

AGENDA
ZONING BOARD OF APPEALS

February 10, 2016

6:30 PM

CITY HALL, 101 GREEN STREET, GALENA, IL

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of January 13, 2016 ZBA Meeting Minutes.

OLD BUSINESS

4. Cal. No. 16S-01, Applicant: Straka Johnson Architects, P.C., 3555 Digital Drive, Dubuque, IA 52003 for Owner: John Coulter, 201 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-049-00, Lot 34 between Main and Bench Streets in the original town of Galena, situated on the West side of the Galena River, City of Galena, Jo Daviess County, Illinois. Common address 201 South Main Street, Galena, IL 61036. Request for Special Use Permit to expand an existing, conforming, Outdoor Dining land use. This request is contingent upon a Street Vacation request to vacate part of Washington Street between Main and Bench Streets. Ratification of Findings of Fact to deny request.

NEW BUSINESS

5. Cal. No. 16A-01, Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to §154.601(G)(1) *Off-Street Parking and Traffic Circulation Design Standards, Surface and Marking* and §154.601(G)(13) *Alternative Parking Surfaces and Designs* to allow alternative, sustainable surface improvements for parking areas by right upon approval of administrative site plan review.

COUNTY ZONING

6. None

WORKSESSION & OTHER

7. None

PUBLIC COMMENTS

8. Public Comments
9. Adjourn

Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.

*Posted February 5, 2016
By Matt Oldenburg*

Minutes from the January 13, 2016
ZBA Meeting will be included on
Monday, February 8th

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 16S-01

APPLICATION BY: Straka Johnson Architects, P.C., 3555 Digital Drive, Dubuque, IA 52003 for Owner, John Coulter, 201 South Main Street, Galena, IL 61036.

FOR: A Special Use Permit to expand an existing, conforming, Outdoor Dining land use.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on January 13, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to allow expansion of an existing, conforming Outdoor Dining land use in the Downtown Commercial District. This land use is allowed by Special Use Permit only in the Downtown Commercial District.

The applicant states that, “the proposed project is a re-development of historic Washington Street into a terraced outdoor dining plaza for Vinny Vanucchi’s Italian restaurant. Currently, historic Washington Street is a brick paved pedestrian street that functionally does not extend completely to Bench Street above for either vehicular or pedestrian traffic. The current function of the street is primarily an aesthetic one with a historical throwback to yesteryear.

The development we are proposing is intended to generate new life while respecting the historical significance of Washington Street as we give new purpose to an otherwise unused space. Our idea is to develop this space into a cascading four tier outdoor dining plaza that allows the public to engage and experience the drama of Washington Street and the views of Galena as they dine at varied levels above Main Street. Our intention is to be respectful of the history and the existing conditions while maintaining minimal disturbance of what is currently in place. We are looking to remove / salvage the historical brick pavers, maintain the existing limestone retaining walls /

wall caps & continue to utilize the existing lamp posts. At the same time we will refurbish the existing staircases as required and upgrade all railing assemblies with a more appropriate historic aesthetic than the existing steel tube railings. The existing staircase / pedestrian easement will remain from Main to Bench Street. Also, there will be no building to occupy the space proposed. Each terrace will integrate new large block limestone retaining to match the existing and have new stamped concrete paving with area drains to manage water runoff. The first tier will be level with the existing Main Street sidewalk allowing for ADA accessibility to the new space. A new kiosk is planned to replace the existing lamp post at the bottom pier. This pier is rotated from the others which plays into our idea to create a four sided kiosk that engages the public on two sides. One side is proposed for a menu case for Vinny Vanucchi's and the other side / case will display and honor historic images of Washington Street for the public to enjoy from Main Street sidewalk / plaza. Ultimately, the goal is to create a dynamic space with thoughtful detailing that the public can enjoy while adding to the existing charm of Galena as a pedestrian enriched community."

Vinny Vanucchi's currently has an existing, conforming Outdoor Dining land use, meaning that Outdoor Dining was allowed by right (no Special Use Permit required) in the Downtown Commercial District before the current Zoning Code was adopted. The current Zoning Code requires a Special Use Permit for Outdoor Dining as an accessory commercial land use and sets forth detailed regulations in §154.406 (K)(7), therefore an expansion of Outdoor Dining area requires a Special Use Permit request per §154.919(L)(2). Furthermore, §154.406 (K)(7) requires that if the area of outdoor dining exceeds 15% of the principal indoor dining land use, then it must meet the detailed requirements of Sales & Service, Outdoor Display land use in §154.406 (D)(5). In my review, I have determined that the proposed 1700 square feet of additional outdoor dining area exceeds the 15% of the indoor dining area and that this proposed request meets the applicable detailed regulations set forth in §154.406 (D)(5).

