



# Technical Review Report: Dubuque Unified Development Code

Prepared by Camiros  
for the City of Dubuque







# I. Introduction

---

This report presents the findings of a technical review of the City of Dubuque's Unified Development Code (UDC) performed by Camiros. The purpose of this review is three-fold. First, the review provides a more in-depth understanding of the current zoning regulations as we move toward drafting an updated code. Second, it allows for discussion of additional issues during meetings and interviews with City staff and stakeholders as well as the online surveys. Third, it introduces concepts and regulatory approaches that set direction for substantive updates to be included in the new Unified Development Code.

This Report is not intended to discuss every needed change, as some will be minor changes that "clean up" the Code and create a more user-friendly document, while others are more detailed revisions to be worked out during the drafting process. Rather, the intent is to highlight key issues and revisions that represent substantive changes to current regulations and offer conceptual approaches to resolving specific issues.







## II. Format + Organization

### The Code should follow a logical system of compartmentalization.

The Code should follow a consistent, structured pattern from beginning to end. To improve the organizational structure of the Unified Development Code and – in turn – its ease of use, it should employ a system of compartmentalization. This is a technique where items of information are grouped together by regulatory category and purpose. The current UDC employs such an approach to a certain degree, but this can be further refined for ease of use, such as eliminating a general provisions chapter where a variety of controls are currently located (current Chapter 3). A proposed outline is provided below:

|             |   |
|-------------|---|
| Chapter 1:  | Title, Purpose, and Intent                        |
| Chapter 2:  | General Definitions and Measurement Methodologies |
| Chapter 3:  | Zoning Districts and Zoning Map                   |
| Chapter 4:  | Residential Districts                             |
| Chapter 5:  | Commercial Districts                              |
| Chapter 6:  | Downtown Districts                                |
| Chapter 7:  | Industrial Districts                              |
| Chapter 8:  | Special Purpose Districts                         |
| Chapter 9:  | Overlay Districts                                 |
| Chapter 10: | Flood Hazard Overlay District                     |
| Chapter 11: | Uses  |
| Chapter 12: | General Development Standards                     |
| Chapter 13: | Accessory Structures                              |
| Chapter 14: | Off-Street Parking and Loading                    |
| Chapter 15: | Landscape   |
| Chapter 16: | Signs   |
| Chapter 17: | Code Administrators                               |
| Chapter 18: | Application Procedures                            |
| Chapter 19: | Zoning Approvals                                  |
| Chapter 20: | Historic Preservation                             |
| Chapter 21: | Land Subdivision Approval                         |
| Chapter 22: | Nonconformities                                   |
| Chapter 23: | Enforcement                                       |



**All general terms within the Code should be defined.**

All definitions of general terms used in the Code should be located in one chapter. The majority of terms are found in the current Chapter 2, but certain current chapters, such as signs, have their own set of self-contained definitions. All existing definitions will be evaluated, updated for clarity, and checked for internal conflicts. Any key terms that are currently undefined will be defined and definitions no longer needed will be deleted.

It is important to note that even with the consolidation of general terms into one chapter, three sections will still contain their own sets of definitions. The use chapter, as described below, will contain all use definitions. The flood hazard overlay and historic preservation chapters will also retain their own sets of definitions because of the specificity of terms used within those regulations. This will be explained within Chapter 2 of the Code.

**The Code should clearly explain all rules of measurement.**

The rules of measurement for building height, setbacks, lot width, etc. should be brought together in one section so that their application is clear and consistent. The majority of the measurement standards will be illustrated to make them understandable to the user.

**The Code would benefit from greater use of illustrations and matrices.**

The Code should illustrate a variety of definitions and regulations, which will more effectively communicate information to users. Numerous regulations would benefit from illustration including, but not limited to:

- Measurement rules, such as building height, yards and setbacks, sign area, sign height, etc.
- Design standards
- Parking, landscape, and sign regulations

Graphics are not limited to the examples cited above. It is anticipated that additional regulations, design concepts, and terms will require illustration as they are developed during the drafting process.

The Code would also benefit from a greater use of matrices. In addition to a global use matrix (see discussion below), other regulations, such as permitted encroachments and parking requirements, would benefit from the table format to more clearly summarize and present information.

**Internal consistency in terminology and “voice” should be maintained.**

The integrity of land use regulation hinges on the internal consistency of various details and terms. Consistent terminology should be used throughout the Code. As a simple example, a decision should be made whether to use the term setback or yard when referring to the minimum *required* dimension. In addition, because different authors have written different sections of the Code over time, it has become an amalgam of different “voices” that reflect the background of its individual authors. An overall rewrite eliminates this type of inconsistency.







## III. Uses

### The modern generic use approach should be adopted to address uses within the districts.

A revision of how uses within the zoning districts are controlled is proposed, based upon the concept of “generic uses.” A generic use approach to the listing of uses is established by combining specific uses into a broader use category. For example, barber or beauty shop, shoe repair, and laundromats would be addressed in the use “personal services establishment,” which then can allow similar uses such as household appliance repair shops and dry cleaners.

Dubuque currently employs an approach that incorporates some generic uses, but still relies on listing certain specific uses, particularly within the nonresidential districts, which can make it difficult to respond to new and emerging uses. Incorporating a full generic use approach has two main benefits. First, it eliminates the need for extensive and detailed lists; the use sections of the Code become shorter and easier to use. Second, the generic use approach provides the City with greater flexibility to review and permit those uses that may be desirable, but are not specifically listed within the broader context of the use definition.

With any use permission restructuring, detailed use definitions are critical. Each use must be defined, and many may include specific examples of what is and is not included in a particular use definition. Another important element of the generic use approach is continuing to recognize that certain specific uses are unique in their impacts and community concerns and need to be regulated separately, rather than as part of a generic use. Once singled out, any use listed separately cannot be considered part of any generic use definition.

Finally, in terms of use definitions, we can better define ancillary uses as part of a principal use definition. For example, a light industrial use could include an ancillary showroom; in another example, a hospital may contain the ancillary uses of a cafeteria and retail (gift shop). The use of the term ancillary will be specifically defined in the Code so that it is distinct from accessory structure or accessory use definitions and controls.

### Uses within the UDC should continue to be organized as a global use matrix and the chapter should contain all use regulations.

Rather than listing allowed uses within each individual district, a more efficient approach is to adopt a global use matrix. All uses and districts would be organized into a single matrix, each cell indicating whether a use is permitted or conditional within a particular district. This organization provides several benefits:

- Users can access the matrix two ways - either they can identify their district and see what uses are allowed, or they can see districts in which a particular use is allowed to locate.
- Inconsistencies in terminology are eliminated as each use is listed just once in the table, rather than repeated across different districts.
- Adding or modifying use permissions becomes much simpler, as there is a single place to edit, rather than multiple locations.

The organization of use permissions for the districts as a matrix is a key technique for ease of use. This use matrix should include all categories of uses allowed within a district – principal (permitted and conditional), accessory, and temporary uses. This would create more clarity as to how each use is classified.

Further, the use chapter should function as a self-contained chapter, comprised of the use matrix, use standards, and use definitions. These would be updated as follows:

- The uses allowed in each district will be evaluated and updated. Uses must correspond to the purpose, form, and function of each district. The revision process will include a full evaluation and resorting of uses allowed in each district.
- Use standards are used to mitigate the potential impacts of certain uses, similar to the use standards within Chapter 7 of the current Code. Additional use standards may be needed for certain uses. Standards will be reviewed and updated as needed to ensure that they are objective and can be easily interpreted and applied. Most importantly, additional standards, particularly those that are commonly applied to uses as part of approvals, should be brought into the UDC.
- Use definitions can elucidate any ancillary uses that may be part of or integral to a principal use. For example, a light industrial use can be defined as potentially including an ancillary showroom. This would help to clarify what is considered a true accessory use versus a principal use with ancillary components within the current use structure.

#### The Code should address emerging uses.

Codes need to continually address uses that are either particular issues for a city or have emerged as new uses in today's planning environment. While a comprehensive update to the use structure would create flexibilities that allow for desired new uses, certain uses would still need to be addressed.

The following are uses that have been identified as either new uses that may be appropriate in Dubuque or are refinements needed for current uses. Upon revision of the use structure, there are likely more uses that may be needed as the districts and the use matrix are created.

##### Corner Stores (Neighborhood Commercial Establishment)

The Code could accommodate historic corner stores by creating a new permitted or conditional use called "neighborhood commercial establishment." Dubuque has some older residential neighborhoods that traditionally developed with limited commercial services integrated into residential areas, typically called "corner stores." Although these structures are part of the residential fabric, pursuant to the current Code, most are considered nonconforming, prohibiting property owners to reopen previously closed corner stores. To allow them to continue, the Code could incorporate a "neighborhood commercial establishment" as a use that would be allowed within certain districts. A series of design standards and impact controls would be included as required standards, as well as a tailored list of allowable uses within that use category to prohibit more intensive commercial uses or problematic uses, such as the retail sales of alcohol.

To expand opportunities for small-scale retail and service uses that primarily serve the local neighborhood, this use can also allow for the establishment of new "corner stores" in specific circumstances. Like the standards above for reuse of existing structures, standards would be created to ensure that new neighborhood commercial establishments are small-scale developments with a tailored list of uses, compatible with surrounding residential neighborhoods.

##### Maker/Creator Spaces

To encourage new innovative and creative uses, the Code should address certain new uses. Some uses to consider for inclusion are the following:



- Industrial Design, defined as an establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but does not mass manufacture products from the premises.
- Artisan Industrial where artisan-related crafts and industrial processes that are more intensive uses, such as small-scale metalworking, glassblowing, and furniture making, are allowed.
- Specialty Food Service includes businesses that specializes in the sale of certain food products, such as a candy maker, bakery, catering, or coffee roaster, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.
- Food Truck Parks where the principal use of land is to accommodate food truck vendors offering food and/or beverages for sale to the public, which may include seating areas for customers.
- Commercial Kitchen (Standalone), which is a shared commercial kitchen in which individuals or businesses prepare value-added food products and meals, usually paying a set rate by timeframe (daily, weekly, monthly, etc.) to lease a kitchen space shared by others. During the pandemic, these types of uses have become more frequent, also called “ghost kitchens” or “ghost restaurants.” These typically require specific standards because of high traffic from delivery persons.

#### A full range of temporary uses should be addressed.

The approach to temporary uses in the current Code does not appear to adequately address the full range of temporary uses, referring to them generally in Section 3-19. Specific temporary uses to include are:

- Mobile Food Sales (Food Trucks)
- Mobile Retail Sales
- Firework Stands
- Real Estate Sales Office/Model Unit
- Temporary Contractor’s Office/Contractor’s Yard
- Temporary Construction Staging Area
- Temporary Outdoor Event (Sales and/or Entertainment)

With a specific listing of temporary uses, they can be better regulated for their specific impacts and standards can be developed for each type of temporary use. Standards can control the duration of the event and general operation on site, rather than the more general standards and timeframes currently in the Code. When defined and integrated into the use matrix, permissions can be tailored by type and by district.

#### A full range of accessory uses should be addressed.

Similar to temporary uses, the use matrix should also address a comprehensive set of accessory uses. The matrix should be limited to uses, rather than including structures as well, which would be regulated separately. Common accessory uses include the following:

- Drive-Through Facility
- Accessory Dwelling Unit (ADU)
- Home Occupation
- Outdoor Sales and Display
- Outdoor Storage
- Outdoor Seating/Dining/Activity Area







## IV. Districts

### Simplify the purpose statements of the districts.

In numerous instances, the purpose statements (or preambles) for zoning districts are overly detailed, which can inadvertently restrict their applicability throughout the City. This issue is particularly pronounced in nonresidential districts, where highly specific language may hinder flexibility in land use and development. To ensure broader and more effective application, purpose statements should be clear, succinct, and focused on conveying the district's overarching intent and defining characteristics. By maintaining a more general yet purposeful approach, these statements can guide zoning regulations without imposing unnecessary constraints.

