

## ORDINANCE NO. 03-O-2020-2021

### ORDINANCE AMENDING CHAPTER 5-10 OF TITLE V OF THE CITY CODE OF THE CITY OF STORM LAKE, IOWA, TITLED "PROPERTY MAINTENANCE CODE," TO REVISE REQUIREMENTS RELATING TO THE PAVING OF VEHICLE PARKING AREAS

WHEREAS, the City Council of the City of Storm Lake, Iowa, has determined that Section 5-10-7 of Chapter 5-10 in Title V of the City Code of the City of Storm Lake, Iowa should be amended to provide for a limited exception to the requirement that all off-street vehicular parking areas be hard surfaced.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Storm Lake, Iowa, as follows:

Section 1. Chapter 5-10 in Title V of the City Code of the City of Storm Lake, Iowa, is hereby amended as follows:

a. Section 5-10-7(D)(1), captioned, "Definitions," is amended to insert the following two new definitions between the definition for "Non-Hard-Surfaced driveway" and the definition for "Approach":

Hard-surfaced parking area, as used in Section 5-10-7(D)(8), shall mean any vehicle parking area that is paved with a hard surface, including concrete, asphalt, or paving stones, installed and maintained according to City specifications.

Alternate material, as used in Section 5-10-7(D)(8), shall mean a material, other than concrete, asphalt, or paving stones, which, under the Statewide Urban Design and Specifications (SUDAS), is authorized or suitable for the construction of a vehicle parking area that is not a hard-surfaced parking area.

b. Section 5-10-7(D)(8) is deleted and, in lieu thereof, the following new Section 5-10-7(D)(8) is inserted:

8. Any vehicle parking area constructed after the adoption of this Ordinance shall be a hard-surfaced parking area except, under the conditions specified below in this Section 5-10-7(D)(8), a vehicle parking area may be constructed of an alternate material, which parking area may remain in place for a period of not more than three years from the date of the City-issued permit authorizing the construction of the vehicle parking area using such alternate material; provided, however, that, by the end of such three-year period, one hundred percent of the area covered by the parking area made of an alternate material shall be constructed, re-constructed or converted into a hard-surfaced parking area. All of the following conditions must be satisfied before the use of an alternate material in the construction of a vehicle parking area is authorized for a three-year period under the provisions of this section:

(a) The parking area to be constructed will be situated on one or more real

estate lots located in a Community Commercial Zoning District;

(b) The parking area will serve a business operated in a building situated on the same real estate lot or on an abutting real estate lot or lots;

(c) If the parking area is to be constructed on one or more real estate lots abutting the real estate lot or lots on which the building housing the business is situated, the abutting real estate lots on which the building housing the business is situated and on which the parking area is to be constructed are under common ownership and the owner, for himself, herself, or itself, and for the owner's successors in interest, agrees in an instrument approved by the Enforcement Officer and filed of record in the Buena Vista County, Iowa Recorder's office that such abutting real estate lots will remain under common ownership in perpetuity and will only be transferred together, as if the real estate lots comprised but one real estate lot, unless and until the City agrees otherwise in a written instrument recorded in the office of the Buena Vista County, Iowa Recorder;

(d) Each building housing such business is a nonconforming structure that nonetheless is permitted to exist under the City of Storm Lake's zoning code;

(e) The use of such building or buildings must be a conforming retail use under the City of Storm Lake's zoning code;

(f) The business is not required by the City's zoning code to have off-street parking but off-street parking needs to be constructed for the convenience of the patrons of such business, the safety of the public, or both;

(g) The parking area design satisfies the requirements of the Americans with Disabilities Act and the post-construction storm water provisions of the City Code;

(h) The construction of the parking area is authorized by the issuance of a permit as provided herein.

As used in the above-listed conditions, the term "business" includes any authorized retail use.