Staff has conducted review of the proposal and a site visit to determine impact of the project regarding utilities. It has been determined that an abandoned sanitary sewer was under the proposed site and is no longer utilized. There is also a 12 inch storm sewer that runs underneath the site and drains into a manhole on Main Street. The City will require a utility easement at the time of the Street Vacation to maintain these utilities as well as a public easement to continue the use of the sidewalk connecting Main to Bench Streets. No other water or sewer utilities are known to pass through this location.

In review of the Comprehensive Plan, the proposed use generally supports tourism and economic development as indicated in Chapters 2 and 10, however, there are no specific goals / objectives that positively or negatively apply to this request.

At their meeting on January 7, 2016, the Historic Preservation Commission approved the proposed development by their criteria. The grounds for approval was that the existing development was built in 1987 and not based on any historic structure that existed previously. Up until the early 1900's, there was a two-story brick commercial structure that sat where the present day Washington Park is. There was also some sort of farrier shop that sat on the hill behind it near the present day outdoor dining area of Vinny Vanucchi's.

Surrounding land uses include Commercial / Tourism / Apartments / Residential.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Jack Coulter, 201 South Main Street** – spoke as the Owner / Applicant in favor of the request. He stated that he would like the Zoning Board to look at his request to expand his current outdoor dining into the paved area of Washington Park. The design would develop, enhance, improve and maintain this area. The changes would be costly, but would improve the area that was redeveloped in 1987. He has been in business in Galena since the mid 1980's with the restaurant above Galena Cellars, Vinny's Bubba's The outdoor dining has been a great addition for Gobbie's and Campache's. The proposed development would enhance the Washington Street area. This would be a beautiful area to dine and would benefit the City with added employment and taxes.

Baranski questioned the operational aspects. Foot traffic would be going up and down the public pedestrian sidewalk and steps all the while servers and staff are traveling the same space. Seems like trouble. He is wondering if there has been any consideration for separating the two streams of traffic.

Coulter said on any busy weekend he can serve 700-1000 people at Vinny's. This does cause some congestion as inside the stairwells are only three feet wide. People are very patient and understanding. Outside at the bottom of the stairs at Main Street the area is about 7 ½ feet wide. It gradually narrows as you travel up but it is still 3 ½ to 4 feet as you get to the garden area. Coulter doesn't believe this is an issue. The proposed dining area is spread out over several levels which helps the traffic. While the restaurant and outdoor area would have a large number of available tables and chairs it does not mean that they would always be 100% occupied.

- **Gavin Doyle, 248 Council Fire Circle** – spoke in favor of the request. He stated that he has known Coulter for 19 years and is proud to support this request. He and Jack have been personal friends since they emigrated from Ireland to Galena. He is an excellent businessman who is always very professional and successful. The architects have drawn up a good plan that will directly impact and enhance the Washington Park area for both locals and tourists.

- **James Wirth, 121 S High Street** – James said he was unsure if he was in favor of the project but he did have a question. He was concerned about the grade of the dining area. The grade is very steep – how in the world will dining be an option.
- **Marty Johnson, 28 Vista Ridge, Galena** – Marty said the current steep slope or grade here will be changed. They will reuse the existing pavers to construct dining terraces. These will go up the hill but not past the stone wall. There would be some improvement with the storm water runoff as it would slow down as it traveled down the grade.

Johnson said originally the current wall did not exist until the area was redeveloped from 1984-1987. The grade simply slumped into Washington Street. There were plans to terrace this area but the City Council decided to stop with the pavers.