### Regulation of bulk within the districts should be simplified.

The current Code controls the size of lots, as well as the bulk and placement of structures within certain districts at a granular level, with varying standards based upon groups or categories of uses outside of dwelling types (dwelling types are typically regulated by type). A simpler, more modern approach is to provide bulk regulations for just two categories: residential dwelling types and nonresidential uses. These regulations can then be coupled with a series of use standards that address impacts or concerns related to any specific uses that would be allowed within the districts, including creating specific bulk standards for uses where it is critical.

## RESIDENTIAL DISTRICTS

### Allow for diverse housing options.

Stakeholder interviews have highlighted the need for new development with a mix of housing types and densities. This variety is important to maintaining multi-generational neighborhoods, attracting new demographics, addressing the issue of “gentle density,” and offering choices that align with changing residential tastes and a range of income levels that ultimately strengthen the position of the City. The Code can implement these goals and address housing diversity and affordability by several means, including permissions for diverse and unique dwelling types, zoning districts that allow or require a mix of dwelling types, and allowances for innovative housing types such as cottage courts.

### Revisions to existing district standards could better address existing residential development patterns and open up opportunities for housing diversity.

An analysis of the development patterns of the current residential districts was undertaken to see if the current districts fit meet the existing standards. The following outlines approaches to refining each of these districts. Residential district analysis maps are included in this Report.

#### ***R-1 Single-Family Residential District***

The current R-1 District is the largest residential district in terms of geography. An analysis of the 5,000 square foot minimum lot size shows the majority of lots are in conformance. Therefore, it is recommended to maintain this general development pattern. Small pockets of nonconformance could be addressed by rezoning to another residential district if desired.

#### ***R-2 Two Family Residential District***

An analysis of the R-2 District was conducted at both the 5,000 and 6,000 square foot lot sizes because the current requirement for two-family dwellings within a district designed to allow for two-family is out of sync with

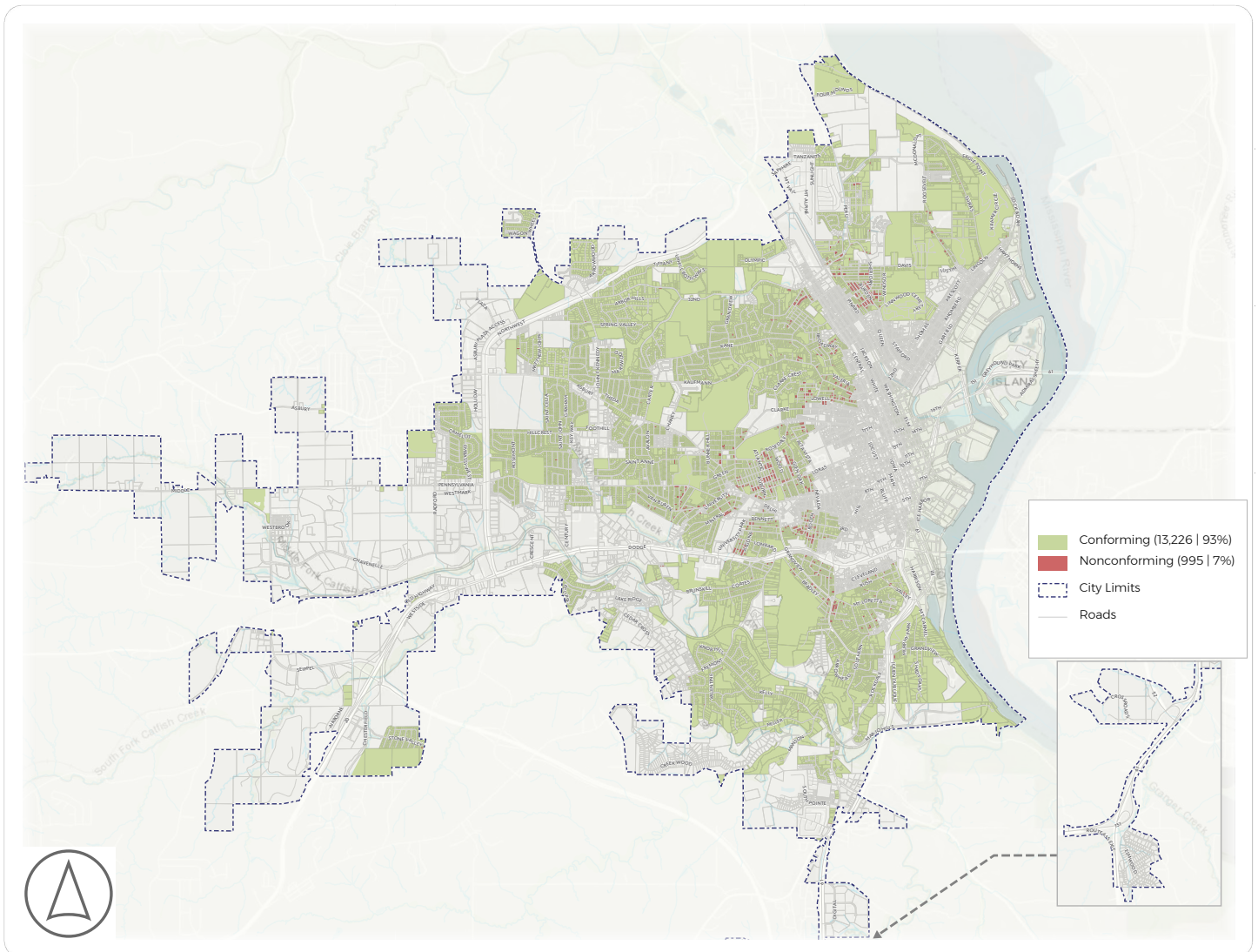
development patterns. At the 5,000 square foot lot size, 74% of lots conform to the minimum lot size; at 6,000 square feet, that conformance decreases to 57%, creating a significant limitation for the desired two-family dwelling type.

It is recommended to decrease the lot size for two-family dwellings to match the single-family – 5,000 square feet. This would allow for the district to function as intended. Further, the townhouse standard requires 3,000 square feet per (limited to two units). It is recommended to decrease the requirement to 2,500 square feet per unit.

***R-2A Alternate Two-Family Residential***

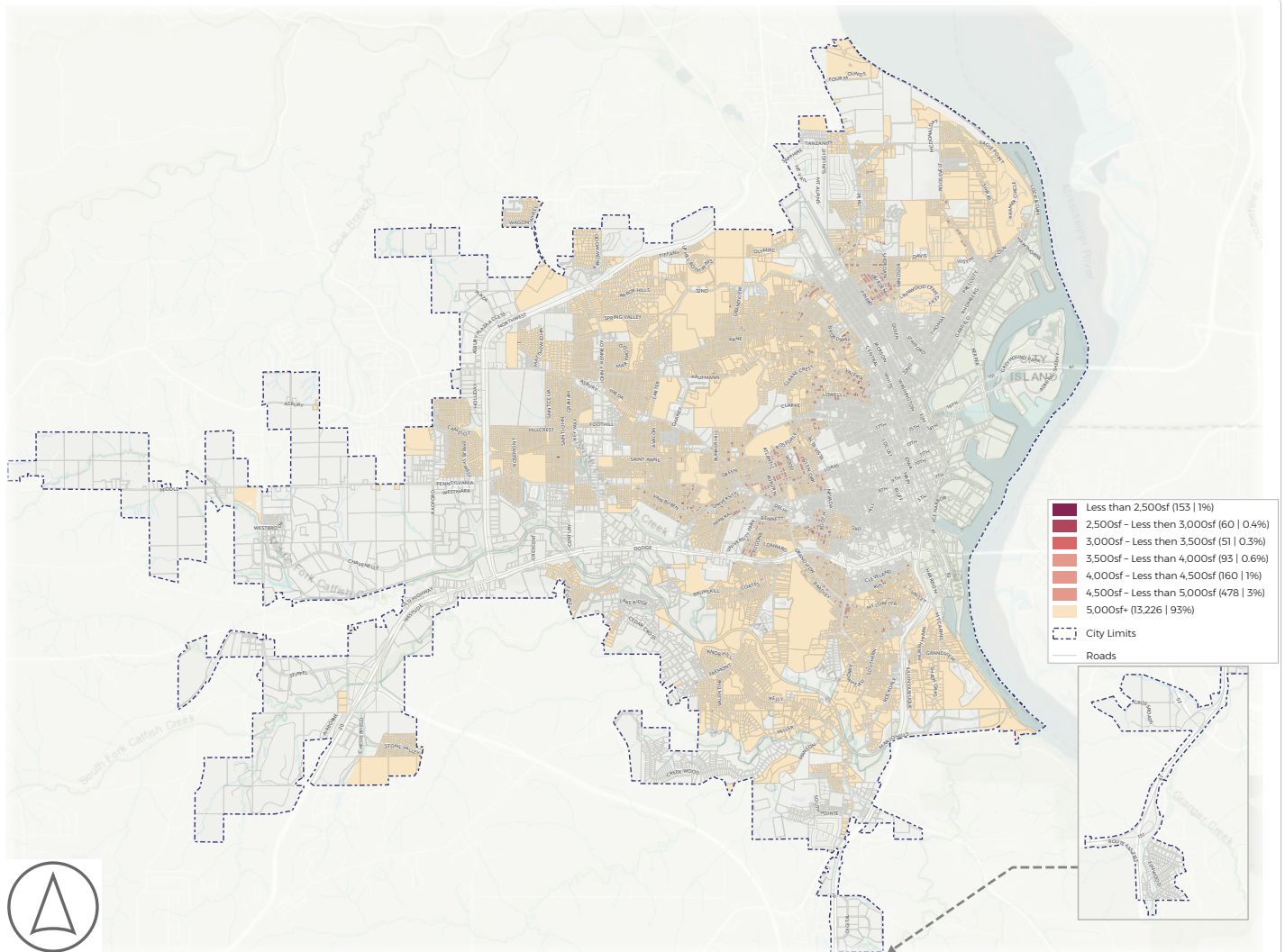
There is a significant level of conformance (89%) for this smaller lot district. It is recommended to maintain the district as it has current utility and could cover more areas into the future where a denser development pattern is desired.

