established neighborhood character.
    - (d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

- (e) The extent to which the proposed amendment creates nonconformities.

**SECTION 4. AMENDMENT OF ZONING ORDINANCE.** Paragraph 7(A) of Chapter 166.02 of the North Liberty Code of Ordinances is amended to read as follows:

Comprehensive Plan. It shall be the duty of the Commission, after holding public hearings, to create and recommend to the Council a comprehensive plan for the physical development of its jurisdiction, which may include areas outside of the City’s boundaries which bear consideration to the planning of the jurisdiction. The Commission shall also recommend amendments to the comprehensive plan.

**SECTION 5. AMENDMENT OF ZONING ORDINANCE.** Chapter 167.01 of the North Liberty Code of Ordinances is amended as follows:

- 1. The existing defined term, “Accessory building,” is amended to read as follows:

“Accessory structure” means a structure incidental to and located on the same lot as the principal building.

- 2. A new defined term, “Gazebo,” as set forth below, is inserted between the definitions of “Garage, private” and “Grade”:

“Gazebo” means a freestanding roofed structure with open sides.

- 3. Delete definitions, “Lot,” Lot, corner,” “Lot, flag,” “Lot, interior”.

- 4. New defined term, “Lot,” as set forth below, is inserted between the definitions of “Livestock” and “Lot area”:

“Lot” means the basic development unit for determination of lot area, depth, and other dimensional regulations. The following describes the types of lot configurations:

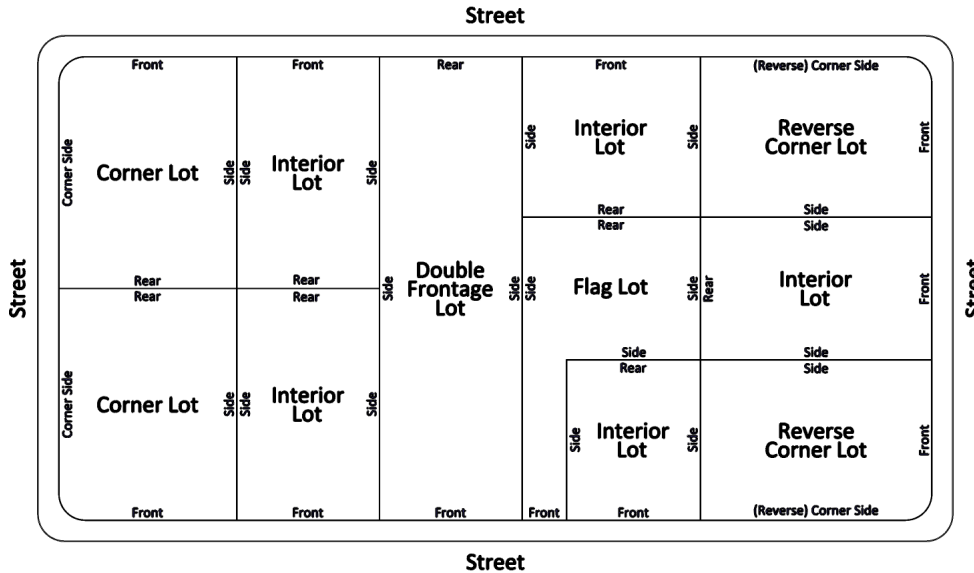
An “interior lot” means a lot other than a corner or through lot, bounded by two interior side lot lines.

A “corner lot” means a lot situated at the junction of, and abutting on, two or more intersecting streets.

A “double frontage lot” means a lot which fronts upon two streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

A “reverse corner lot” is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

A “flag lot” means a lot such that the main building site area (the “flag”) is set back from the street on which it fronts and includes an access strip (the “pole”) connecting the main building site with the street.



3. A new defined term, “Pergola,” as set forth below, is inserted between the definitions of “Parking space” and “Person”:

“Pergola” means an open structure, which may either be freestanding or attached to a structure, that forms a partially shaded pedestrian walkway, passageway, or seating area.

**SECTION 6. AMENDMENT OF ZONING ORDINANCE.** Paragraphs 1(A) and 1(B) of Chapter 168.01 of the North Liberty Code of Ordinances is amended as follows:

- A. Residential Districts
  - (1) RS-3 Single-Unit Residence District.
  - (2) RS-4 Single-Unit Residence District.
  - (3) RS-6 Single-Unit Residence District.
  - (4) RS-7 Single-Unit Residence District.
  - (5) RS-8 Single-Unit Residence District.
  - (6) RS-9 Single-Unit Residence District.
  - (7) RD-8 Two-Unit Residence District.
  - (8) RD-10 Two-Unit Residence District.
  - (9) RM-8 Multi-Unit Residence District.
  - (10) RM-12 Multi-Unit Residence District.
  - (11) RM-21 Multi-Unit Residence District.
  - (12) R-MH Residential Manufactured Home Park District.