The failure of the owner of the real estate lot or lots who applies for the permit required in this Section 5-10-7(D)(8) or any subsequent owner of such real estate lot or lots to timely complete construction of the hard-surfaced parking area as required in this Section 5-10-7(D)(8), after the construction or partial construction of a parking area using an alternate material on such real estate lot or lots, shall constitute a municipal infraction punishable by a civil penalty of \$250.00. Each day that construction of the hard-surfaced parking area is not completed after the three-year period specified above shall constitute a separate and distinct infraction. The provision of Section 5-10-8(A), the abatement provisions contained in the second sentence of Section 5-10-8(B), captioned "INSPECTIONS, the provisions of Section 5-10-8 Paragraphs (C), captioned "VOLUNTARY ABATEMENT," (D), captioned "EMERGENCY CONDITION," (E), captioned "REPEAT OFFENSE," (F), captioned "NOTICE," (G), captioned "ABATEMENT REMEDIES AND PENALTIES, and (H), captioned "EMERGENCY ABATEMENT PROCEDURE," and the powers of the Property Maintenance Appeal Board enumerated in subparagraphs 2 and 3 of Section 5-10-8 Paragraph I,

captioned "APPEAL," shall not apply to municipal infractions arising under this Section 5-10-7(D)(8). The Enforcement Officer shall file a notice, in affidavit form, in the Buena Vista County, Iowa Recorder's office before the transfer of a real estate lot or lots on which a parking area is constructed or partially constructed using an alternate material pursuant to this Section 5-10-7(D)(8), which notice shall set forth:

(aa) The legal description of such real estate lot or lots;

(bb) The fact that Section 5-10-7(D)(8) of the Storm Lake City Code requires the construction of a hard-surfaced parking area in compliance with the City's design standards and specifications on such real estate lot by a date to be specified in the affidavit, which date shall be three years from the date of the City-issued permit for the construction of the parking area using an alternate material;

(cc) The fact that any owner of such real estate lot is subject to the requirement to complete the construction of the hard-surfaced parking area if it has not been completed by a prior owner;

(dd) The fact that failure to timely complete the construction of the hard-surfaced parking area is a municipal infraction punishable by a civil penalty of \$250.00 for each infraction and that each day that such construction is not completed after the three-year period specified in the affidavit shall constitute a separate and distinct infraction;

(ee) The fact that the affidavit is made pursuant to Section 5-10-7(D)(8) of the City Code of the City of Storm Lake, Iowa.

(ff) The name and title of the Enforcement Officer making the affidavit.

Upon a determination by the Enforcement Officer that the hard-surfaced parking area has been completed, the Enforcement Officer shall file an affidavit with the Buena Vista County Recorder describing the real estate upon which the hard-surfaced parking area was constructed, referencing the Notice described above to which the affidavit relates by the date of the recording of the Notice and the document number of the Notice assigned by the Recorder, setting forth the fact that the hard-surfaced parking area was completed and the date of such completion.

Before beginning construction of a parking area pursuant to the provisions of this Section 5-10-7(D)(8), the owner of a real estate lot or lots desiring to construct a parking area thereon using an alternate material shall apply to the City of Storm Lake in writing on a City-approved form for a permit to do so. The application shall be submitted to the City Clerk. The application shall include a description of the design of the parking area using an alternate material and a description of the design of the hard-surfaced parking area that will be developed within the three-year period specified herein, as well as such other information the City deems relevant to the City's determination whether or not to issue the permit. The Enforcement Officer shall issue a permit if the City determines that the conditions specified in subparagraphs (a) through (g) of this Section 5-10-7(D)(8) are satisfied.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this

ordinance are hereby repealed.

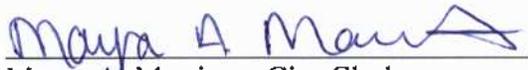
Section 3. This ordinance shall be in effect following its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 12th day of December, 2020.



Michael Porsch, Mayor

ATTEST:

  
Mayra A. Martinez, City Clerk