

**ORDINANCE NO. 6399**

**AN ORDINANCE TO AMEND CHAPTER 15.27 ZONING DISTRICTS OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.27.010 "ZONING DISTRICTS" TO INCLUDE MCR/MIXED COMMERCIAL RESIDENTIAL DISTRICT.**

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

**SECTION 1.** That Chapter 15.27 Zoning Districts of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by amending Section 15.27.010 "Zoning Districts" to include MCR/Mixed Commercial Residential District read as follows:

15.27.010 - Zoning districts.

For the purposes of this ordinance, the city is divided into zoning districts as outlined below:

- A. Open Space/Recreation Districts:
  - A-1 Open Space Conservation District
  - A-2 Parks, Estates and Agricultural District
  - A-3 Riverboat Docking District
- B. Residential Districts:
  - R-1E Single Family Residential Estates District
  - R-1 Single-Family Residential District
  - R-1M Single-Family Mobile Home Residential District
  - R-2 Two-Family Residential District
  - R-3 Low Density Multi-Family Residential District
  - R-4 High Density Multi-Family Residential District
- C. Commercial Districts:
  - MCR Mixed Commercial Residential District
  - A-P Administrative-Professional District
  - C-1 Neighborhood Commercial District
  - C-2 General Commercial District
  - C-3 Central Business District

C-4 Downtown Business District

P-C Planned Commercial District

D. Industrial Districts:

I-1 Light Industrial District (All references to the WM District within this ordinance shall be referred to as the I-1 District)

I-2 General Manufacturing District (All references to the GM District within this ordinance shall be referred to as the I-2 District)

I-3 Heavy Industrial District

P-I Planned Industrial District

E. Overlay Districts:

PR Planned Residential District

RO Recreation-Tourism District

AZ Airport Hazard District

CDO Corridor Design Overlay District

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND  
APPROVED

September 9, 2019.

  
\_\_\_\_\_  
MATTHEW J. WALSH Mayor

Attest:

  
\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

First Consideration: 8-26-19  
Second Consideration: 9-9-19  
Public Hearing: 9-9-19  
Third Consideration: Waived

Case #ZT-19-005

**Council Communication**

Department: City Clerk  
Case/Project No.: ZT-19-005  
Submitted by: Community Development

Ordinances 6398, 6399 & 6400  
ITEM 4.B.

Council Action: 9/9/2019

**Description**

Ordinances to amend several sections of Title 15 "Zoning" by enacting Chapter 15.12 "MCR/Mixed Commercial Residential District;" by amending Chapter 15.27 "Zoning Districts" to add "MCR/Mixed Commercial Residential District" as a new commercial district; and by amending Chapter 15.33 "Signs" to establish sign standards for the MCR/Mixed Commercial Residential District.

**Background/Discussion**

See attachments.

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
ZT-19-005 Staff Report	Other	8/16/2019
ZT-19-005 Attachment A	Code Section	8/16/2019
ZT-19-005 Attachment B	Code Section	8/16/2019
ZT-19-005 Attachment C	Code Section	8/16/2019
ZT-19-005 Attachment D	Other	8/16/2019
ZT-19-005 Public Hearing Notice	Other	8/16/2019
Ordinance 6398	Ordinance	8/20/2019
Ordinance 6399	Ordinance	8/20/2019
Ordinance 6400	Ordinance	8/20/2019

### Council Communication

Department: Community Development  Case #ZT-19-005  Applicant: Community Development Department	Ordinance No.	City Council: 08/26/19  Public Hearing: 09/09/19  Planning Commission: 08/13/19
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#### Subject/Title

Request: Amend several sections of Title 15: Zoning of the Municipal Code (Zoning Ordinance) by enacting Chapter 15.12 MCR/Mixed Commercial Residential District; amending Chapter 15.27, Zoning Districts to add "MCR/Mixed Commercial Residential District" as a new commercial district; and amending Chapter 15.33, Signs, to establish sign standards for the MCR/Mixed Commercial Residential District.