- B. Commercial Districts
  - (1) C-1-A Central Commercial District.
  - (2) C-1-B General Commercial District.
  - (3) C-2 Highway Commercial District.
  - (4) C-3 Higher-Intensity Commercial District.
  - (5) O/RP Office and Research Park District

**SECTION 7. AMENDMENT OF ZONING ORDINANCE.** Paragraphs 1(A) and 5(B) of Chapter 168.02 of the North Liberty Code of Ordinances is amended as follows:

**168.02 RESIDENTIAL DISTRICTS.**

- A. RS-3 Single-Unit Residence District. The RS-3 District is intended to provide and maintain low-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-3 District.
- B. RD and RM Districts.

Table 168.02-B Dimensional Standards SF = Square Feet, DU= Dwelling Unit, ' = Feet					
	RD-8	RD-10	RM-8	RM-12	RM-21
<b>Bulk</b>					
<b>Minimum Lot Area</b>	10,000 SF 5,000 SF/DU	9,000 SF 4,500 SF/DU	21,780 SF 5,000 SF/DU	21,780 SF 3,500 SF/DU	21,780 SF 2,000 SF/DU
<b>Minimum Frontage</b>	40'	35'	75'	50'	50'
<b>Minimum Lot Width</b>	100'	80'	100'	80'	80'
<b>Maximum Building Height</b>	35'	35'	40'	40'	65'
<b>Setbacks</b>					
<b>Minimum Required Front Yard</b>	25'	25'	25'	25'	25'
<b>Minimum Required Corner Side Yard</b>	25'	25'	25'	25'	25'
<b>Minimum Required Side Yard</b>	8'	5'	15'	15'	10'
<b>Minimum Required Rear Yard</b>	30'	30'	30'	30'	30'
*An additional foot of setback is required for every foot of building height over 45'					



**SECTION 8. AMENDMENT OF ZONING ORDINANCE.** Chapter 168.03 of the North Liberty Code of Ordinances is amended as follows:

**168.03 COMMERCIAL DISTRICTS.**

1. Defined.
  - A. C-1-A Central Commercial District. The C-1-A District is intended to provide a traditional central setting oriented toward pedestrians as well as automobiles. It is typified by high-density commercial development with minimal setback requirements.
  - B. C-1-B General Commercial District. The C-1-B District is intended to provide for the uses established under the C-1-A Central Commercial District and other commercial uses which due to space requirements and the nature of operations are not suitable for location within a compact central commercial center. Setback and yard requirements are greater than under the C-1-A Central Commercial District.
  - C. C-2 Highway Commercial District. The C-2 District is intended to provide for those commercial uses which may take particular advantage of a highway location and/or due to size or other nuisance constraints may be incompatible with the predominantly retail uses permitted in the C-1-A and C-1-B Commercial Districts, and whose service area is not confined to any one neighborhood or community.
  - D. C-3 Higher-Intensity Commercial District. The C-3 District is intended to accommodate higher-intensity commercial development that serves both local and regional markets. The C-3 District addresses medium and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.
  - E. O/RP Office and Research Park District. The O/RP District is intended to accommodate office buildings, similar structures, and complementary uses in a mutually compatible environment. It is designed to provide landscaping and space requirements suitable for an office and research setting. Uses are limited to those compatible with an office setting and those which do not produce noise, air, or other environmental nuisances which might interfere with activities within the district and surrounding residential areas.

2. Dimensional Standards.

Table 168.03 Dimensional Standards SF = Square Feet, ' = Feet						
	C-1-A	C-1-B	C-2		C-3	O/RP
<b>Bulk</b>						
<b>Minimum Lot Area</b>	None	None	None		20,000 SF	1.5 acres
<b>Minimum Frontage</b>	35'	35'	35'		35	100'
<b>Minimum Lot Width</b>	35'	35'	35'		35'	150'
<b>Maximum Building Height</b>	45'	45'	45'		75'*	75'
<b>Setbacks</b>						
<b>Minimum Required Front Yard</b>	0'	25'	25'		25'	50'
<b>Minimum Required Corner Side Yard</b>	0'	25'	25'		25'	50'
<b>Minimum Required Side Yard</b>	0'	10'	10'		10' unless abutting a residential district than 20'*	20'
<b>Minimum Required Rear Yard</b>	10'	10' unless abutting a residential district than 20'*	10' unless abutting a residential district than 20'*		10' unless abutting a residential district than 20'*	50'

\* One foot of additional setback above the required side or rear yard setback as measured from a lot line of property within a residential district for every one-foot building height above 35 feet.