## R-1 Residential District: 5,000 SF Minimum Lot Size Conformance

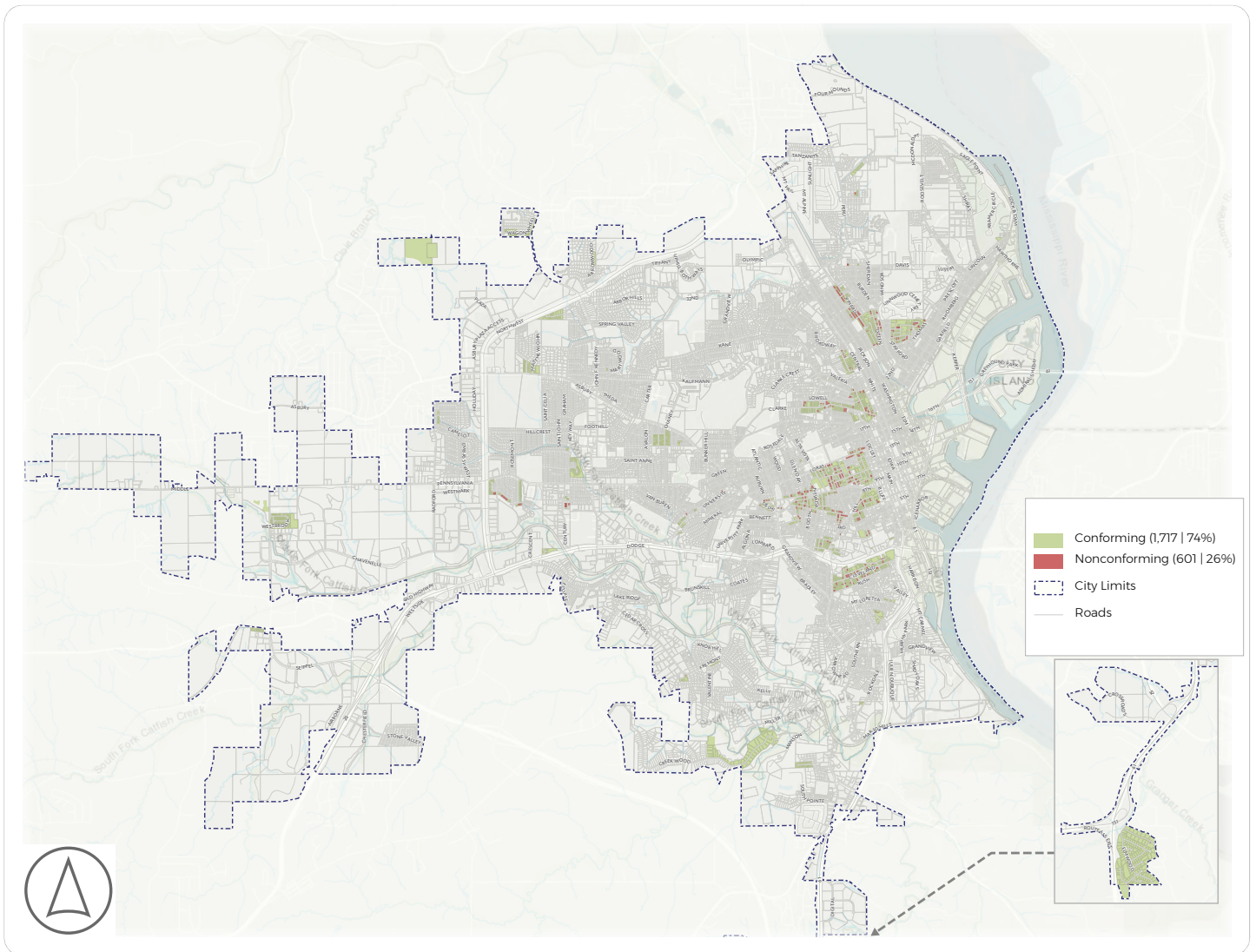




## R-1 Residential District: Lot Size Increments

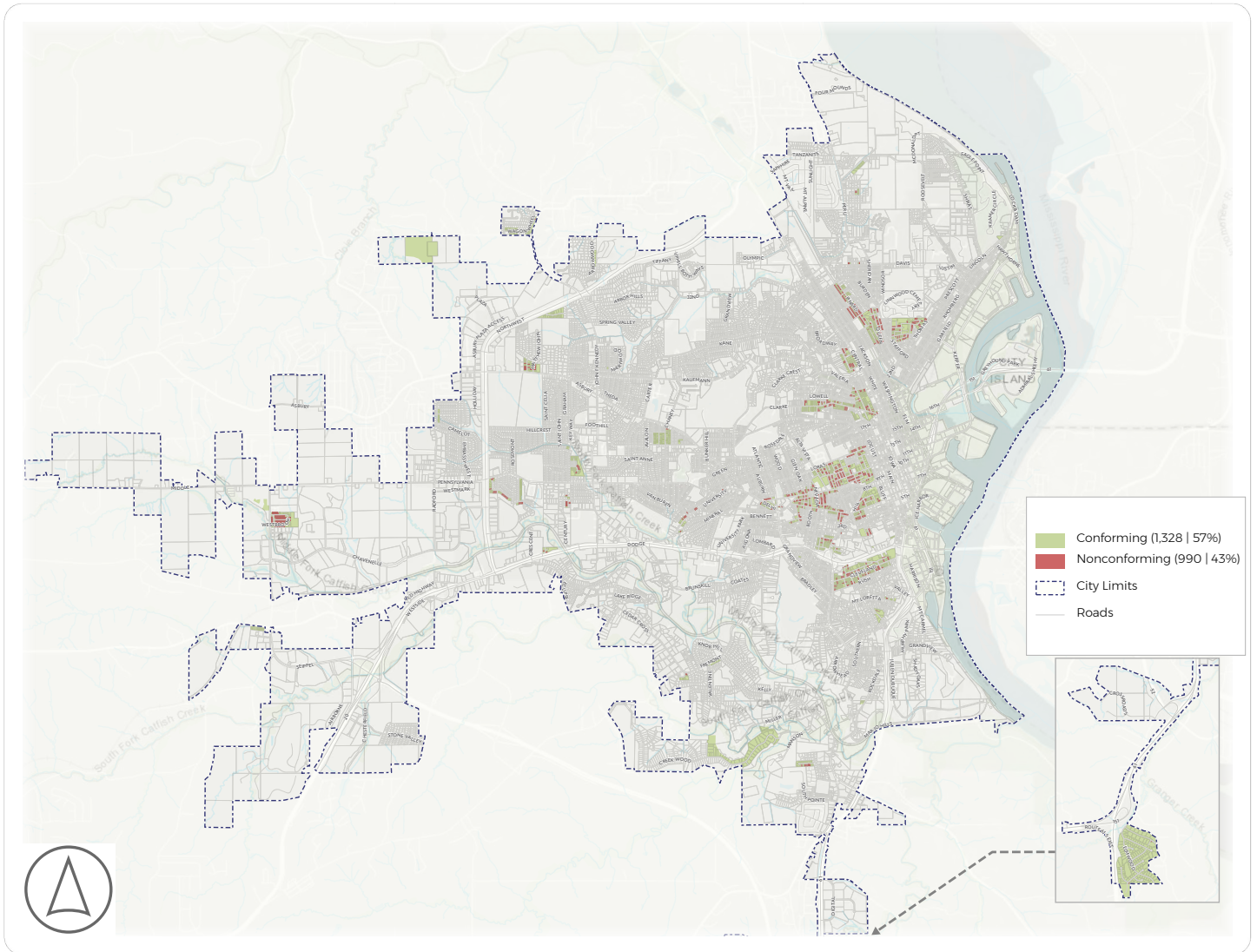


## R-2 Residential District: 5,000 SF Minimum Lot Size Conformance

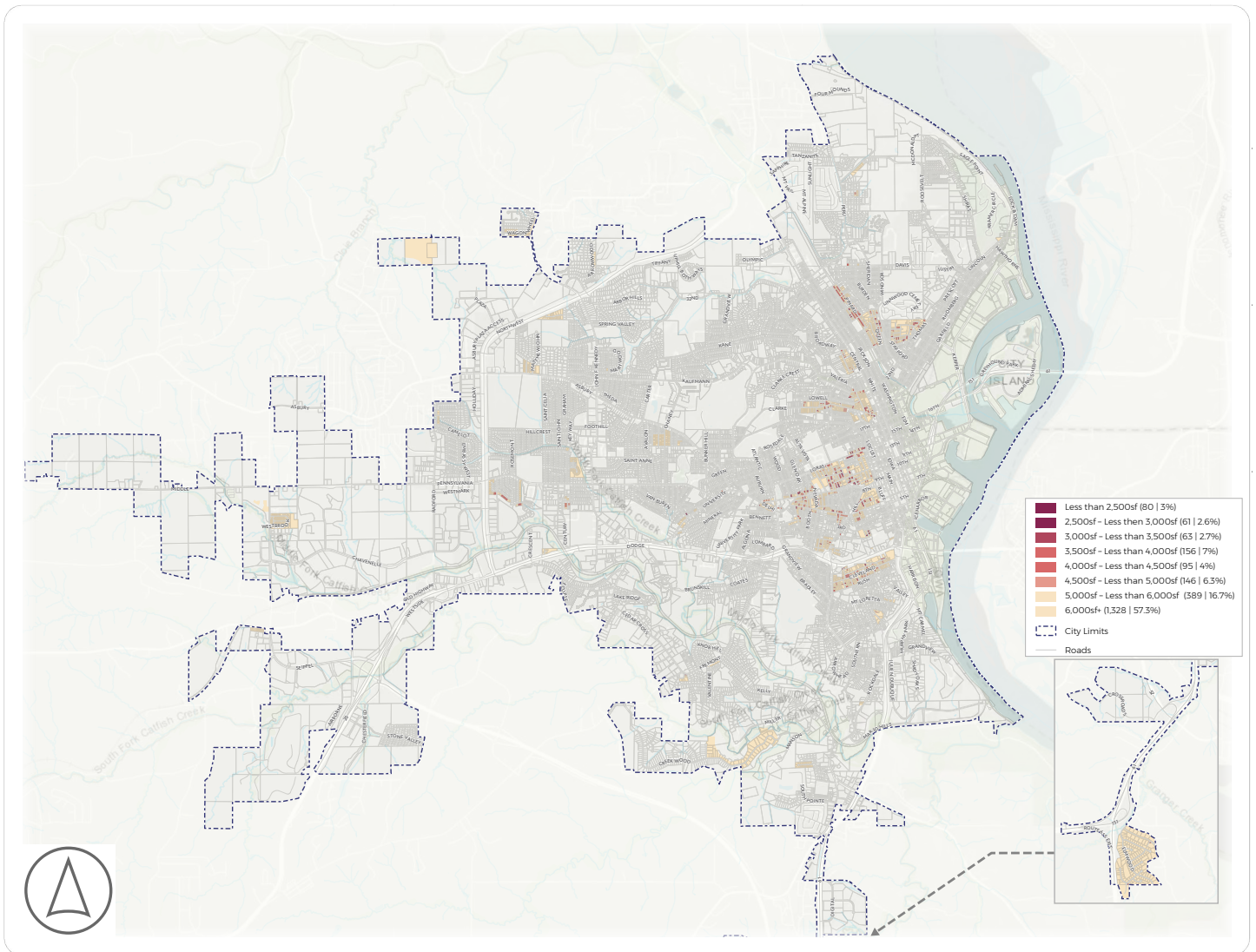




## R-2 Residential District: 6,000 SF Minimum Lot Size Conformance

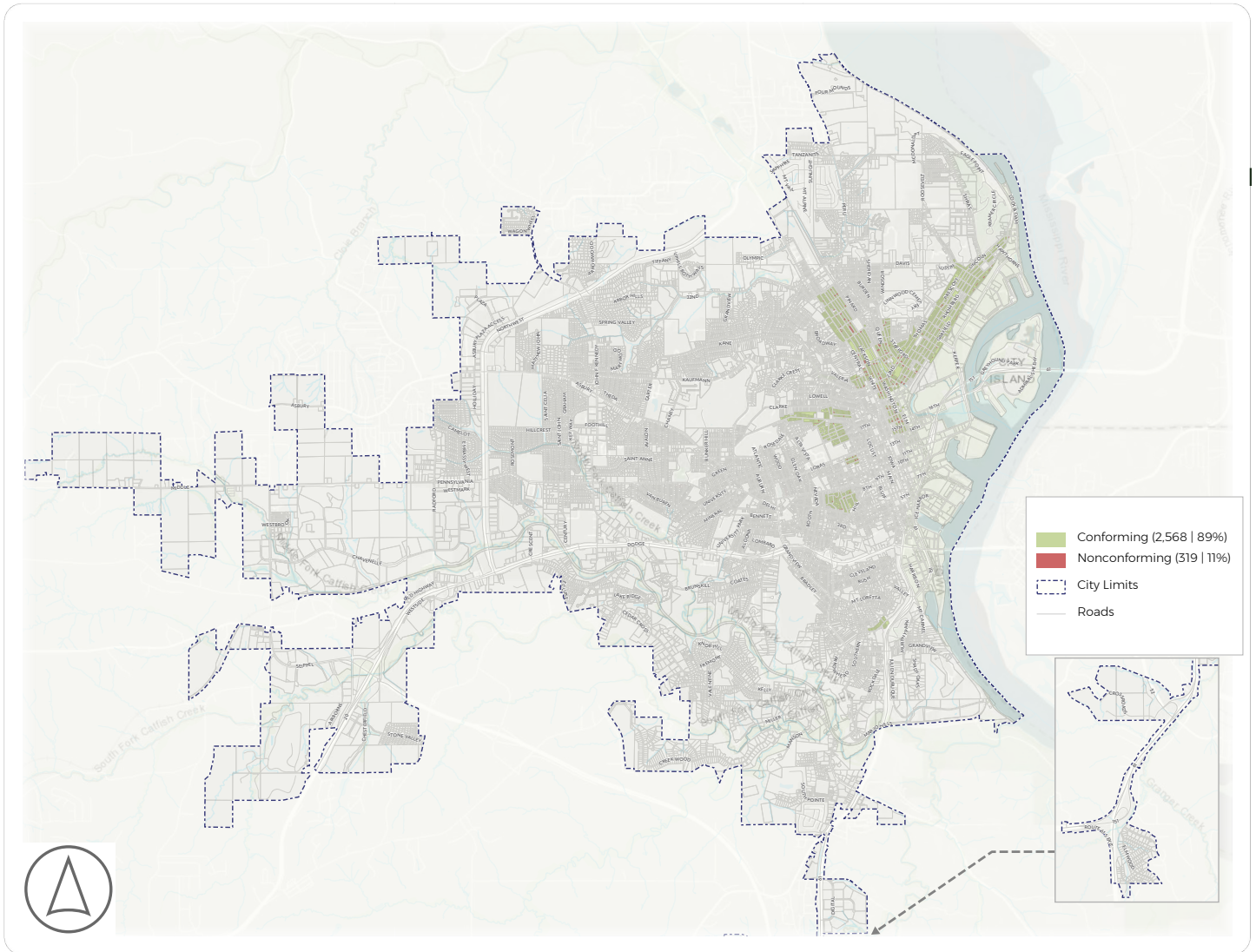


## R-2 Residential District: Lot Size Increments





## R-2A Residential District: 2,500 SF Minimum Lot Size Conformance





### ***R-3 Moderate Density Multi-Family and R-4 Multi-Family Residential Districts***

The R-3 and R-4 Districts share an identical purpose in their standards - to allow for a diverse range of housing options while maintaining a form consistent with “gentle density.” Given the minimal distinctions between the two, consolidating them into a single district is a practical step that enhances housing flexibility and simplifies regulations. (See table below.)

- Both R-3 and R-4 permit a variety of housing forms - including single-family, two-family, townhouse, and multi-family developments - making them functionally similar in their intent. Maintaining two separate districts with almost the same purpose creates unnecessary complexity.
- The primary distinction between these districts lies in the number of townhouse and multi-family units permitted and a modest ten foot height increase in R-4 for multi-family. These are not substantial differences and do not justify maintaining separate zoning districts. Given the desire for housing options, it would be more efficient to regulate development through setbacks, maximum building coverage, and site development standards rather than arbitrary unit count limitations and a small height difference.
- Both districts already align with the principle of “gentle density” - offering a transition between lower-density neighborhoods and more intensive development. Combining them into a single district with updated regulations will provide consistency, promote housing diversity, and encourage responsible growth.
- By allowing for a moderate height increase for the newly combined district, such as 50 feet, there is more flexibility for building design without fundamentally altering neighborhood character. This slight adjustment can lead to more efficient land use and a greater ability to meet evolving housing needs.
- Instead of imposing a fixed limit on the number of townhouse or multi-family units within a development, unit count should be determined by lot area. This encourages better site design by allowing developers to distribute units efficiently while adhering to height, setback, and coverage limits. It also reflects real-world land constraints, ensuring that density is based on the actual lot size rather than an arbitrary cap that may not account for a site’s capacity. Additionally, a lot area based approach enables a mix of unit sizes, including smaller, more naturally affordable options, without penalizing developments that aim to provide more housing. Finally, eliminating rigid unit caps removes unnecessary regulatory hurdles while still allowing for context-sensitive development. It also reflects real-world land constraints, ensuring that density is based on the actual lot size rather than an arbitrary cap that may not account for a site’s capacity. Additionally, a lot area based approach enables a mix of unit sizes, including smaller, more naturally affordable options, without penalizing developments that aim to provide more housing. Finally, eliminating rigid unit caps removes unnecessary regulatory hurdles while still allowing for context-sensitive development.

|                               | <b>R-3<br/>1,358 Lots</b> |                    |                   | <b>R-4<br/>653 lots</b> |                    |                   |
|-------------------------------|---------------------------|--------------------|-------------------|-------------------------|--------------------|-------------------|
|                               | <b>Min. Lot Area</b>      | <b>Max. Height</b> | <b>Max. Units</b> | <b>Min. Lot Area</b>    | <b>Max. Height</b> | <b>Max. Units</b> |
| <b>Single-Family Detached</b> | 5,000sf                   | 30'                |                   | 5,000sf                 | 30'                |                   |
| <b>Two-Family</b>             | 5,000sf                   | 30'                |                   | 5,000sf                 | 30'                |                   |
| <b>Townhouse</b>              | 1,600sf/du                | 30'                | 6 units           | 1,600sf/du              | 30'                | 12 units          |
| <b>Multiple-Family</b>        | 2,000sf/du                | 30'                | 6 units           | 2,000sf/du              | 40'                | 12 units          |

***Include a new district for higher density townhouse and multi-family dwellings.***

A new residential district specifically targeted for denser townhouse and multi-family development would provide a valuable tool for accommodating future growth while maintaining predictability. While it may not be immediately necessary to apply this district to any mapped areas, having it as a “back pocket” option ensures that the City is prepared to respond to evolving housing demands efficiently and proactively. By allowing for taller multi-family development - potentially up to 70 feet (typically, six stories) - this district could support the creation of denser housing in appropriate locations without requiring variances or planned unit developments. Importantly, with clear standards in place, the form and impact of development would be predictable, ensuring that new projects can integrate into their adjacent areas without negative impacts. This approach gives the City flexibility to enable denser development when needed while maintaining control over where and how it occurs.

**Summary of Proposed Residential District Structure**

The following district structure is proposed. In addition, we recommend renaming the residential districts to the Residential Neighborhood Districts structure in order to clearly communicate that the districts have been modified in the new Code. The table below summarizes the structure outlined above – it shows the proposed district, the current districts it would be based on, and the types of dwellings that would be allowed.

| Proposed District               | Current District      | Dwelling Types   |
|---------------------------------|-----------------------|--|
| RN-1 Residential Neighborhood 1 | R-1 District          | Single-family detached   |
| RN-2 Residential Neighborhood 2 | R-2 District          | Single-family detached<br>Two-family<br>Townhouse (limited to 2 units) |
| RN-3 Residential Neighborhood 3 | R-2A District         | Single-family detached<br>Two-family<br>Townhouse (limited to 2 units) |
| RN-4 Residential Neighborhood 4 | R-3 and R-4 Districts | Single-family detached<br>Two-family<br>Townhouse<br>Multi-family      |
| RN-5 Residential Neighborhood 5 | New district          | Townhouse<br>Multi-family  |