Testimony Presented in Opposition to the Proposal:

- **Elizabeth Boggess, 116 S Bench Street** – Elizabeth said the current function of these steps and paver area should not be lost. In the 1800's this street existed. This is a wonderful backdrop for photos and families enjoying the look and feel of Galena's past. If this is allowed to be terraced what is stopping anyone from doing the same on Perry Street. This will set a precedent. The area is not contiguous – the public sidewalk is between the business and the pavers. This is a busy sidewalk as it is but now everyone will be using the sidewalk including wait staff. In the summer you can sit in Washington Park and listen to the musicians. The whole atmosphere will change once the dining is allowed. We should commit to saving Washington Park.
- **Adam Johnson, 211 Fourth Street** – Adam said this property is not a public threat. Relief does not need to be provided so a business can expand. He agrees that foot traffic will be a concern. Every 30 seconds or so there will be service people making a trip up or down the steps. It may well be a public access but it certainly will not look as though the public can access Bench or Main Street via the sidewalk and steps. He thought the redevelopment of the area was to be a homage to the brick streets as almost every other one had been torn out. The Comprehensive Plan shows a pocket park here. The street and the park and the public access work together. It was done well and we should appreciate it. Once it is changed it will never go back. The view from the Main Street will look different.

Baranski asked Johnson if he would think differently if the pedestrian traffic issue could be resolved.

Johnson said this is public space and public access and you need to have the openness of the whole space.

- **Dan Harms, 308 Elk Street** – Dan applauded the efforts of the business owner to expand and develop an attractive plan. It did pass though Historic Preservation, but this is Zoning which means land use. The street scope will change – the historic view will change. There will be a pedestrian problem as you will have tables, chairs, umbrellas, heaters and the like. The profile and the entire view will change. Visitors to town will not see this as an access point and by vacating the street you could potentially have issues with infrastructure access. The design does have the potential to have a pervious surface which could help storm water retention and management.

- **Kathy Leonard, 102 N Bench Street** – Kathy said she agrees with much that has been said. She said the applicant mentioned that others have outside dining but no others have a public sidewalk thru their dining area. The view from Main Street up to the Methodist Church will be lost amongst the tables and chairs. We would be losing a piece of our historic past. Don't keep picking away at what we have left.
- **Carole Sullivan, 7211 W Buckhill** – Carole is concerned about the practicalities and safety of mixing the pedestrian traffic and restaurant staff. There stairs and sidewalk have to be navigated to do good service. Getting to the lowest terrace level while dealing with large trays, tourists, locals, children and pets would be very challenging especially when most would not be anticipating restaurant staff to be on the sidewalk or stairs.

Baranski asked Sullivan if she would feel differently about the request if the pedestrian traffic was no longer an issue.

Sullivan said she said it would be much safer but she is still concerned with the view. If the pedestrian traffic was somehow separated the public may feel they have more of a right to travel this route. Overall she is not enthusiastic about the request.

- **Lenny Hosey, 117 S Bench Street** – Lenny said Vinny's is a landmark but he has the same concerns others have spoken about. There are only a few places that you can access Main Street from Bench or vice versa. Washington Street is the only place access is without stairs. With the request would this become all stairs too? The restaurant traffic will be difficult to deal with. It seems like there would be more surface area to maintain. It would be year round upkeep with only a few months of dining.

Baranski said the application states the City would vacate the sidewalk /street which would mean the property would become the applicants to maintain year round.

- **Emily Painter, 602 Monroe Street** – Emily agrees with many that have spoken. She very much wants to keep the sidewalk access. This would be difficult with trays of food and drinks. What are the issues with alcohol outside?

Testimony Presented in Rebuttal:

- Coulter said he wants to enhance what is already there. With all the electronic devices there are less trips made to service a table. Liquor being served would be covered with the license for Vinny's. He has always been thoughtful and has kept the look of Galena. He wants to keep think ahead and looking to see what is good for Galena. Marty Johnson had been working with the City on the easement details. He thought that if the City granted the street vacation the property would become his and he would lease the sidewalk back to the City. The walkway would be moved so the dining was contiguous. The furnishings would be tasteful and there would be no large brand labeling on things such as the umbrellas.
- **Richard Hess, 116 S Bench Street** – Richard asked if the right of way or easement could be explained.

City Attorney Nack said he thought the logic would be to have the two properties – the building and the outdoor dining – contiguous. The City Council is body that will make the decision on the street vacation.

- **James Wirth** asked what would happen with a street vacation if Coulter sold the property. What legal standing is there? What are the limits? The City has vacated streets before – one on Bench Street. The property is for sale and this area is covered by a parking pad, play area and storage.

Nack said conditions and options could be included by the Council to cover contingencies.

Wirth asked if the applicant couldn't possibly lease the property. Could the terrace barriers be portable so the area could be opened back up during the colder months? This street has historical significance. General Grant lived on South High Street. He would have traveled this when he was going to work at his Father's Leather store or perhaps after attending church services at the Methodist Church on Bench Street. This really should be preserved.