**SECTION 9. AMENDMENT OF ZONING ORDINANCE.** Table 168.06: Use Matrix, in Chapter 168.06 of the North Liberty Code of Ordinances is amended as follows:

**Table 168:06: Use Matrix**  
**See Section 168.07 for Use Definitions and Use Standards**

<u>Use</u>	<u>ID</u>	<u>RS</u>	<u>RD</u>	<u>RM</u>	<u>R-MH</u>	<u>C-1-A</u>	<u>C-1-B</u>	<u>C-2</u>		<u>C-3</u>	<u>OR/P</u>	<u>I-1</u>	<u>I-2</u>	<u>I-P</u>	<u>P</u>
1. Adult Entertainment													C		
2. Agricultural Experience	C														
3. Agriculture	P														
4. Amusement Facility – Indoor						C	P	P		P					
5. Amusement Facility – Outdoor										C					
6. Animal Care Facility						P	P	P				P			
7. Animal Shelter												C			C
8. Art Gallery						P	P	P		P					
9. Arts and Fitness Studio						P	P	P		P					
10. Bar						P	P	P		P		P		P	
11. Bed and Breakfast Home		C													
12. Body Art Establishment								P							
13. Brewery-Micro						P	P	P		P				P	
14. Broadcasting Studio								P		P				P	P
15. Building Trades and Services								P		P		P		P	
16. Car Wash								P							
17. Child Care Center						P	P	P		P	P			P	P
18. Child Care Home		P			P										
19. Child Development Home		P													
20. Community Center						P	P	P		P				P	P
21. Community Pantry	C	C	C	C		C	P	P							
22. Cultural Facility						P	P	P		P					P
23. Distillery, Micro						P	P	P		P				P	
24. Drive-Through Facility						C	P	P		P	P			P	
25. Dwelling – Manufactured Home					P										
26. Dwelling – Mixed Use						P	P	P		P					
27. Dwelling – Multiple-Unit				P				P		P					

**Table 168:06: Use Matrix**  
**See Section 168.07 for Use Definitions and Use Standards**

<b>Use</b>	<b>ID</b>	<b>RS</b>	<b>RD</b>	<b>RM</b>	<b>R-MH</b>	<b>C-1-A</b>	<b>C-1-B</b>	<b>C-2</b>		<b>C-3</b>	<b>OR/P</b>	<b>I-1</b>	<b>I-2</b>	<b>I-P</b>	<b>P</b>
28. Dwelling – Single-Unit	P	P													
29. Dwelling – Single-Unit Zero Lot Line			P												
30. Dwelling – Townhouse				P				P							
31. Dwelling – Two Unit			P	P											
32. Educational Facility – Primary	P	P	P	P		P	P	P		P					P
33. Educational Facility – Secondary	P	P	P	P		P	P	P		P					P
34. Educational Facility – University or College											P			P	P
35. Educational Facility – Vocational						C	P	P		P		P		P	
36. Financial Institution						P	P	P		P				P	
37. Fireworks, Retail Sales of												P			
38. Food Bank												P			
39. Fueling Station							P	P		P		P		P	
40. Fulfillment Center, Micro								C		C		P			
41. Funeral Home								P							
42. Golf Course/Driving Range							P								P
43. Greenhouse/Nursery - Retail												P			
44. Group Home	P	P	P		P										
45. Healthcare Institution										P				P	P
46. Heavy Rental and Service Establishment												P			
47. Heavy Retail Establishment										P		P			
48. Hotel						C	P	P		P	P			P	
49. Industrial - General													P		
50. Industrial - Light												P	P	P	
51. Industrial Design							P	P		P		P		P	