**Clarify the impervious surface currently applied to residential districts within the landscape chapter.**

Impervious surface is a measure of intensity of land use that controls how much of a site may be occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. The current landscape section requires 20% of the lot area for residential to be pervious. This control would be moved to the residential district dimensional requirements and restated as an 80% maximum impervious surface control. The measurement methodology section in Chapter 2 would clarify that maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot; it includes the principal building, accessory structures, and all paved areas.



To maintain clarity the current “lot coverage” control would be renamed “building coverage” in order to be clear that this control measures the footprint of principal buildings and accessory structures and does not include paved areas. Together, building coverage maximums coupled with impervious surface coverage maximums help to regulate the volume of new development on a lot, helping to create compatibility with neighboring development.

**Revise the required front setback control for single-family and two-family dwellings to that of an averaging requirement.**

A front setback averaging provision for single-family and two-family dwellings would better allow for contextual development. In the control, the average front setbacks of the adjacent lots on either side of a lot are used to establish the required front setback. Averaging is based on the two adjacent lots on either side or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback is that of the adjacent lot. Once this number is determined, the setback is typically allowed to vary by plus or minus 10%.

This type of provision would typically read: “(Set number) feet or average of front setback of abutting structures. In no case is a setback greater than X feet required.” The current maximum permitted front setback (50 feet) would also be maintained.

Of note, the current way corner lot setbacks are controlled – where each street setback is considered a front setback, and each setback along shared lot lines – will be maintained.

**Create specific controls that allow for the split of large single-family dwellings into multiple units.**

A potential opportunity for housing diversity is the conversion of older large single-family dwellings into multi-unit residences. The benefit is that it allows for owners of large homes to continue to maintain the structure because of additional income and encourages the preservation of these buildings. However, conversions do increase the density of neighborhoods initially designed as single-family. One approach is to create standards that allow for conversion in specific instances. First, it would need to be determined in which zoning districts this should be allowed. Then standards would be set based on structure gross floor area, lot size, and unit size to determine when this could happen. The intent is to limit this to only larger structures with very specific standards for conversions. A key issue with such conversions is the provision of adequate parking; standards needed to be balanced to allow for this to happen without the need for variances. It is understood that a key sensitivity with such a flexibility is that certain areas in close proximity to educational facilities can create conflicts with the neighborhoods when used for student housing. This will need to be taken into consideration when drafting such standards.

**Allow for cottage court development.**

The City may wish to consider the use and an associated set of standards for cottage courts (also called “pocket neighborhoods”) as an option for new residential development. The cottage court form allows for small lot residential development in a manner that organizes various dwelling types around a common courtyard or shared open space, designed as a cohesive whole and maintained in shared stewardship by residents. Such a development form can also incentivize the creation of smaller, potentially more affordable units through provisions that encourage smaller square footage in exchange for additional development potential. This would be allowed as a use within the proposed RN-1 through RN-4 Districts. The inclusion of such a development type would eliminate the need for a cottage subdivision type.

## COMMERCIAL DISTRICTS

**Revise the OR Office Residential District to more specifically address its role as an adaptive reuse tool, as was its original intent.**

The OR District’s purpose statement describes its role as a way to permit the “adaptive reuse of existing building stock, which will normally be residential in character.” A district targeted at this type of development promotes the adaptive reuse of existing residential buildings, preserves the architectural character and historical value of older neighborhoods, and supports economic development. By allowing larger homes to be converted into office spaces, low-intensity commercial uses, or multi-unit dwellings, this district encourages sustainable development practices, reduces the need for new construction, and revitalizes underutilized properties. It also provides a flexible zoning approach that accommodates changing community needs, fosters small business growth, and creates a dynamic mix of residential and professional uses within the same area. It also functions as a district that can help facilitate a smooth transition between commercial areas and low density residential neighborhoods. The OR District could be restructured as the Residential Professional District with standards that address both conversions and new construction that blends in with the existing development form.

**Eliminate the OS Office Service and rezone these areas to the appropriate commercial districts.**

Relying solely on office use within a zoning district can make it susceptible to economic downturns or shifts in market demand. Post-pandemic, remote work opportunities have dramatically increased, leading many existing offices to downsize due to hybrid work models, or move to a solely digital business model. As a result, this has led to a significantly decreased demand for office space across markets. Therefore, with office space trending less desirable or oversupplied, the risk of vacancies and blight within areas reserved solely for office has increased.

Zoning areas exclusively for office use can also lead to a lack of diversity in the types of activities and amenities available within an area, which do not meet the needs of nearby residents and employees seeking a mix of uses, such as retail, dining, or residential options. These office-only zoning areas also often result in areas that are active during typical business hours but become deserted during evenings and weekends, diminishing the economic vibrancy of the area.

Therefore, it is recommended to eliminate OS District and absorb it within the commercial and mixed-use districts. Concerns regarding the creation of nonconforming uses by eliminating the current office districts and rezoning those areas as either commercial or mixed-use would be minimal as the uses allowed within the office districts are also allowed within those districts.