#### Background/Discussion

The Community Development Department is proposing the following amendments to Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance):

1. Enacting Chapter 15.12 MCR/Mixed Commercial Residential District, which intended is *"to encourage an urban pattern of development characterized as "mixed-use" in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project"*.

A synopsis of the MCR District includes:

- a. A list of principal and conditional land uses that are appropriate within MCR District;
- b. Site development standards that require buildings to be constructed within 10 feet of a property line which abuts a public or private street, and a minimum density of 40 residential units per acre;
- c. Architectural design standards that require the following:
  - i. Building facades that are constructed with architectural details such as color changes, material changes, wall offsets, height variations, wall setbacks, accent lines, and upper floor step backs to articulate building elevations. Blank walls that are void of any architectural details are not permitted;
  - ii. Building façade walls that are constructed out of high quality durable materials (e.g., cast stone, fire-clay brick, burnished or split-face CMU, transparent glass, pre-cast concrete with an approved finished treatment, etc.). Complimentary building materials such as fiber cement board, EIFS/stucco, or wood siding may be allowed on less prominent areas of the building and cannot comprise more than 40% of the total gross square footage of all building elevations;
  - iii. Roofs shall be generally flat and concealed by use of a parapet wall or other architecture

features; however, curved or pitched roofs may be on portions of a building as an architectural accent and not as the primary roof design; and  
iv. Accentuated building entrances for street facing building facades.

- d. Landscaping standards that all require all disturbed areas on a development site that are not used for buildings, structures, paving or impervious surfaces must be planted with trees, shrubs, and/or grasses in accordance with the adopted development plan. Developers are also required to plant street trees within the public rights-of-way adjacent to their development site(s);
- e. Exterior lighting standards that accommodates both vehicular and pedestrian traffic;
- f. Minimum and maximum off-street parking requirements for multi-family residential and mixed commercial residential uses, as well as, standards for providing bicycle parking and on-street parking;
- g. Pedestrian facilities standards that require building entrances to be connected to adjacent sidewalks;
- h. Screening requirements for roof-top mechanical units, exterior dumpsters, loading/unloading areas, ground mounted HVAC units, etc.;
- i. Stormwater detention being installed underground as opposed to above ground, unless it's designed as a site amenity;
- j. All development shall provide a minimum of 50 square feet of site amenity space (e.g., balconies, pools, recreational areas, etc.) per dwelling unit; and
- k. Development plan review procedures that includes language to allow the Community Development Director administrative authority to make minor amendments to an adopted development plan.

- 2. Amending Chapter 15.27, Zoning Districts, to add the MCR/Mixed Commercial Residential District as a new commercial zoning district; and
- 3. Amending Chapter 15.33, Signs, to require that all signage in an MCR/Mixed Commercial Residential District be subject to development plan approval.

The following attachments are included with this report:

Attachment A: Proposed Chapter 15.12 MCR/Mixed Commercial Residential District

Attachment B: Proposed text amendment for Chapter 15.27, Zoning Districts

Attachment C: Proposed text amendment for Chapter 15.33, Signs relative to the MCR District

Attachment D: Representative building examples in Council Bluffs and Omaha.

#### Comments

All City Departments and local utility providers were notified of the proposed text amendment change, with no adverse comments being received.

The Community Development Department has the following comments for the proposed text amendments:

- 1. The MCR District is intended to maximize the use of public and private resources by locating higher density developments within areas of the City that have existing infrastructure, and access to public transportation, employment, commercial/retail establishments, schools, and other supportive services. Areas of the City that are most appropriate to be zoned MCR District include, but are not limited to, the City-owned properties within the West Broadway Corridor, Downtown Council Bluffs and periphery areas, the Mall of Bluffs, and the riverfront.
- 2. Most multi-family residential developments within the City of Council Bluffs are located within the R-3/