**Table 168:06: Use Matrix**  
**See Section 168.07 for Use Definitions and Use Standards**

<b>Use</b>	<b>ID</b>	<b>RS</b>	<b>RD</b>	<b>RM</b>	<b>R-MH</b>	<b>C-1-A</b>	<b>C-1-B</b>	<b>C-2</b>		<b>C-3</b>	<b>OR/P</b>	<b>I-1</b>	<b>I-2</b>	<b>I-P</b>	<b>P</b>
52. Live Performance Venue						P	P	P		P				P	
53. Manufactured Home Park					P										
54. Medical/Dental Office						P	P	P		P					
55. Office						P	P	P		P	P	P		P	P
56. Outdoor Seating						P	P	P		P				P	P
57. Park, Private	P	P	P	P	P	P	P	P		P	P			P	
58. Park, Public															P
59. Parking Lot (Principal Use)						C	P	P		P		P		P	P
60. Parking Structure (Principal Use)						C	P	P		P		P		P	P
61. Personal Services Establishment						P	P	P		P					
62. Place of Worship	P	P	P	P		P	P	P		P					
63. Private Club						P	P	P		P					
64. Public Safety Facility															P
65. Public Works Facility															P
66. Research and Development								P		P	P	P		P	
67. Residential Care Facility				P			P	P		P					
68. Restaurant						P	P	P		P		P		P	P
69. Retail Good Establishment						P	P	P		P		P		P	
70. Salvage Yard													C		
71. Self-Storage - Enclosed								P		P		P			
72. Self-Storage - Outdoor								C		C		P			
73. Specialty Food Service						P	P	P		P		P		P	
74. Storage - Outdoor (Principal Use)												C	P		
75. Truck Stop												C	P		
76. Utility (Sub)Stations	P	P	P	P	P	P	P	P		P	P	P	P	P	P

**Table 168:06: Use Matrix**  
**See Section 168.07 for Use Definitions and Use Standards**

<u>Use</u>	<u>ID</u>	<u>RS</u>	<u>RD</u>	<u>RM</u>	<u>R-MH</u>	<u>C-1-A</u>	<u>C-1-B</u>	<u>C-2</u>		<u>C-3</u>	<u>OR/P</u>	<u>I-1</u>	<u>I-2</u>	<u>I-P</u>	<u>P</u>
<b>77. Vehicle Dealership, New and Used</b>								P		P					
<b>78. Vehicle Dealership, Used</b>								C							
<b>79. Vehicle Operations Facility</b>												P			P
<b>80. Vehicle Rental</b>												P			
<b>81. Vehicle Repair - Major</b>								C				P			
<b>82. Vehicle Repair - Minor</b>								P				P			
<b>83. Warehouse</b>												P			
<b>84. Wholesale Establishment</b>												P			
<b>85. Winery, Micro</b>						P	P	P		P				P	

**SECTION 10. AMENDMENT OF ZONING ORDINANCE.** Paragraphs 6, 15, 27, 29, 30, 31, 39, 72 and 76 of Chapter 168.07 of the North Liberty Code of Ordinances are each respectively amended as follows:

6. Animal Care Facility.
  - A. Defined. Animal Care Facility means an establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, pet grooming facilities and animal training centers and clubs. The boarding of animals is limited. Animal care facilities do not include animal breeders or animal shelters.
  - B. Use Standards.
    - (1) Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet in height is required for all exterior exercise areas.
    - (2) Animal care facilities must locate all overnight boarding facilities indoors. Overnight boarding is not permitted in the C-1-B and C-2 Districts unless short-term boarding is incidental to the veterinary treatment of animals.
    - (3) All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
  
15. Building Trades and Services
  - A. Defined. Building Trades and Services means an establishment that undertakes activities related to building construction projects, as well as those that provide repair and maintenance services to buildings, including building systems, home appliances, and the like. These specialized trade contractors may work on subcontract from a general contractor, performing only part of the work covered by the general contract, or they may work directly for the owner of the building or project. Building and Trade Services uses primarily perform their work at the site of the structure being constructed or serviced, although they also may have shops where they perform work incidental to the job site. Examples of building trades and services include electrical, plumbing, heating, and air conditioning contractors, painting, masons, stone and tile setters, glass and glazing services.
  - B. Use Standards.
    - (1) Building area shall be limited to 7,500 square feet in the C-2 and C-3 Districts.
    - (2) Vehicles such as cars, vans and pickup trucks shall be permitted in designated parking spaces in any location. Box trucks, and other similar vehicles, along with trailers which may be pulled by permitted vehicles, shall also be permitted in designated parking

spaces, but shall not be located within a front or corner side yard. Smaller equipment such as skid loaders, forklifts, etc. may be permitted, provided they are stored indoors or inside enclosed trailers. Heavy vehicles and equipment such as tractor trailers, semi-trucks, construction equipment, and other large specialty vehicles as determined by Code Official shall be prohibited.