**Refine the commercial districts to ensure they present a rational palette of options for commercial and mixed-use development at varying scales.**

The following table presents a potential new commercial district structure to better control the scale and form of existing and desired commercial development within the City.



| Proposed District                 | Current District  | Comments  |
|-----------------------------------|---|---|
| C-N<br>Neighborhood<br>Commercial | OC Office<br>Commercial<br><br>C-1<br>Neighborhood<br>Commercial                | <p>There are few differences between the OC and C-1 Districts in terms of use and dimensional controls:</p> <ul style="list-style-type: none"> <li>• Townhouse is allowed only in C-1</li> <li>• OC allows for 40', while C-1 allows for 30'</li> <li>• C-1 limits MF to six units maximum</li> </ul> <p>Both are intended for limited retail. In addition, because the limitation on multi-family units is only in the C-1, it appears that areas deemed appropriate for C-1 are being zoned OC. Therefore, it is proposed to combine the districts in a new C-N District and refine standards so that true neighborhood commercial is allowed. These would include:</p> <ul style="list-style-type: none"> <li>• Eliminating the limit on multi-family units. As stated earlier, unit count is better determined by lot area.</li> <li>• Allow for residential units above the ground floor to facilitate mixed-use development.</li> <li>• Allow for townhouse development.</li> <li>• A height limit of 40 feet.</li> </ul> <p>By structuring use permissions, dimensional standards, and design elements, this district can function as a small-scale commercial district that remains compatible with nearby residential.</p> |
| C-MU<br>Mixed-Use<br>Commercial   | C-2<br>Neighborhood<br>Shopping<br>Center<br><br>C-2A Mixed Use<br>Neighborhood | <p>The distinctions between the C-2 and C-2A Districts are minimal, primarily focused on uses with the C-2A limiting the size of commercial uses. It is recommended to combine the districts into a true mixed-use district. This would include the following:</p> <ul style="list-style-type: none"> <li>• Eliminate any limits on the size of commercial uses. Limiting the size of commercial can be arbitrary and can make mixed-use projects less attractive or feasible. Design and siting standards can break up larger buildings so that they blend into the character of the district and surrounding areas.</li> <li>• Increase the height of the districts to 50 feet. This would allow for mixed-use development with at least two stories of residential above.</li> <li>• Allow for multi-family development. This would allow for areas to develop as horizontal mixed-use (i.e., along the block) as well as vertical (i.e., within one structure).</li> </ul>  |
| C-G General<br>Commercial         | C-3 General<br>Commercial   | <p>The current C-3 District accommodates more auto-oriented commercial areas that serve a regional consumer base, typically located, as noted in the purpose statement, along highways and arterials. The proposed C-G District would serve the same purpose. However, the current standards limit height to 40 feet. Larger retailers, even single story, often require additional height flexibilities. It is proposed that there would be no height limit unless adjacent to residential districts.</p>  |

| Proposed District                            | Current District                                    | Comments  |
|--|---|---|
| C-S Commercial Service and Wholesale         | CS Commercial Service and Wholesale                 | This district is oriented toward heavy commercial uses. While there is not a significant amount of area zoned CS, there is utility to specialized district such as this. It is recommended, as mentioned above, to allow for a moderate height increase to 50 feet for flexibility for larger uses.   |
| CBD Central Business District - Subdistricts | C-4 Downtown Commercial<br><br>C-5 Central Business | <p>Currently, the Downtown area is divided into two districts – the C-4 Downtown Commercial and C-5 Central Business Districts.</p> <p>The C-5 covers the core of the Downtown with Main Street as the spine. With no height limit and residential restricted to the upper floors, this sets parameters in line with other traditional downtowns. The traditional Downtown should continue to be characterized by a vertically mixed-use environment focused on creating a vibrant, pedestrian-oriented, active downtown with a continuous, consistent streetwall.</p> <p>The C-4 encompasses a broad area surrounding the Downtown core, generally extending from 1st to 21st Street. Given the extensive size of this district, a more nuanced approach to zoning regulations may be necessary to reflect the varying contexts within this area. Properties directly adjacent to the core should align more closely with the core's established character, maintaining similar use permissions and dimensional standards to support a cohesive urban environment. In contrast, properties located farther from the core can benefit from greater flexibility in both permitted uses and development standards, allowing for a more gradual transition from the dense urban center to surrounding neighborhoods. This gradation would ensure that zoning appropriately responds to the differing needs and characteristics of each area within the current C-4 District. This would also allow for some areas of the C-4 to accommodate multi-family dwellings to support the core.</p> <p>Therefore, a proposed structure for Downtown is proposed as follows, using a subdistrict structure under the umbrella of the CBD Central Business District.</p> <ul style="list-style-type: none"> <li>• CBD Core: Current C-5 District (see above)</li> <li>• CBD Outer Core: Retail and service uses that are surround the core. Mixed-use development is allowed, with residential dwellings permitted above the ground floor. This could also allow multi-family.</li> <li>• CBD Edge: Areas of transition between the higher intensity environment of the larger Downtown and adjacent smaller-scale neighborhoods, again with residential dwellings permitted above the ground floor as well as multi-family dwellings.</li> </ul> <p>One of the complications to design within the entire Downtown area is the OTN Old Town Neighborhood Overlay District. The OTN Overlay contains a design and siting standards that lives outside of the Code (the overlay standards in the Code reference that document). Many of the standards within that document are key to ensuring development meets the goals of an active, walkable, mixed-use Downtown. In addition, overlays add another layer of regulation, which can discourage those looking to development because of the complexity. It is proposed, for the Downtown area, to remove the OTN Overlay and integrate its standards into the CBD Subdistricts. In the CBD, design standards that more specifically address siting and form are particularly appropriate.</p> |



| Proposed District         | Current District           | Comments   |
|---------------------------|----------------------------|--|
| C-R Recreation Commercial | <i>District Eliminated</i> | With the new proposed district structure, those areas currently zoned the CR District would be able to fit within the other districts. Therefore, it is proposed to eliminate this district. |

**Select commercial districts should have build-to zones, rather than minimum setbacks, in order to create a streetwall and pedestrian-friendly, mixed-use environment.**

The current commercial districts either include a minimum front setback or do not require any setbacks. This does not necessarily bring buildings close to the street and can result in the placement of structures can be located further back from the street than desired, creating an environment that is primarily oriented to vehicles. Therefore, it is proposed to create build-to zones within some of the commercial districts. This would be especially important for the C-N, C-MU, and CBD Districts.

**Creation of design standards for commercial districts.**

Design standards can enhance the quality of future commercial development within Dubuque by addressing the design of building entries, elements of building articulation such as recesses and projections, ground floor and upper story transparency, etc. These standards should not address architectural style or aesthetics, but rather should control the basic features on a façade via measurable, objective requirements. As an example, a standard may require elements of articulation at maximum intervals along a building façade, such as recesses, projections, a change in material, texture, or color, or the incorporation of architectural features such as columns, pilasters, etc. Such a standard does not dictate how articulation is achieved, but rather presents the basic, measurable requirement.

Standards would be tailored to the desired character of individual commercial districts, requiring greater articulation in areas of the City where walkability and a pedestrian orientation are desired like the CBD, and allowing for more flexibility in other commercial areas, such as general commercial areas. Standards such as these – working in combination with a set of clear dimensional requirements that address the location and size of buildings – can provide a clear framework for new development in alignment with the intent and purpose of each district.

As mentioned in the CBD District discussion above, the OTN Old Town Neighborhood Overlay District covers other commercial areas outside of the Downtown. And again, layers of regulation create complexity. With the addition of design standards keyed to the form and function of the district, there may not be a need for the overlay. It is important to note that the OTN Overlay provides a solid foundation for design standards. Therefore, this approach involves incorporating and consolidating the OTN Overlay into the UDC's base districts, rather than discarding the valuable work reflected in the existing design guidelines.

To note, the design standards within Sections 13.5 (Design Standards for Big Box Retail Uses) and 13.6 (Design Standards for Retail Commercial Uses and Regional Shopping Centers) would be incorporated into the district design standards.

## INDUSTRIAL DISTRICTS

The current industrial districts – LI Light and HI Heavy – are typical to a city such as Dubuque. The use structure should be refined to reflect their roles as industrial districts, with limited allowances for retail and service which would support workers in the area. The current MHI Modified Heavy Industrial District would be consolidated with the HI Heavy Industrial District.

It is also proposed to add a new district – the I-MU Industrial Mixed-Use District. An I-MU District would allow for the mixing of light industrial uses with commercial uses, and even certain residential uses such as multi-family and live/work. The I-MU District is generally applicable to older industrial areas within the City that have seen a turnover of certain buildings into uses that are not industrial in nature. Some industrial buildings may no longer suit modern industrial needs but can accommodate a unique variety of creative uses and should be preserved, as they are character-giving structures in the City. A district like the I-MU District can also help preserve existing industrial development by providing a designated district where uses are permitted to mix, discouraging encroachment of non-industrial uses in the “real” industrial districts.

## SPECIAL PURPOSE DISTRICTS

The current palette of special purpose districts reflects specific use categories of land uses within Dubuque. Specifically, these are:

- AG Agriculture District
- ID Institutional District – This district would be renamed the INST Institutional District to be more intuitive.

Very little area is zoned the current POS Public Open Space District and therefore the district may not be needed. Parks and natural areas would be allowed broadly through the districts. A fourth special purpose district is the PUD Planned Unit Development District. Within the administrative section of this Report, an alternative approach to PUD has been presented.

## OVERLAY DISTRICTS

Proposed revisions to the overlay districts are outlined in the table below.

| Current Overlay District   | Comments   |
|--|--|
| RROD Rural Residential Overlay District                                | Maintain this district   |
| RHOD Restricted Height Overlay District                                | Maintain this district   |
| SOD Sign Overlay District  | This district controls the location of off-premise signs (where they are prohibited allowed and where they are allowed). This can be built into the off-premise sign controls in the sign chapter. The specific geographies can still be cited but do not need to be controlled through a specific overlay. Bifurcating billboard controls in two places can be confusing. |
| OTN Old Town Neighborhood Overlay District                             | This overlay can potentially be eliminated. See discussion above in the commercial districts.  |
| Flood Hazard Overlay District<br><i>To be moved to its own chapter</i> | As specific environmental control, no changes are proposed. To note, the definitions contained within this overlay should be kept with the regulations because they are specific to floodplain. As this is a lengthy and specific set of overlay regulations that tie back to federal regulations, it is better to make it its own chapter within the Code.                |







## V. Development Standards: General Site Standards + Accessory Structures

### All development standards of general applicability should be summarized in one section.

There are a number of standards that apply to development throughout the City. To make it easier for those improving their lots to understand what is required, these can be brought together in one section of the Code. Examples of current and new general development standards that could be consolidated in this chapter include:

- Applicability of dimensional standards (Current Sections 3.1 through 3.4)
- Visibility triangle provisions (Current Section 3.5)
- Exterior lighting (on private property)
- Fences and walls
- Mechanical equipment
- Refuse and recycling containers

This chapter will also include language that allows multiple principal buildings on a site if they meet all district requirements, rather than requiring a planned unit development. An important exception to this would be single-family and two-family dwellings, which would be limited to one principal building per lot (this does not include ADUs, which are considered an accessory use).

### The Code should include exterior lighting controls on private property.

The current Code addresses lighting within Section 13.3.2 and within the OTN Overlay (by reference back to the design guidelines). Additional regulations can build on these requirements to better minimize light trespass and light pollution. Tailored lighting standards are typically required for certain districts, such as higher intensity for commercial districts versus lower intensity for residential districts, and for certain uses, such as that for recreational fields where taller pole heights and sensitivities to surrounding uses are needed, would also be specifically addressed. The standards should be crafted to minimize light spillage on adjacent properties. The standards would be drafted so that they can be easily administered and would not require technical expertise beyond the capacity of the City.