Low Density Multi-Family Residential District and the R-4/High Density Multi-Family Residential District. Both of these zoning districts serve a meaningful purpose for providing multi-family residential housing in the community; however, they place a maximum threshold for the number of dwellings units allowed on a property based on square footage of the land. This approach is well suited for suburban type development where infrastructure has to be extended, personal automobiles are the primary mode of transportation, and there are no commercial/retail/supportive services within a reasonable walking distance from the development site. The proposed MCR District takes the opposite approach and requires a minimum of 40 units per acre, which results in higher density development that allows developers to maximize their return on investment and provide more housing opportunities in areas of the City with existing resources to support the development. The higher density also allows the City to capture a higher amount of property taxes with minimal need for utility extensions and/or other public improvements.

3. The MCR District features some form-based zoning code principles as well as performance based standards to ensure development sites are designed to be aesthetically pleasing, provide opportunities for human interactions on adjacent rights-of-way, limit the placement of parking lots to the sides and rears of buildings, and create additional opportunities for multiple modes of transportation (e.g., transit, automobiles, bicycles). The City of Council Bluffs and City of Omaha have several representative examples of the type of development that is appropriate for the MCR District (see Attachment D).
4. The MCR District requires that City Council review and adopt a development plan concurrent with a rezoning request, which allows the public an opportunity to participate in the discussion of each new development proposal in this District.

#### **Recommendation**

The Community Development Department recommends approval to amend several sections of Title 15: Zoning of the Municipal Code (Zoning Ordinance) by enacting Chapter 15.12 MCR/Mixed Commercial Residential District; amending Chapter 15.27, Zoning District to add 'MCR/Mixed Commercial Residential District' as a new commercial district; and amending Chapter 15.33, Signs, to establish sign standards for the MCR/Mixed Commercial Residential District, based on reasons stated above.

#### **Public Hearing**

Staff speaker for the request:

1. Brandon Garrett, Community Development Director, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Coordinator, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers against: None

#### **Planning Commission Recommendation**

The Planning Commission recommends approval to amend several sections of Title 15: Zoning of the Municipal Code (Zoning Ordinance) by enacting Chapter 15.12 MCR/Mixed Commercial Residential District; amending Chapter 15.27, Zoning Districts to add "MCR/Mixed Commercial Residential District" as a new commercial district; and amending Chapter 15.33, Signs, to establish sign standards for the MCR/Mixed Commercial Residential District, as per staff's recommendation.

VOTE: AYE 7    NAY 0    ABSTAIN 0    ABSENT 4    VACANT 0    Motion: Carried

**Attachments**

- Attachment A: Proposed Chapter 15.12, MCR/Mixed Commercial Residential District  
Attachment B: Proposed text amendment for Chapter 15.27, Zoning Districts  
Attachment C: Proposed text amendment for Chapter 15.33, Signs relative to the MCR District  
Attachment D: Representative building examples in Council Bluffs and Omaha.

Prepared by: Christopher N. Gibbons, Planning Coordinator

**Chapter 15.27 - ZONING DISTRICTS<sup>(4)</sup>**

**Sections:**

**Footnotes:**

— (4) —

**Editor's note**— Ord. No. 6012, § 3, adopted Oct. 27, 2008, repealed the former Ch. 15.27, §§ 15.27.010—15.27.070, and enacted a new Ch. 15.27 as set out herein. The former Ch. 15.27 pertained to board of adjustment and derived from Ord. No. 5315, § 5 (part), adopted 1997.