- (3) Outdoor storage shall only be permitted in the I-1 District.
  - (a) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
  - (b) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.

27. Dwelling – Multiple–Unit.

- A. Defined. Multiple–Unit Dwelling means a structure containing three or more attached dwelling units used for residential occupancy. A multiple-unit dwelling does not include a townhouse dwelling.
- B. Use Standards.
  - (1) Buildings must be designed with consistent materials and treatments that wrap around all building elevations. There must be a unifying architectural theme for the entire multi-unit development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
  - (2) Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a facade.
  - (3) Minimum required masonry on front and corner side yard building elevations in residential districts is 25%.
  - (4) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.
  - (5) Buildings shall be oriented to the best extent possible so that attached garages doors do not face the public right-of-way.
  - (6) Additional Commercial district design standards.
    - (a) Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or



pitched may be allowed as architectural accents but shall not be used as the primary roof design.

29. Dwelling – Single-Unit Zero Lot Line.

- A. Defined. A Single-Unit Zero Lot Line Dwelling means a structure containing two dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and are on separate lots. A single-unit zero lot line dwelling is typically designed so that each unit has a separate exterior entrance and yard areas.
- B. Use Standards.
  - (1) The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).
  - (2) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
  - (3) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
  - (4) Minimum required masonry on front and corner side yard building elevations is 25%, with the following exceptions:
    - (i) Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.
    - (ii) Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
  - (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

30. Dwelling – Townhouse.

- A. Defined. Townhouse Dwelling means structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and may or may not be on separate lots. A townhouse is typically designed so that each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling. To provide for design flexibility, a townhouse dwelling development may include single-unit dwellings.
- B. Use Standards.
  - (1) The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).

- (2) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
- (3) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
- (4) Minimum required masonry on front and corner side yard building elevations in residential districts is 25%.
- (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
- (6) Additional commercial district design standards.
  - (a) Buildings shall be oriented to the best extent possible so that attached garages doors do not face the public right-of-way.
  - (b) Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design.
  - (c) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.

31. Dwelling - Two-Unit.

- A. Defined. A Two-Unit Dwelling means a structure containing two dwelling units, arranged side-by-side with each unit having an exterior entrance, on a single lot. To provide for design flexibility, a two-unit dwelling development may include single-unit dwellings.
- B. Use Standards.
  - (1) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
  - (2) Minimum required masonry on front and corner side yard building elevations is 25%.
  - (3) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

39. Fueling Station.
- A. Defined. Fueling Station means an establishment where fuel for vehicles is dispersed from fixed equipment into the fuel tanks or battery cells of said vehicles. A fueling station may also include ancillary car wash bays.
  - B. Use Standards.
    - (1) Canopy support structures shall be wrapped in masonry materials consistent with the principal building.
72. Self-Storage Facility: Outdoor.
- A. Defined. Outdoor self-storage facility means an establishment for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.
  - B. Use Standards.
    - (1) Storage units cannot be used for residential occupancy or business.
    - (2) No plumbing connections are permitted in self-storage units.
    - (3) Outdoor self-storage facilities shall be oriented to the best extent possible so that storage unit access doors do not face the public right-of-way, or residential districts as set forth in Section 168.02.
    - (4) Exterior facades not facing the exterior of the property are not subject to the masonry requirements set forth in Section 169.10.
    - (5) Commercial district design standards.
      - (a) Exterior facades that face a right-of-way or adjoining residential district shall include the following:
        - (i) Color, texture and building material changes.
        - (ii) Wall articulation change of no less than two feet in depth or projection every 50 feet.
        - (iii) Wall articulation change no less than two feet in vertical elevation every 50 feet in building width. The change in elevation shall extend a minimum of 20 feet in building width.
        - (iv) Exterior facades that face a right-of-way or adjoining residential district shall include windows or faux windows.

76. Utility (Sub)Station

- A. Defined. Utility (sub)station means a structure or facility used by a public or quasi-public utility agency to store and/or distribute public utilities. Utility (sub)stations does not include outdoor storage or maintenance facilities.
- B. Use Standards.
  - (1) Utility (sub)stations, shall to the greatest degree possible, be located so as to minimize impacts on surrounding properties and public infrastructure.
  - (2) No setbacks are required, however, utility (sub)stations shall not block visibility or create traffic hazards.
  - (3) Minimum required masonry on all building elevations is 60%,
  - (3) Utility (sub)stations shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of a landscape area, a masonry wall may be used as a screen.
  - (4) Decorative fences within the front yard may exceed the maximum height specified in section 169.04 subject to the following:
    - (a) Fence material shall be wrought iron or ornamental metal and shall have masonry columns spaced a maximum of 50 feet.
    - (b) Maximum height is 10 feet.
    - (c) Shall not be located within the corner visual clearance area.