### The accessory structure controls of the existing Code should be consolidated and refined.

Accessory structures are controlled a number of ways within the current UDC. General standards for them are located within Section 3.7. The “Accessory Use” sections of the districts then list a combination of accessory uses and accessory structures, particularly within the residential districts. Controls within many of the nonresidential districts contain a statement that accessory uses/structures are allowed that are “customarily incidental and subordinate to the principal use it serves.”

Accessory structures should be consolidated within their own chapter. A set of general standards for accessory structures (height, setback, etc.) would be maintained, similar to the current Section 3.7, and then further enhanced with standards for specific accessory structures. These can include regulations for each in terms of size/dimension, height, placement, design, and other dimensional and location requirements. Currently, Section 3.9 also requires site plan review for certain accessory structures (greenhouses over 100 square feet in area, wind energy conversion systems, satellite receiving dishes, swimming pools); these should be evaluated to see if all still should require site plan review or if standards can address the issues of concern. Generally, site plan review should not be required.



Accessory structures that typically require specific standards include the following:

- Amateur (ham) radio equipment
- Coldframe structures
- Decks
- Garages, detached
- Raised garden boxes
- Gazebo
- Patios
- Pergolas
- Personal recreational game courts
- Satellite dish antennas
- Sheds
- Solar panels (private)
- Wind turbine (private)

As noted above, accessory *uses* are regulated within the use chapter.

**A permitted encroachments table would help to clarify what types of encroachments are allowed in setbacks.**

The current Code allows some architectural features to encroach into required setbacks per Section 3.6. A full set of architectural features that may or may not encroach into a required setback should be regulated through a comprehensive permitted encroachments table. An example of such table organization is provided below. These are not recommended standards or a comprehensive set of encroachments but merely an example of table organization.

| <b>Table XX: Permitted Encroachments Into Required Setbacks</b><br><b>Y= Permitted // N= Prohibited</b><br><b>Max. = Maximum // Min. = Minimum</b>   |       |             |               |      |
|--|-------|-------------|---------------|------|
|  | Front | Corner Side | Interior Side | Rear |
| Accessibility Ramp and Other Accessibility-Related Structures  | Y     | Y           | Y             | Y    |
| Balcony<br><i>Max. of 6' into front, interior side, or corner side setback</i><br><i>Max. of 8' into rear setback</i><br><i>Min. of 4' from any lot line</i><br><i>Min. vertical clearance of 8'</i> | Y     | Y           | Y             | Y    |
| Bay Window<br><i>Max. of 5' into any setback</i><br><i>Min. of 24" above ground</i>  | Y     | Y           | Y             | Y    |
| Chimney<br><i>Max. of 18" into setback</i>   | Y     | Y           | Y             | Y    |
| Deck<br><i>Max. of 5' into front, corner side, or interior side setback</i><br><i>Max. of 10' into rear setback</i><br><i>Prohibited in front yard</i>   | N     | Y           | Y             | Y    |
| Eaves<br><i>Max. of 2' into setback</i>  | Y     | Y           | Y             | Y    |

In the current section on encroachments, some accessory structures are also included. These should be controlled through the accessory structure section described above. The encroachments table should target architectural features.





MUSEUM

1800 46th



## VI. Development Standards: Off-Street Parking + Loading

### Off-street vehicle parking and loading standards should be updated.

It is important that parking requirements address the demand for all types of parking and loading, and the realities of existing conditions. Updated parking requirements should address the full range of off-street parking and loading facility elements. In order to be comprehensive, this section should update and/or address the following:

- Parking lot design (dimensions, surfacing, curbing, marking, location, etc.)
- Parking structure design (design standards, ingress/egress, etc.)
- Parking space/facility location for residential and nonresidential uses
- Driveway design and curb cuts
- Parking flexibilities
- Bike parking
- Electric vehicles spaces
- Location and design of off-street loading
- Storage of commercial and recreational vehicles

The standards for parking lots and parking structures found in Chapter 13 should be moved to the parking chapter. Further, the regulations that address design standards for parking structure facades facing a street (Section 13.3.5) should be more specific in how façade design and articulation are achieved. Also, rather than a recommendation, certain districts or development along selected streets should *require* active uses to line the ground floor of parking structures; such active space requirements would be appropriate particularly for select mixed-use districts and the Central Business District where parking structures are allowed.

### Parking ratios (parking spaces per use) should be revised.

The parking schedule should be updated to match the use structure of the districts to minimize interpretation. With the incorporation of a global use matrix, this is easily aligned so that each use has a corresponding parking requirement. Flexibilities can continue to be provided for the district or development type. Current standards appear to be high and may require more parking than is needed. It is also recommended that the parking ratios be determined by objective standards such as physical space, whether gross square footage or rated capacity, rather than by number of employees, seats, etc.

Special development types, such as retail centers, may be better served by specialized parking requirements that calculate the required parking based on the gross floor area of the development as a whole, rather than as a collection of individual uses. Because uses turnover frequently, parking calculations for these developments can move between conformance and nonconformance. A single calculation based on gross floor area of the retail center as a whole would better allow these developments to manage parking and maintain and attract new tenants.

### *The City should consider elimination of parking minimums.*

*A comment heard throughout the stakeholder interviews was that there may be significant support for the elimination of minimum parking requirements. This allows the market to decide how much parking – if any – should be provided. Elimination of minimum parking requirements does not mean parking will not be constructed, only that it is not required. And any parking constructed will need to comply with the standards of the UDC.*



*There are numerous reasons why this approach is being considered by cities. First, minimum parking standards can be somewhat arbitrary, often based on calculations of parking demand at peak times rather than during normal conditions, resulting in large, underutilized, paved parking areas. This has the secondary effects of being environmentally unfriendly (excessive paving increases stormwater run-off and intensifies the heat island effect) and negatively impacting neighborhood character. Minimum parking requirements tend to be the primary driver of site-design considerations, with contextually-appropriate designs often being sacrificed to accommodate required parking. Additionally, minimum parking standards can have a dampening effect on the economic development climate. When required parking amounts cannot be accommodated on-site, variances are required, adding both significant cost and significant time to the development process.*

**Incorporating additional parking flexibilities may reduce the need for variances.**

Currently the Code has few parking flexibilities. The C-5 and C-4 Districts, Jackson Park Historic District, Cathedral Historic District, Millwork District Historic Districts, are exempt from parking minimums and there are permissions for shared parking reductions. Additional options for by-right flexibilities can include:

- Based upon how the zoning districts are structured, it may be appropriate to exempt additional districts from minimum parking requirements.
- Structures existing at the time the Code comes into effect that do not have parking on-site (and no lot area available for such) could be exempted from parking requirements. This encourages reuse of structures as it eliminates the need for variances.
- Certain districts may be able to exempt an initial square footage from providing parking, based on the size of a business – for example, exempting the first 2,500 square feet from parking calculations – in order to provide relief for new developments on small lots. This would require only larger structures to provide parking.
- Allow for on-street spaces adjacent to a nonresidential use to count toward required parking. This can also be expanded to include adjustments when located within a certain distance of a public parking structure as well.

**Parking maximums should be considered.**

It is also recommended to incorporate parking maximums into the parking regulations. By setting an upper limit on the number of parking spaces allowed, this helps prevent the development of excessive parking areas, which can lead to a range of environmental and planning issues. Excessive parking often results in over-paved surfaces, contributing to the urban heat island effect. This not only affects local microclimates but also raises energy consumption for cooling in buildings nearby. Additionally, over-paving leads to increased stormwater runoff, which can overwhelm local drainage systems, contribute to flooding, and carry pollutants into waterways, negatively impacting water quality. The implementation of parking maximums is particularly important for larger developments, such as big-box retailers, shopping centers, and office complexes, which traditionally use vast amounts of land for surface parking lots. Ultimately, parking maximums can contribute to more efficient land use, reduce environmental impacts, and promote healthier, more vibrant communities.

**Electric vehicle (EV) charging stations should be allowed withing parking lots and structures.**

Permissions for electric vehicle (EV) charging stations in parking facilities should clearly stated.

**Bicycle parking requirements could be updated to facilitate creation of a more cohesive bicycle network.**

The current Code requires bicycle parking only within parking facilities of 50 or more spaces. In order to create a more cohesive network, bicycle parking could be required for smaller lots, remaining sensitive to the development realities of the districts. Updated requirements could specify how many short-term and long-term bicycle spaces are needed, the design and siting standards for those, and the flexibilities in location.

**Siting standards for on-site loading standards should be included.**

The Code should contain siting standards for on-site loading areas such as permitted locations on the site, permitted yards where loading berths may locate, surfacing requirements, and required screening from adjacent non-industrial uses.

**The Code should be comprehensive on storage of vehicles in residential areas.**

Vehicles stored on-site in residential areas should be clearly described including typical passenger vehicles and storage of recreational vehicles. Recreation vehicles including, but not limited to, motorhomes, campers, boats, all-terrain vehicles (ATV), utility task vehicles (UTV), and trailers, can be limited to select areas of a site, such as within the interior side yard behind the front building line or in the rear yard. Where vehicles are stored as part of nonresidential uses within residential areas, standards should also be included to control their location on-site as well.

**Create standards for storage of commercial vehicles.**

Commercial vehicles parked within a residential district should allow for standard size vehicles owned and used for commercial purposes by the occupant of a dwelling or guest including, but not limited to, vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks, provided that the vehicle is stored or parked in a permitted parking area. Commercial vehicles for nonresidential should be limited to commercial vehicles that are being operated and stored in the normal course of business. They should be required to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs.







## VII. Development Standards: Landscape

### Revise the landscape standards for clarity and consistency.

The contribution of landscape to the visual quality of the built environment cannot be overemphasized. In addition to its aesthetic benefits, green space provides environmental benefits. Landscape requirements should address all aspects of site development to properly beautify, screen, and buffer.

Section 13.4 of the Unified Development Code outlines the current landscape standards. These requirements are partially based on a calculation of the number of trees and shrubs per square footage of required permeable area. However, this approach can be confusing and may result in site designs that prioritize numerical compliance over thoughtful landscaping. To promote intentional landscape design, the requirements should be structured around key site elements - such as parking, transitions, and screening - to ensure both aesthetic enhancement and effective screening are achieved.

The landscape requirements should be moved to their own chapter and organized around specific landscape requirements. These are as follows:

- **Perimeter of Parking Lots.** Where a parking lot abuts the street, requirements should effectively screen cars from the right-of-way. This could mean an ornamental fence and shrubs that can be substituted with a pedestrian-scale wall or natural plantings that meet a three foot screening requirement. Currently a landscape yard is required but there is no clear direction on the number of plantings required (“...shall consist of shade trees, low shrubs, perennial flowers, and/or other plant materials approved by the City Planner”); the required plantings should be specified in the Code.

The Code also specifies that a landscape yard is required along all non-street-facing edges of the lot. While this requirement’s intent aims to enhance overall site aesthetics, it is less common in codes and may result in an overabundance of plantings that do not provide significant functional or visual benefits.

- **Interior of Parking Lots.** There should be specific interior parking lot requirements, including a minimum number of landscape parking lot islands. Current standards are not clear as to how many islands would be required and what plantings are required. Typically, a code will state that one island is required between every 10 or 15 spaces with the required plantings delineated. Flexibilities are built in so that they can be spaced differently, but that the total number remains the same. In addition, standards should require that rows terminate in islands.
- **Buffer Yards.** Buffer yard requirements ensure proper screening between incompatible uses and are part of the current landscape requirements (13.4.8 - Screening Requirements). These current standards should be refined and tailored to the form of the districts and the intensity of uses that would need to mitigate their impacts. The current standard of six feet may be appropriate in urban commercial areas but larger buffer yards would be more appropriate for users with more impacts, such as industrial. The buffer yard standards should be a menu of options based upon the relationship between users.

