



## Planning & Zoning Commission

COMMUNITY DEVELOPMENT DEPARTMENT

August 11, 2008 Meeting

SUBJECT: Consider Ordinance 789 amending Chapter 166.35 of the Johnston Revised Ordinances of 2007 regarding architectural standards for structures abutting or within 300 feet of Merle Hay Road, NW 86<sup>th</sup> Street and NW 62<sup>nd</sup> Avenue.

**SYNOPSIS:**

The architectural standards of Chapter 166.35 of City Ordinance require nonresidential buildings abutting Merle Hay Road, NW 86th Street, and NW 62nd Avenue be designed with brick constituting at least 50 percent of the wall area that faces the arterial street.

At the July 14<sup>th</sup> and 30<sup>th</sup> P&Z meetings, the Commission discussed possible changes to Chapter 166.35 of City Ordinance to allow the use of stone in lieu of/in combination with brick. The Commission directed staff to draft language allowing stone in lieu of brick on a case-by-case basis. The amended ordinance language as presented to the P&Z Commission is included below. At least one Commission member requested this language be expanded to include other forms of masonry in addition to stone.

The City Council discussed the proposed changes at the August 4<sup>th</sup> City Council meeting and considered amending the ordinance to allow stone. The Council also debated the merits of expanding the list of acceptable materials to include other masonry products. Council directed staff to proceed with initiating an ordinance amendment as worded below.

**PROPOSED  
AMENDMENT  
(CHANGES  
UNDERLINED):**

Nonresidential Buildings Abutting Merle Hay Road, NW 86th Street, and NW 62nd Avenue. In order to achieve continuity along these arterial street corridors, buildings abutting or within 300 feet of these arterial streets shall be designed in conformance with paragraph C and in addition, shall have brick constitute at least 50 percent of the wall area that faces the arterial street, excluding glass. Stone may be substituted for, or used in combination with, brick to meet the above-listed requirement. Such substitutions must be aesthetically comparable to, and exhibit the same characteristics of material permanency as, the use of brick. Approval of substitutions as described above will be considered on a case-by-case basis subject to review of the Planning and Zoning

Commission and City Council.

RECOMMENDATION:

Staff recommends approval and provides the following motion for the commission's consideration:

**The Planning & Zoning Commission recommends approval of PZ Case No. 08-35, amending Chapter 166.35 of the Johnston Revised Ordinances of 2007 regarding architectural standards for structures abutting or within 300 feet of Merle Hay Road, NW 86<sup>th</sup> Street and NW 62<sup>nd</sup> Avenue.**

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Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ to recommend approval of PZ Case No. 08-35.

Attachments: Chapter 166.35 with changes underlined  
Ordinance 789

ORDINANCE NO.789

**AN ORDINANCE AMENDING CHAPTER 166.35 OF THE JOHNSTON REVISED ORDINANCES OF 2007 REGARDING ARCHITECTURAL STANDARDS FOR STRUCTURES ABUTTING OR WITHIN 300 FEET OF MERLE HAY ROAD, NW 86<sup>TH</sup> STREET AND NW 62<sup>ND</sup> AVENUE**

**Be It Enacted by the City Council of the City of Johnston, Iowa that:**

**SECTION 1. PURPOSE.** The purpose of this ordinance is to amend chapter 166.35 of the Johnston Municipal Code.

**SECTION 2. AMENDMENT.** Chapter 166.35.2.D. is hereby deleted and replaced with the following:

D. Nonresidential Buildings Abutting Merle Hay Road, NW 86th Street, and NW 62nd Avenue. In order to achieve continuity along these arterial street corridors, buildings abutting or within 300 feet of these arterial streets shall be designed in conformance with paragraph C and in addition, shall have brick constitute at least 50 percent of the wall area that faces the arterial street, excluding glass. Stone may be substituted for, or used in combination with, brick to meet the above-listed requirement. Such substitutions must be aesthetically comparable to, and exhibit the same characteristics of material permanency as, the use of brick. Approval of substitutions as described above will be considered on a case-by-case basis subject to review of the Planning and Zoning Commission and City Council.

**SECTION 4. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

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

Passed and approved by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2008.

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PAULA DIERENFELD, MAYOR

ATTEST:

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CYNDEE RHAMES, CITY CLERK

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
3rd Reading: \_\_\_\_\_

Passed: \_\_\_\_\_  
Signed: \_\_\_\_\_  
Published: \_\_\_\_\_

<u>ROLL CALL VOTE:</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Clabaugh	___	___	___	___
Culbert	___	___	___	___
Hibbs	___	___	___	___
Kallen	___	___	___	___
Tingley	___	___	___	___