**SECTION 11. AMENDMENT OF ZONING ORDINANCE.** Paragraph 2(F&G) of Chapter 169.01 of the North Liberty Code of Ordinances is amended as follows:

**169.01 OFF-STREET PARKING AND LOADING.**

- F. Setbacks. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with the minimum dimensions in Table 169.01-B Off-Street Parking and Loading Setbacks.

Table 169:01-B: Off-Street Parking and Loading Setbacks			
District	Front/Corner Lot Line	Side Lot Line	Rear Lot Line
ID, RS, RD	25 feet <sup>1</sup>	3 feet <sup>2</sup>	3 feet
R-MH	10 feet <sup>3</sup>	5 feet	5 feet
RM, C, I, P	10 feet	5 feet	5 feet
O/RP	25 feet	10 feet	10 feet

1. For residential uses off-street parking areas may be within the front or corner side yard, but shall not occupy greater than 50 percent of the required yard and shall not provide greater than one parking space in addition to that provided in the travel portion of the driveway. Notwithstanding the foregoing, the two required parking spaces for single and two-unit dwellings may be located within either the required front or corner side yard single if no garage exists and there is inadequate area to locate one of the parking spaces in the side or rear yard subject to the condition that driveway be a maximum 20 feet in width.
2. No setback required on an interior side lot line for two-unit dwelling buildings.
3. Off-street parking areas may be within the front yard.
4. In any district where off-street joint access is provided, the required setback on an interior side lot line may be reduced if a joint access easement agreement is recorded between the two lots.

- G. Single-Unit, Two-Unit Zero Lot Line, Duplex and Townhouse Dwellings.
- (1) All required off-street parking spaces must have vehicular access from a driveway that connects to a street, alley or private drive isle. The width of the driveway shall be a minimum of 10 feet.
  - (2) Townhouse developments are generally prohibited from constructing individual driveway accesses to a public street. Exceptions may be granted to lower-volume local streets and/or in areas where property boundaries make access from a private street impractical.
  - (3) Required off-street parking spaces may be designed so that the driver may back out into the street or alley.
  - (4) All off-street parking areas must be improved with a hard surfaced, all-weather dustless material; pervious and non-pervious pavers may be used. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) and gravel is prohibited. Thickness of surfacing must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.

**SECTION 12. AMENDMENT OF ZONING ORDINANCE.** Paragraph 6 of Chapter 169.04 and table 169.05 of the North Liberty Code of Ordinances are amended as follows:

- 6. Height.  
The height of all fences and/or retaining walls located within a front, corner side yard, side, or rear yard shall not exceed those found in Table 169.04.

Table 169.04 Maximum Fence and Wall Height				
District	Front Yard	Corner Side Yard	Side Yard	Rear Yard
Residential Districts	4'	4'	6'	6'
All Other Districts	4'	4'	16'	16'
1. Fences shall not be located within the corner visual clearance. 2. Chain link fences shall not be located within the required front or required corner side yard (see exception within number 4 below). 3. Fences shall not exceed 8' in height if the property abuts a residential district. 4. With the exception of a reverse corner lot, a fence up to 6' high may be erected on that portion of the corner lot at the rear of the house provided the fence is erected a minimum of 15 feet from any sidewalk, driveway, or right-of-way line. Said fence shall comply in all other respects with the fence requirements.				

**SECTION 13. AMENDMENT OF ZONING ORDINANCE.** Paragraphs 1, 2 and 3 of Chapter 169.05 of the North Liberty Code of Ordinances are amended as follows:

**169.05 ACCESSORY STRUCTURES AND USES.**

Accessory structures and uses shall occupy the same lot as the main use or building. No lot shall have an accessory structure or use without the principal use. No accessory structure shall be used as a dwelling unit. Accessory structures shall be constructed out of material intended for long-term exposure to the elements. Prohibited materials include, but are not limited to cloth, fabric, canvas, plastic sheets and tarps. Exceptions to the materials prohibition includes plastic for greenhouses and fabric and/or canvas for shade structures. Shipping containers are prohibited as an accessory structure.