- **Kathy Leonard** said the sidewalk is part of the original street. If they are asking for City property to be vacated the public right of way will be affected.
- **Richard Hess** asked if the sidewalk would go with the street if vacation was approved.

Nack said he could not speak for the City Council but that is one possibility.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.201 (C)(6) provides a definition and description of the Downtown Commercial District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (K)(7) defines and outlines the regulations for Outdoor Dining as an accessory commercial land use
- Section 154.406 (D)(5) defines and outlines the regulations for Outdoor Dining under Sales and Service, Outdoor Display because the proposed use exceeds 15% of the indoor use.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.919 (L)(2) sets forth the general regulations of Non-administrative review and the criteria to initiate the Special Use Permit in order to request expansion.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Downtown Commercial District.

2. The Outdoor Dining land use is allowed only by Special Use Permit as an accessory commercial use in this Zoning District.
3. The Downtown Commercial District is intended to permit both large- and small-scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. Accordingly, the district standards are crafted to work in conjunction with the requirements of the Historic District set forth in Chapter 151. A wide range of office, retail, and lodging land uses are permitted within this district. Consistent with existing development patterns, no requirements for on-site landscaping or parking are required in this district for permitted uses. This district is strictly limited to the central city.
4. The applicant seeks a Special Use Permit to allow expansion of the Outdoor Dining area as an accessory commercial land use in the Downtown Commercial District.
5. The proposed expansion area lies within the public right-of-way, known as Washington Street, between Main and Bench Streets. The applicant will request a Street Vacation with the City Council if the Special Use Permit is approved.
6. Outdoor Dining is allowed to exceed 15% of the indoor restaurant use if it meets the criteria listed in the Sales & Service, Outdoor Display land use in §154.406 (D)(5).

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Straka Johnson Architects on behalf of John Coulter for a Special Use Permit to allow expansion of an existing, conforming, Outdoor Dining land use in the Downtown Commercial District should be denied for the following reasons:

1. The site plan review met the applicable criteria for this request, with the exception of §154.914(C)(5)(i) *Access to public ways. Safe and convenient pedestrian, bicycle and vehicular access to public rights-of-way and /or other areas dedicated to common use shall be provided. The location, size and number of access drives and walkways to a site shall be arranged to minimize any negative impacts on adjoining streets and properties. Off-site and on-site improvements shall be provided where they will significantly improve safety for vehicles, bicycles and pedestrians.*
2. The request meets the district standards for the Downtown Commercial District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for an Outdoor Dining use.
4. Complimentary uses are available.
5. The request is compatible, except 5a, with adjoining properties through:
 - a. The protection of privacy will not be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;
 - c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that the request by Straka Johnson Architects on behalf of John Coulter for a Special Use Permit to allow expansion of an existing, conforming, Outdoor Dining land use in the Downtown Commercial District should be denied.

PASSED AND APPROVED this 13th day of January, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 4 ayes, 0 nays, 2 absent, 1 abstain, 0 recused.

William Nybo, Acting Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: February 5, 2016

RE: Cal. No. 16A-01, Applicant: Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to §154.601(G)(1) *Off-Street Parking and Traffic Circulation Design Standards, Surface and Marking* and §154.601(G)(13) *Alternative Parking Surfaces and Designs* to allow alternative, sustainable surface improvements for parking areas by right upon approval of administrative site plan review.

Project Summary:

This amendment to the Zoning Ordinance is initiated by City Staff as an effort to facilitate more sustainable practices regarding private off-street parking surfaces and off-peak parking areas.

Presently, the Zoning Ordinance's Off-Street Parking and Traffic Circulation Design Standards require either an improved asphalt or concrete surface for parking areas at non-residential uses. As the City continues to increase its cognizance of sustainable practices when planning and developing, it seems appropriate to update our Ordinances in order to facilitate optimal processes in a responsible manner.

The use of alternative paving surface materials has become more practical in recent years as technology continues to provide development of better products whose performance can withstand adverse conditions and maintenance standards where their predecessors could not. New improvements in low density polyethylene provide high compressive strengths with resilience and flexibility, allowing the surfaces to hold up well to periodic use and maintenance operations such as snow plowing.