These more detailed requirements would be tailored to districts and/or uses to avoid onerous requirements or the creation of nonconformities. Certain areas may need exemptions built into the Code because of site constraints, while others may need more landscape.







## VIII. Development Standards: Signs

### Sign regulations must be content neutral.

A major issue that all sign regulations must contend with is that signs cannot be regulated based on content distinctions. In *Reed v. Town of Gilbert, Arizona* (2015), the U.S. Supreme Court found that categorization of signs based upon their content or message is subject to review under the standards of strict scrutiny – the most stringent standard of judicial review, which demands that a regulation must further a “compelling governmental interest” and must be narrowly tailored to achieve that interest. As such, in the wake of *Reed*, nearly any regulation based upon a content distinction may be deemed unconstitutional. This clearly has impacts that must be remedied within Dubuque’s sign regulations; the current code has a number of content-based distinctions and controls.

**Off-Premise and On-Premise Distinctions.** Distinguishing between signs that are considered off-premise (directing attention to a business, commodity, or service sold or offered elsewhere than the lot upon which a sign is displayed) and on-premise (directing attention to a business, commodity, or service sold or offered on the same lot where such sign is displayed) has traditionally allowed municipalities a means by which to regulate a few key sign types, most notably billboards, as off-premise signs. As a supplement to the *Reed* decision, the 2022 *City of Austin v. Reagan National Advertising of Austin, LLC* U.S. Supreme Court decision upheld off-premise/on-premise distinctions.

*\*\* Off-premise signs, also known as billboards, are currently under a moratorium. Therefore, this Report does not offer specific recommendations on billboards, though standards will be part of the final Code. It is understood that separation requirements from other billboards and from land uses such as parks, places of worship, and educational facilities are being evaluated.*

**Commercial and Noncommercial Messages.** The ability to distinguish between commercial speech and noncommercial speech is also an important tool for municipalities in the regulation of signs following *Reed*. The *Reed* decision did not overrule prior decisions related to this distinction, and lower courts have upheld it in the intervening years, indicating that this is still a valid tool, allowing communities to distinguish between commercial messages and noncommercial messages (political, ideological, opinion, etc.). This is useful, as many communities may wish to place some reasonable regulations around commercial messages, while remaining neutral regarding noncommercial messages in the community.

### The organization of sign controls should be simplified for clarity.

The current organization of sign controls is not necessarily intuitive. The following structure is recommended:

- Purpose
- General sign standards
  - Location restrictions
  - Limitations on audio components
  - Construction standards
  - Maintenance
  - Illumination (Note: in the historic districts, consider a permission for illumination if the Commission reviews the plan and approves.)
- Prohibited signs
- Exempt signs
- On-premise signs: permit required
- Off-premise signs (billboards)



In this organization, there are no longer separate sections for temporary and permanent signs; rather these would be addressed as either exempt or requiring a permit.

Definitions and measurement of sign dimensions would be found in the proposed Chapter 2 (definitions and rules of measurement). Other provisions currently found in Chapter 15 would also be moved to the appropriate sections (sign permit to administration and nonconforming signs to nonconformities) and a cross-reference included.

**Additional prohibited sign types should be considered.**

The current Code does include a prohibited sign section. Additional signs that should be prohibited include:

- Inflatable signs
- Feather flags/sails
- Spotlights/strobe lights
- Flashing signs and moving signs, whether mechanical or wind-actuated
- Off-premise temporary signs

**Signs considered exempt should be updated.**

Signs exempt from a sign permit is an area of many sign regulations where content-neutrality poses an issue. Because of the *Reed* decision, signs can no longer be identified or defined as “Real Estate Signs” or “Construction Signs.” Instead, a temporary sign would be allowed on a lot where such activity is taking place; for example, there would be a temporary sign allowed on a lot where real estate activity is taking place. In each case, standards for the signs (size, location, illumination permissions, etc.) would be included. Permanent and temporary signs that would be allowed without a permit may include:

- A-frame signs
- Attention getting devices (pennants, temporary freestanding signs)
- Commercial flags (for example, “Open” flags)
- Construction activity temporary sign
- Cultural or historical site sign
- Directional signs (building ingress/egress)
- Parking lot/structure circulation point sign
- Pedestrian signs for businesses (for example, small cases mounted on the wall that contain a menu near a restaurant front entry)
- Real estate activity temporary sign
- Residential nameplate sign
- Window sign (to note, this is typically a 30% window coverage limit including both permanent and temporary window signs)

There would also be standards in this chapter that cite the types of signs that are entirely exempt from sign controls (government signs, signs not visible from the public right-of-way, etc.).

**The regulations for signs requiring a permit should be tailored to the form and scale of each district.**

Permanent sign regulations should address all aspects of the sign’s character and location - maximum height and sign area, minimum setback, vertical clearance, maximum projection, etc. In addition, how signs are allocated to corner buildings and multi-tenant centers must also be evaluated. An important element will be to determine where the different sign types will be allowed. Establishing permissions by specific districts, as is similar to the structure now, allows the Code to prohibit them in some districts while allowing them within others. Also, the maximum size of signs – whether height and/or area – can then be tailored to the different districts.

It is anticipated that the following types of signs would be allowed by permit and regulated as follows. This would build on signs currently requiring a permit within the code and their standards.

- Banners
  - o Limitations on number, display period, size, permitted mounting locations
- Awnings and Canopies
  - o Projection and vertical clearance maximums, percentage of printing allowed on sign face, permitted materials, design
  - o Standards tailored to both types - nonstructural (typically made of vinyl and printed upon) and structural (made of permanent building material with solid lettering)
  - o Standards for signs mounted above a structural awning or canopy
  - o Standards for under awning or canopy signs
  - o Insurance requirements to indemnify the City when located over the right-of-way
- Drive-Through Signs
  - o Height, sign area, setback
  - o Number of signs permitted and allowed locations
- Electronic Message Signs
  - o Requirements for integration into a larger sign structure (freestanding, marquee, etc.) to maintain a cohesive appearance of signs across the city
  - o Limitations on the overall size, typically a percentage of the overall sign area allowed in the larger sign structure
  - o Limits on the frequency of message turnover
  - o Limits on the length of animation (currently, two seconds of animation, followed by two seconds of static time)
  - o The current annual fee to verify that such signs are meeting the turnover, animation standards
- Freestanding Signs
  - o Height, sign area, setback
  - o Allow one per frontage with a minimum street frontage for an additional sign
  - o Type allowed (pole vs. monument)
- Marquees
  - o Construction requirements, projection and vertical clearance standards
  - o Sign area controls versus the changeable message area
- Projecting Signs
  - o Sign area, maximum projection, and vertical clearance maximums
  - o Number of signs permitted
  - o Potential allowance for vertically oriented signs on taller structures in select district
  - o Insurance requirements to indemnify the City when located over the right-of-way
- Wall Signs
  - o Sign area, projection maximum, number of signs permitted
  - o Wall signs should be controlled by a proportional control, such as one square foot per linear foot of façade
  - o Potential allowance for skyline signs located at the top of taller structures
  - o Potential allowance for mounting on wall signs on the lower slope of a mansard roof



Within the appropriate sign type as well as in the sign dimension measurement methodologies, permissions and controls on architectural signs will be included. (An example of architectural sign would be a three-dimensional ice cream cone sign for an ice cream shop.)

**A classic sign provision can be created to address the unique signs within the City.**

With Dubuque's history, the City may want to create a classic sign designation within the Code. This type of provision preserves specific historic and/or unique signs within the City and protects those signs from nonconformity status. This would allow them to continue and be repaired, maintained, and even moved.







## IX. Zoning Administration

**The administrative sections of the Code should be reorganized to make the processes easier for applicants to follow.**

In order to make the various applications and approvals, as well as their respective processes and requirements simpler and easier for applicants to understand, we propose the following reorganization.

### **Code Administrators**

This Chapter would list the powers and duties of all boards and officials involved in administration. By listing all boards and officials for all applications, the process is clarified (i.e., the user can easily reference who recommends and who approves). The following boards and officials will be included:

- City Council
- Zoning Advisory Commission
- Zoning Board of Adjustment
- Historic Preservation Commission
- Zoning Administrator (*This would be a new role to consolidate all code administration in one role; language would stipulate this includes their designee.*)

### **Application Procedures**

This Chapter would contain the rules for processing the various zoning applications. These administrative procedures will be consistent with Iowa law and grouped into the following two sections:

- Application process
- Notice requirements

It is recommended that a specific completeness requirement be added to the Code for all applications in order to avoid the submittal and processing of incomplete applications. An example of such a requirement is as follows:

*The Zoning Administrator will determine whether a submitted application is complete. The Zoning Administrator will notify the applicant as to whether or not the application is complete, and will not process the application until any deficiencies are remedied. Once the Zoning Administrator determines that the application is complete, the application will be scheduled for consideration.*

This would eliminate postponements on the basis of incomplete submittals. It should be noted that payment of fees should be considered part of completeness review.

### **Zoning Approvals**

All applications and approvals would be found in this Chapter. We anticipate that the following applications would be included:

- Amendments (Text and Map)
- Conditional use
- Variance
- Special exception
- Site plan review
- Temporary use permit

- Sign permit
- Zoning interpretation
- Zoning appeals
- Planned unit development

To the degree possible, the following structure would be used for each application:

- Purpose
- Applicability
- Authority
- Procedure
- Approval Standards
- Expiration

#### Revise the current special exception procedure to be more flexible.

Currently, minor modifications to residential district standards are handled in two ways:

- Section 16-3-18, Limited Setback Waiver, allows for single-family and two-family dwellings to obtain a setback waiver that is 33.3% or less of the required setback, which is approved by the City Planner. (There are also conditions regarding this waiver when requested for an accessory structure.) It requires notice to abutting property owners, including property owners directly across the street, who must state that they have no objection to the request.
- Section 16-8-7, Special Exceptions, allows for the Zoning Board of Adjustment to approve a modification to the residential district standards with review against a more tailored set of review criteria than the established hardship standard of a variance.

One way the Code can create more flexibility is to combine these current flexibilities into a revised special exception process that is applied more broadly. The special exception process would become tiered – allowing for an administrative approval unless there is an objection from the notified property owners, at which point it would be sent to the Zoning Board of Adjustment.

The proposed thresholds of approval would be as follows:

- The current limited setback waiver (Section 16-3-18) for single-family and two-family dwellings for a setback waiver that is 33.3% or less of the required setback.
- For all other types of developments, a 10% or less modification to any numeric standard (for example, commercial district dimensional standards, sign dimension standards, etc.) in this Code.

Notice to abutting property owners, including property owners directly across the street, would still be required. If there is no objection, the Zoning Administrator can approve the request. If there is an objection, residential requests would move to approval by the Zoning Board of Adjustment as a special exception and all others (nonresidential) would require a variance. Further, even if the request is within the thresholds of Zoning Administrator approval, they are able to move the application to the Zoning Board of Adjustment for approval if the nature of the request requires additional review.

#### A zoning text interpretation process should be added for formal zoning interpretations.

Every City has an informal process for zoning text interpretations, but the Code should include a formal process for documenting text interpretations. No code can adequately or clearly address every possible aspect of regulation, so this process allows the Zoning Administrator to render a written interpretation upon request (such request must be in pursuit of



a zoning action). This results in a record of interpretation requests, which leads to the predictable and consistent application of the regulations and shows where further clarification of code language may be needed.

**A temporary use permit should be created to regulate temporary uses.**

The current Code regulates temporary uses under Section 3.19, requiring site plan approval by the City Planner. It is recommended to introduce a temporary use permit for a designated set of temporary uses (see use discussion above on temporary uses). Since not all temporary uses necessitate a full site plan review to assess their impacts, only specific temporary uses should be subject to that requirement. By establishing a general temporary use permit process and incorporating detailed standards within each specific temporary use, the regulation becomes more efficient and better tailored to address varying impacts.