- 1. Yard Encroachment.  
No accessory building or use shall be located within any yard unless authorized by this Section and/or Section 169.08.
- 2. Freestanding Garages, Storage Buildings, Greenhouses, Gazebos, Pergolas, and other Similar Structures greater than 200 Square Feet Gross Floor Area.
  - A. RS, RD and ID districts shall be subject to the following:
    - (1) A maximum of one garage, storage building, greenhouse, gazebo, pergola, or other similar structure greater than 200 square feet gross floor area.
    - (2) Freestanding garages. A maximum gross floor area of 850 square feet. RS district exception: on properties exceeding .5 acres but less than .75 acres, the maximum gross floor area shall be 1,000 square feet. On properties exceeding .75 acres but less than one acre, the maximum gross floor area

shall be 1,200 square feet. On properties exceeding one acre, the maximum gross floor area shall be 1,400 square feet. Notwithstanding the foregoing, the gross floor area shall not exceed the total footprint of the residence.

- (3) All other structures besides freestanding garages. A maximum gross floor area of 600 square feet.
- (4) May be located within the rear yard subject to a five foot side and rear setback.
- (5) May be located within a side yard subject to meeting the required side and rear yard setbacks for the main building.
- (6) Must be situated a minimum 20 feet from a public or private right-of-way or improved home.
- (7) May not be located within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
- (8) A maximum height of 15 feet.

B. RM district.

- (1) No maximum number accessory structures, however, the aggregate floor area shall not exceed the aggregate footprint of the main buildings.
- (2) May be located within the rear yard subject to a 10-foot side and rear setback.
- (3) A minimum 20 feet from a public or private right-of-way or improved alley.
- (4) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
- (5) A maximum height of 15 feet.

3. Storage Buildings, Greenhouses, Gazebos, Pergolas and other Similar Structures 200 Square Feet Gross Floor Area or Less.

A. RS, RD and ID districts shall be subject to the following:

- (1) A maximum two storage buildings, greenhouses, gazebos, pergolas, or structures designed for other similar use, or any combination thereof, may be located within the rear yard.
- (2) A minimum of five feet from the side and rear property line.
- (3) A minimum of 10 feet from a public or private right-of-way alley.
- (4) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
- (5) Maximum building height of 10 feet.

**SECTION 14. AMENDMENT OF ZONING ORDINANCE.** Paragraph 8(B) of Chapter 169.08 and table 169.08 of the North Liberty Code of Ordinances are amended as follows:

- B. In districts where a maximum height is imposed, such height limitations shall not apply to certain appurtenances and structures and are indicated in Table 169-08: Permitted Encroachments into Required Yards and Exceeding Maximum Building Height.

<b>Table 169-08: Permitted Encroachments Into Required Yards and Exceeding Maximum Building Height</b> <b>Y= Permitted // N= Prohibited</b> <b>Max. = Maximum // Min. = Minimum</b>				
	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Accessibility Ramp	Y	Y	Y	N
Air Conditioner Window Unit Max. projection of 18" from building wall	Y	Y	Y	N
Arbor or Trellis	Y	Y	Y	N
Awning or Sunshade Max. of 2' Does not include awnings used as a sign (See Chapter 173)	Y	Y	Y	N
Bay Window Max. of 2' Min. of 24" above ground	Y	Y	Y	N
Canopy Max. of 2' Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	N
Chimney Max. of 18" into required yard	Y	Y	Y	Y
Elevator and Stairway Bulkheads	N	N	N	Y
Emergency sirens and similar devices.	N	N	N	Y
Deck (uncovered) Min 5' from side lot line Min 10' from rear lot line	N	Y	Y	N
Dog House Min. of 4' from any lot line.	N	N	Y	N
Eaves, Gutters and Downspouts Max. of 4' into required yard	Y	Y	Y	N
Fire Escape Max. of 3' into required yard	N	Y	Y	Y
Fire Training Tower	N	N	N	Y
Grain Elevator (and necessary mechanical appurtenances)	N	N	N	Y
Landscaping	Y	Y	Y	N
Patio (uncovered) Min. 5' from any lot line	N	Y	Y	N
Pergola (attached)	N	Y	Y	N