**15.27.010 - Zoning districts.**

For the purposes of this ordinance, the city is divided into zoning districts as outlined below:

**A. Open Space/Recreation Districts:**

A-1 Open Space Conservation District

A-2 Parks, Estates and Agricultural District

A-3 Riverboat Docking District

**B. Residential Districts:**

R-1E Single Family Residential Estates District

R-1 Single-Family Residential District

R-1M Single-Family Mobile Home Residential District

R-2 Two-Family Residential District

R-3 Low Density Multi-Family Residential District

R-4 High Density Multi-Family Residential District

**C. Commercial Districts:**

MCR Mixed Commercial Residential District

A-P Administrative-Professional District

C-1 Neighborhood Commercial District

C-2 General Commercial District

C-3 Central Business District

C-4 Downtown Business District

P-C Planned Commercial District

**D. Industrial Districts:**

I-1 Light Industrial District (All references to the WM District within this ordinance shall be referred to as the I-1 District)

## Representative Building Examples in Council Bluffs and Omaha

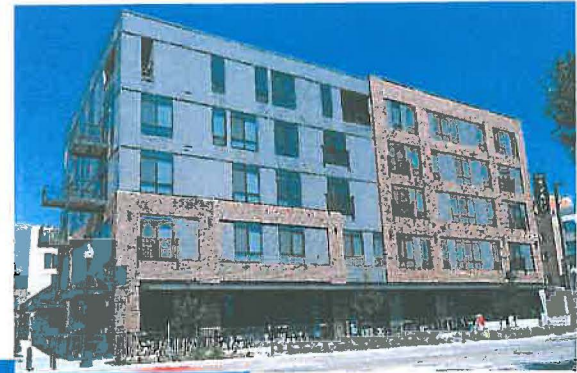


The Rise at 103 W. Broadway



The Sawyer Building at 125 W. Broadway

The Yard at 415 Cuming Street



Townhomes on South 10<sup>th</sup> Street

Dundee Flats at 4829 Dodge Street



# Proof Of Publication

State of Iowa

Pottawattamie County

## NOTICE OF PUBLIC HEARING

### TO WHOM IT MAY CONCERN:

A public hearing is to be held by the City Council of the City of Council Bluffs, Iowa, on the 9th day of September, 2019 at 7:00 p.m. in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

The hearing is in regards to the City's intent to amend several sections of Title 15: Zoning of the Municipal Code (Zoning Ordinance) by enacting Chapter 15.12 MCR/Mixed Commercial Residential District; amending Chapter 15.27, Zoning Districts to add "MCR/Mixed Commercial Residential District" as a new commercial district; and amending Chapter 15.33, Signs, to establish sign standards for the MCR/Mixed Commercial Residential District, 2019(9)1-1 Sunday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 01st day of September, 2019.

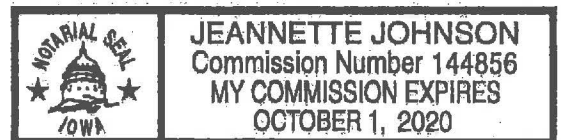
Signed in my presence by the said Tom Schmitt and by her sworn to before me this 1st day of September, A.D. 2019.

  
Tom Schmitt  
Daily Nonpareil Publisher

  
Jeannette Johnson  
Notary Public

Filed this 1st day of September, A.D. 2019.

Publication Cost: \$11.78



Customer Number: 1003258  
Order Number: 0000074447

# Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6399

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SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED AND APPROVED September 9, 2019.

MATTHEW J. WALSH Mayor

Attest: JODI QUAKENBUSH City Clerk

First Consideration: 8-26-19  
Second Consideration: 9-9-19  
Public Hearing: 9-9-19  
Third Consideration: Waived  
2019(9)18-1 Wednesday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 18th day of September, 2019.

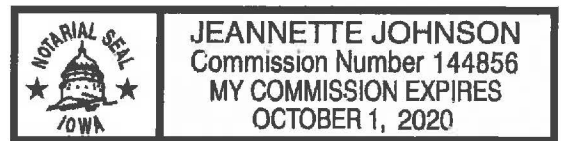
Signed in my presence by the said Tom Schmitt and by her sworn to before me this 18th day of September, A.D. 2019.

  
Tom Schmitt  
Daily Nonpareil Publisher

  
Jeannette Johnson  
Notary Public

Filed this 18th day of September, A.D. 2019.

Publication Cost: \$50.63



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