The primary application for such practices works well for smaller parking lots or areas of infrequent use. Smaller expansion of parking areas, that would otherwise be permissible administratively if constructed with asphalt or concrete, are currently only allowed by special use permits for alternative surfaces. I believe that this can be administratively approved at the Staff level in order to promote further implementation of new practices. If there are proposed developments at a larger scale, then they will most likely require non-administrative review anyway. Additionally, language has been added to the alternative surface paragraph, in this proposal, that gives the Staff the right to defer the approval decision to higher levels if needed.

The cost of alternative surfacing, such as pervious pavers or geo-grids, still exceeds that of conventional paving. This is due, in part, to higher cost of material and the potential added layers of base needed for stabilization, bearing capacity and drainage facilities. However, due to the potential infiltration of surface water (up to 95%), the higher cost of materials and installation could offset the otherwise needed cost to build or expand water detention facilities elsewhere on the site.

Examples of different types of pervious pavers and geo-grids have been included in this packet for your reference.

Approval Criteria & Recommendation:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered (*including comments from the Zoning Administrator*):

(1) Whether the existing text or zoning designation was in error at the time of adoption; *Not applicable*

(2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *Existing development in the City may have the need to expand or redesign parking areas to address adjustments in capacity or to use extra space in peak periods of use. Alternative surfaces may be a more suitable solution in some cases.*

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *This solution should improve upon and reduce adverse environmental impacts regarding large impervious areas and storm water management.*

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *This amendment is in conformance with the goals of the Comprehensive Plan indicated in Chapter 7 regarding Natural Resources. The proposed amendment is in furtherance of the goals to reduce surface water runoff, contaminates, impervious areas and flooding issues. It is restrictive enough that it can be considered as consistent with the code, city regulations and guidelines.*

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Not applicable*

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *There is adequate land available to accommodate this proposed practice, including new development or redevelopment.*

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *It is conceivable that this use can benefit the community by reducing storm water runoff and contaminates by allowing infiltration of surface water.*

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § [154.919](#)(F).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

**AN ORDINANCE AMENDING ARTICLE 6, §154.601 – OFF-STREET
PARKING AND TRAFFIC CIRCULATION STANDARDS OF THE
CODE OF ORDINANCES OF THE CITY OF GALENA**

BE IT ORDAINED by the City Council of the City of Galena, JoDaviess County, Illinois as follows:

SECTION I: Section § 154.601 (G)(1) **Off-street Parking and Traffic Circulation Standards**, is hereby amended as follows:

- *(Additions are shown as underlined, deletions are strikethrough)*

(G) Off-street parking and traffic circulation design standards.

(1) *Surface and marking.* All open off-street parking areas and driveways, except those accessory to single-family dwellings, shall be improved with either six inches of compacted gravel base surfaced with two inches of asphaltic concrete, ~~or~~ five inches of concrete laid over a firm base, or alternative, pervious paving materials over an improved base that provides sufficient bearing capacity. Parking areas intended for six or more parking stalls shall be marked in a manner which clearly indicates the required parking spaces.

SECTION II: Section §154.601 (G)(13) – Alternative Parking Surfaces and Designs, is hereby amended as follows:

- *(Additions are shown as underlined, deletions are strikethrough)*

(G) Off-street parking and traffic circulation design standards.

(13) *Alternative parking surfaces and designs.* For land uses with infrequent peak periods, such as, but not limited to, churches and other public assembly venues, alternative parking surfaces and designs may be approved ~~as a special use upon administrative review of the site plan. The Zoning Administrator may defer approval to the Zoning Board of Appeals as a special use, or a Non-administrative Highway Development Permit if the project is within the Highway Corridor Overlay District.~~ The alternatives may include pervious or semi-pervious surfaces and/or other methods intended to reduce the amount of paving required. To receive approval, the applicant shall clearly demonstrate the low frequency of peak use and that the alternative(s) proposed improve the overall quality and function of the site from both a development and natural resources protection perspective. In approving alternatives, the city may attach all conditions as necessary to ensure the public health, safety, and welfare are protected as intended in this section, including a requirement that the use of the approved alternative(s) be monitored at the applicant's expense and regular reports be provided to the city. The city shall also reserve the right to repeal its approval and require full compliance with all standards and regulations of this section if it finds the alternative(s) fails to function as anticipated.

SECTION III: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV: This ordinance shall be in full force and effect within ten (10) days of its passage and legal publication in pamphlet form.

SECTION VII: Passed on the ___th day of _____, A.D., 201__, in open Council.

AYES:

NAYS:

ATTEST:

TERRY RENNER, MAYOR

MARY BETH HYDE, CITY CLERK