<b>Table 169-08: Permitted Encroachments Into Required Yards  and Exceeding Maximum Building Height  Y= Permitted // N= Prohibited  Max. = Maximum // Min. = Minimum</b>				
	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Min 5' from side lot line Min 10' from rear lot line				
Personal Recreation Game Court Min. of 5' from any lot line	N	N	Y	N
Playground Equipment Min. of 4' from any lot line	N	N	Y	N
Sidewalk Min. of 3' from any lot line except front lot line.	Y	Y	Y	N
Sills, Belt course, Cornices, and Ornamental features Max. of 2' into required yard	Y	Y	Y	N
Silos	N	N	N	Y
Smokestack	N	N	N	Y
Steeple, Spires and Belfries	N	N	N	Y
Steps (providing access to an entryway)	Y	Y	Y	Y
Stoop Max. of 4' into required yard	Y	Y	Y	N
Utility Equipment (Directly Connected to Structure being Served). Max. of ½ into Required Yard	N	Y	Y	Y
Water Towers and Cooling Towers	N	N	N	Y
Window Wells	Y	Y	Y	Y

**SECTION 15. AMENDMENT OF ZONING ORDINANCE.** Chapter 173.06 of the North Liberty Code of Ordinances is amended as follows:

**173.06 SIGNS IN RESIDENTIAL ZONES.**

1. Neighborhood or Development Signs. Residential developments or neighborhoods of four or more dwelling units shall be permitted one freestanding monument sign for each public street frontage or each entrance. Such signs may be placed in any location on private property provided the sign complies with the same height limitations specified for fences. Maximum sign area for each sign shall not exceed 50 square feet.
2. Non-residential Uses. Each non-residential principal use shall be permitted wall signs and one freestanding monument sign per public street frontage, subject to the following size requirements.
  - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed one square foot for each lineal foot of building wall when viewed in elevation, not to exceed 50 square feet.

- B. Maximum Freestanding Sign Area. One sign is permitted per public street access. The surface area for each sign shall not exceed 50 square feet and the height shall not exceed 5 feet.

**SECTION 16. AMENDMENT OF ZONING ORDINANCE.** Paragraph 2 of Chapter 173.07 of the North Liberty Code of Ordinances is amended as follows:

- 2. Business and Public Use Signs. Each enterprise, institution, or business shall be permitted wall signs, one canopy sign per street frontage, and one freestanding monument sign per public street frontage, subject to the following maximum size requirements. Multiple businesses in the same building shall apportion façade length, building wall, and street frontage such that any maximum size requirement is not exceeded for a particular property.
  - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed the following requirements for each building wall to which the signage is attached.
    - (1) In the C-1-A and Public districts, one square foot for each lineal foot of building wall when viewed in elevation, not to exceed the following maximums:
      - (a) 40 square feet for building walls up to 50 feet in length.
      - (b) 80 square feet for building walls over 50 feet in length.
    - (2) In the C-1-B, C-2 and C-3 zone districts, for buildings fewer than four-story in height, two square feet for each lineal foot of building wall when viewed in elevation, not to exceed 300 square feet. For buildings four-stories in height or greater, the total area of wall signage shall not exceed four square feet for each lineal foot of building wall the sign is attached to when viewed in elevation, not to exceed 400 square feet provided that the wall sign be mounted at or above the fourth-story.
  - B. Maximum Freestanding Sign Area.
    - (1) In the C-1-A and Public districts, one sign is permitted per public street access. The surface area for each sign shall not exceed 50 square feet, except for development complexes as specified in section 173.07(1), and the height shall not exceed 20 feet.
    - (2) In the C-1-B, C-2 and C-3 zone districts, one sign is permitted per street frontage. The surface area for each sign shall not exceed 100 square feet, except for development complexes as specified in section 173.07(1), and the height shall not exceed 24 feet.

**SECTION 17. AMENDMENT.** The Official Zoning Map incorporated in Chapter 168.01(2) of the North Liberty Code of Ordinances is hereby amended such that each property currently designated as C-2-A Highway Commercial District is redesignated as C-2 Highway Commercial District. Each property currently designated as C-2-B Highway Commercial District is redesignated as C-2 Highway Commercial District. It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

**SECTION 18. REPEALER.** All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 19. SCRIVENER'S ERROR.** The correction of typographical errors which do not affect the intent of the Ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

**SECTION 20. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 21. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on September 12, 2023.

Second reading on \_\_\_\_\_, 2023.

Third and final reading on \_\_\_\_\_, 2023.

CITY OF NORTH LIBERTY:

\_\_\_\_\_  
CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. \_\_\_\_\_ in the Cedar Rapids Gazette on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
TRACEY MULCAHEY, CITY CLERK