**Revise and modernize the Planned Unit Development District into a process, rather than a district.**

***The current Code may rely too much on planned unit development, creating an unpredictable development environment.***

PUD, as a zoning tool, was created to allow for unique and innovative development that requires more careful consideration in its use permissions, siting, and design to allow for modifications to the underlying zoning regulations. However, over time its role can expand beyond this original intent. Planned unit development is used for a range of purposes such as to manage more controversial uses and to avoid variances.

Additionally, if the current zoning districts do not adequately address modern development types/uses, planned unit development is then used to fill in the gaps. Thus, as planned unit development is used more and more, staff and Council find a good portion of their time is used managing and reviewing these approvals and applications. Simply put, PUD has deviated from its initial purpose of facilitating innovative development and has become a quick fix for the shortcomings of the current Code. This dilutes its effectiveness; it becomes a workaround rather than a tool to accommodate genuine innovation. This results in a number of issues:

- The PUD process demands substantial time and resources, making it cumbersome and costly for both developers and the City.
- There is a lack of certainty or predictability regarding outcomes, which can lead to frustration and inefficiency.
- An overabundance of PUDs can lead to inconsistencies in development standards and a lack of cohesive planning.
- Planned unit developments effectively function as miniature zoning codes, which can complicate enforcement efforts. Unlike established district standards that uniformly apply citywide, PUDs require code enforcement officials to discern and enforce specific standards tailored to each PUD. This necessitates the identification and verification of compliance with the individualized regulations governing the development, which can strain the resources of the enforcement department.

While it is understood that PUD will remain a part of the Code and is a key tool that the City can use to accommodate new innovative development, there are zoning tools that are more targeted toward the concerns PUDs have been used to address. These potential tools include the following:

- Establish a responsive district structure. By creating a district structure that reflects the places of Dubuque, the zoning districts will be able to better address the desired use, scale, design, and orientation of development and avoid workarounds that PUDs have been used for.

- Turn conditions into standards. Another strategy is to include conditions that are frequently added to PUDs into the district, use, and general development standards of the Code, as applicable. This lends itself to easier administration and enforcement in the long term as these standards would apply across the board rather than having to be identified as applicable on a site-by-site basis.
- Consider administrative flexibilities. Creating more administrative flexibilities would allow for minor issues in site development to be handled at a staff level. An administrative modification process can be included (discussed earlier in this report).

***The City should consider an alternate approach to planned unit development (PUD).***

Currently the Code treats planned unit development as a district. A different approach is to treat the PUD as an approval process, rather than a district. In this approach, the underlying district standards, including uses, apply unless modified as part of the PUD approval. This allows for flexibility in the application of zoning requirements based upon detailed review of individual proposals for significant developments in exchange for additional benefits to the City and the public.

This approach creates more predictability. First the new PUD is based upon the underlying district - the approval “lays” on top of that district. As the district remains in place, this means if the PUD is never acted upon and expires, that site has the rights to develop of that underlying district. Further, the PUD approval works off a “base” which makes the negotiations clearer for the applicant, the administrators, and the public.

The approval process would be similar to the current process – recommendation by the Zoning Advisory Commission and approval by the City Council, including a pre-application conference with staff. Even with this revised approach to PUD approvals, the City Council will retain its current level of authority over the zoning regulations and development standards for all new PUDs.

***Remove minimum acreage requirements for a PUD and eliminate required planned unit developments.***

Currently, PUD requires a minimum area of two acres. While this threshold ensures a certain scale of development, it may be seen as arbitrary if PUD is realigned with its original intent - to serve as a flexible tool for fostering innovative and creative development solutions. Removing the minimum size requirement could encourage a wider range of innovative projects. However, it is important to acknowledge the concerns of existing residential communities, particularly in established single-family neighborhoods, where introducing smaller-scale PUDs could lead to conflicts over density, design compatibility, and infrastructure impacts. Given these sensitivities, maintaining a reasonable minimum size requirement may be necessary to balance innovation with neighborhood stability in the residential districts.

Also, the current Code has required PUDs for certain types of development. These are:

- All retail commercial uses open to the public or members which have over 60,000 square feet of area
- Regional shopping centers
- Manufactured home parks
- Biofuels production facilities
- Commercial wind energy conversion systems
- All new industrial parks and all new office parks
- Any structure existing at the time of adoption of this Code which is expanded for retail commercial use to over 60,000 square feet of area and which expansion constitutes an increase of 25% or more to the area



These uses that required planned unit development would have standards built into the Code to address areas of concern.

It is not recommended to require any development or use to be a PUD. Requiring certain developments to be PUDs can be problematic because it adds unnecessary costs, limits flexibility, and extends approval timelines. Additionally, the more complex planning and negotiation process can slow down development, discourage smaller builders, and reducing housing diversity by requiring larger mixed-use development to be a PUD. Mandating them for specific developments can lead to overregulation, inefficiencies, and barriers to creating more accessible and varied housing options.

***PUD should function as an effective mechanism for leveraging high quality development.***

PUD is a negotiation between a developer and the City, therefore the City should receive a benefit in return. While it is recommended to leave use, dimensional, and design modifications open ended, the Code should more explicitly incorporate a benefits and amenities requirement. The PUD process should provide guidance on the types of amenities or elements desired in exchange for flexibility and bonuses offered through the PUD process. It is important to remember that, because of its inherent flexibility, the PUD process can become a surrogate for the variance process. When a property owner does not want to meet existing district requirements, they may request a PUD where they do not have to demonstrate a hardship or practical difficulty, as would be required under a variance. Therefore, it is key to require public benefits and amenities to qualify for such exceptions so that petitioners cannot circumvent basic zoning district requirements without providing measured benefits to the City.

Examples of some of the amenities and benefits that can be considered in determining whether an exception should be granted include:

- Use of sustainable design and architecture, such as energy efficient design concepts and new building technologies.
- Community amenities including plazas, outdoor seating, public art, and pedestrian and transit facilities.
- Additional open space and recreational amenities such as open space/playgrounds, recreational facilities, dog parks, and conservation areas.
- Additional public infrastructure improvements, such as new or repaved streets, provision of bicycle paths, and traffic control devices to improve traffic flow.
- Senior housing or affordable housing set-asides.
- Enhanced mobility options (pedestrian, bicycle, transit).

This is not a definitive list but rather a list of potential amenities and benefits. In some cases, the actual development may be a benefit. For example, in areas where there is a demand for affordable housing, an affordable housing PUD can be considered a benefit.

**Clarify the site plan review process.**

Within the administrative section, site plan review would be limited to the process. As is evident by this report, many of the specific standards, such as landscape, would be moved to their own section of the Code. This section would also clarify what types of development require site plan review and include criteria to deny a site plan. (Generally, the criteria for denial of a site plan are based upon noncompliance with zoning regulations and any conditions of special approval, such as those applied to a special use or variance, as well as other actions required by the results of certain submittal items, such as a traffic study.)

**Continue to review Historic Preservation Commission regulations.**

The regulations of the Historic Preservation Commission, including its applications and procedures (currently in Chapter 10), will continue to be evaluated as part of the overall UDC update. This review will assess opportunities to better align these provisions with the new Zoning Code and clarify, as needed, the preservation review process.

**The requirement for a traffic study should be made clear.**

While not explicitly required in all cases, the UDC suggests that the City may require a traffic study during site plan review (Chapter 12) when traffic impacts are deemed a concern. Similarly, a traffic study may be required during subdivision review (Chapter 11) to demonstrate that projected traffic volumes will not exceed the capacity of the existing or planned street network. Currently, these requirements are referenced indirectly through application submittal checklists rather than clearly established within the UDC itself. As part of the update, the criteria for requiring a traffic study - potentially including thresholds based on development type - should be clearly defined within the Code.







## X. Nonconformities

**Nonconformity regulations should be updated to specifically address the variety of potential nonconforming situations.**

In any code update, the intent is to eliminate as many nonconformities as possible. Many are eliminated when new or revised districts are tailored to existing conditions or remapping of districts is undertaken, however, some properties and uses will remain nonconforming. Therefore, the nonconformities section should be rewritten for clarity and include provisions for nonconforming uses, structures, site characteristics, lots, and signs. The updated provisions should clearly spell out what types of changes and/or alterations are permissible. The following are the types of nonconformities that would be addressed.

- **Nonconforming use.** The current Code contains typical controls for nonconforming uses, such as the 12 month abandonment clause for no longer allowing the use to continue. However, the current Code does include a provision in which the destruction of the structure by 75% or more would also terminate the nonconforming uses. It is not recommended to tie a nonconforming use to a structure and therefore it is proposed to eliminate this provision.
  - o Because of Dubuque's history, the City has a number of residential uses located within districts that are not allowed by the district. To acknowledge this natural mixed-use environment, it is proposed to deem existing residential structures conforming in order to take them out of nonconforming status. With conforming status, this would minimize the issues created by nonconformities in terms of financing or selling these homes. If such structure is damaged or destroyed through no fault of the property owner or tenant, it would be able to be repaired or reconstructed to its original condition. However, once such structure is purposefully demolished by the owner or is converted to a dwelling type allowed in the district, this deemed conforming provision is no longer valid
- **Nonconforming structure.** Currently nonconforming structures require compliance when over 75% of the structure is destroyed with the exception of residential structures, which can be rebuilt. This should be maintained.
  - o One flexibility that should be included is for detached garages that are nonconforming due to their location on the lot. As of the effective date of the Code, existing detached garages should be allowed to be replaced in their existing location. Such replacement garages cannot exceed the previous garage footprint or total square footage of the previous garage.
- **Nonconforming site characteristic.** A nonconforming characteristic of use is a useful category of nonconformity and should be maintained. It is recommended to rename it "nonconforming site characteristic" to prevent any confusion with use controls.
- **Nonconforming lot.** For nonconforming lots, any use allowed within the district should be allowed on such lot, meeting all requirements except for the nonconforming lot width and/or area standard.
- **Nonconforming sign.** Current standards are generally in line with those seen in other cities. The current damage percentage (75%) is slightly higher than the typical 50%; a reduction should be considered in order to more quickly bring signs into conformance.



**A permitted horizontal or vertical expansion for nonconforming single-family and two-family homes can be added to the Code.**

The Code can also allow nonconforming walls of existing single-family and two-family dwellings that are nonconforming in terms of the encroachment of the side or rear wall into a required setback to be extended. This type of provision is very useful in allowing additions to existing homes, as it encourages continued investment in existing older neighborhoods, preserves the existing housing stock, and is a way to reward property owners who continue to invest in their homes, particularly older homes. Where a dwelling is deemed nonconforming because of encroachment into the required interior side or rear setback, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by its existing perimeter walls, so long as the resulting structure does not create other nonconformities or otherwise violate district standards. This provision would also allow for replacement of current additions that extend into the setback, which the owner would like to replace/reconstruct.







## XI. SUBDIVISION

---

Generally, the subdivision regulations are in line with typical subdivision procedures. The following more detailed observations would help to clarify existing standards.

- In the Fringe Area Development Standards there is an “Exception of Specific Subdivision Requirements.” As stated this seems to apply only to the Fringe Area but it is understood in practice that this applies to all subdivisions. This should be clearly stated.
- Codify City policy governing the payment responsibilities, timing, and procedures for off-site improvements required as a condition of development approval for site plans and subdivision plats.
- It appears that that the sustainable subdivision points system required for all major subdivisions is working. During drafting, this section will be reviewed for clarity and enhanced with any appropriate additional criteria.
- There are currently three types of specific subdivisions. The following revisions are proposed:
  - o Conservation: The standards for this type of subdivision seem to be in line with how these types of subdivisions are controlled. There is the ability to simplify and clarify this process. No substantive changes are proposed.
  - o Solar: This type of subdivision has not been used. It is proposed to eliminate it as a type of subdivision and incorporate the standards in the sustainable subdivision points system.
  - o Cottage: As discussed earlier in this Report, it is proposed to replace this type of subdivision with the “cottage court development” use that would function as a development form within neighborhoods.