

**ORDINANCE NO. 6483**

**AN ORDINANCE TO AMEND CHAPTER 15.28 “P-R/PLANNED RESIDENTIAL OVERLAY” OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.28.010; SECTION 15.28.020; SECTION 15.28.060; SECTION 15.28.070 AND SECTION 15.28.080 AND BY REPEALING SECTION 15.28.030; SECTION 15.28.040 AND SECTION 15.28.050 AND REPLACING THOSE WITH NEW SECTION 15.28.030 “PERMITTED LAND USES AND SITE DEVELOPMENT REGULATIONS; NEW SECTION 15.28.040 “ADDITIONAL REGULATIONS” AND NEW SECTION 15.28.050 “ESTABLISHMENT OF A PLANNED RESIDENTIAL OVERLAY”.**

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

**SECTION 1.** That Chapter 15.28 “P-R/Planned Residential Overlay” of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended to read as follows:

**Chapter 15.28 - PR/PLANNED RESIDENTIAL OVERLAY**

15.28.010 Statement of Intent

15.28.020 Applicability

15.28.030 Permitted Land Uses and Site Development Regulations

15.28.040 Additional Regulations

15.28.050 Establishment of a Planned Residential Overlay

15.28.060 Development Plan Review Procedure

15.28.070 Development Plan Completion

15.28.080 Termination of the Planned Residential Overlay

**15.28.010 Statement of Intent**

The Planned Residential Overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone would not be inconsistent with the comprehensive plan or harmful to the surrounding neighborhoods. The PR Overlay is intended to:

- A. Provide for innovative and imaginative development through flexibility in subdivision and site layout, placement of buildings, a variety of housing types, efficient diversification of land uses, alternative modes of transportation, pedestrian and vehicular interconnections, use of open space, conservation of natural habitats and wildlife, and related architectural design, off-street parking and signage considerations;
- B. Increase and diversify the city’s housing stock;
- C. Encourage the preservation and use of existing landscape features;
- D. Promote efficient land use and infrastructure with smaller networks of utilities and streets;
- E. Promote an attractive and safe living environment which is compatible with surrounding residential developments;
- F. Provide an alternative method for redeveloping older residential areas and to encourage infill development.

(Ord. 5309 § 1 (part), 1996)

**15.28.020 Applicability**

- A. A PR Overlay may be applied to all residential zoning districts, except the R-1M/Single-Family Manufactured Housing District, and the A-P/Administrative-Professional District.
- B. PR-1 Overlay (General Master Planned Development). The PR-1 Overlay is intended for general master planned development. The minimum tract of land considered for a PR-1 Overlay shall be one and a half (1 ½) acres.
- C. PR-2 Overlay (Site-Specific Infill Development). The PR-2 Overlay is intended for site-specific infill development. A PR-2 Overlay may be applied to any property, or combination of contiguous properties owned by the same person or entity, that contain a maximum of one and one-half (1 ½) acres of total land area; however, at least one of the following shall be included within the development:
  - 1. A minimum of two (2) residential structures.
  - 2. A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.
  - 3. A minimum of one (1) mixed commercial-residential structure.
- D. All PR Overlays existing prior to the effective date of this ordinance shall continue to be governed by all applicable conditions of the adopted development plan on the subject property.

**15.28.030 Permitted Land Uses and Site Development Regulations**

- A. All site development regulations and land uses established as part of an adopted development plan shall supersede those of the underlying zoning district.
- B. Land uses. Residential uses as identified in this Section shall comprise the majority of the land area and building square footage for any development. All uses identified in this Section as 'Commercial' or 'Other' shall be clearly subordinate to the overall residential development. The following land uses shall be allowed in a PR Overlay:
  - 1. Residential.
    - a. Dwelling, single-family attached;
    - b. Dwelling, single-family detached;
    - c. Dwelling, multifamily;
    - d. Dwelling, townhome;
    - e. Dwelling, two-family;
    - f. Congregate housing, life care facility, or nursing home;
    - g. Family home;
    - h. Group care home.
  - 2. Commercial.
    - a. Automobile service establishment (limited to the following):
      - (1) Car wash;
      - (2) Convenience grocery store with retail gasoline sales;
      - (3) Electric vehicle charging station;
    - b. Boarding, lodging rooming house, or bed and breakfast;

- c. Business, professional office;
- d. Business service establishment;
- e. Club or lodge;
- f. Commercial recreation (indoor and outdoor)
- g. Commercial storage (only allowed in the PR-1 Overlay, as further limited by Section 15.28.040)
- h. Consumer service establishment;
- i. Day care services (as further limited by CBMC 15.28.040);
- j. Financial service;
- k. Hotel/motel;
- l. Mixed commercial/residential structure;
- m. Newspaper printing;
- n. Pawn shop;
- o. Restaurants (drive-in/fast food, limited and general);
- p. Retail shopping establishment
- q. Storage yard (only allowed in the PR-1 Overlay, as further limited by CBMC 15.28.040)
- r. Tattoo parlor;
- s. Tavern (as limited by Section 15.28.040).

3. Other.

- a. College or universities;
- b. Community recreation services;
- c. Cultural service;
- d. Funeral service;
- e. General government use;
- f. Governmental maintenance facility;
- g. Hospital;
- h. Local utility services;
- i. Park and recreation services;
- j. Private parking lot;
- k. Public parking lot;
- l. Public safety services;
- m. Religious assembly;
- n. School;
- o. Small alcohol production facility (as limited by Section 15.28.040);
- p. Veterinary service.

- C. Site development regulations. Site development standards shall be established as part of an adopted development plan and shall include, but not be limited to, the following: minimum lot size, setbacks and building placement, height, lot coverage, signage, off-street parking, block design, architecture, landscaping, streetscapes, pedestrian facilities, screening, utilities, outdoor lighting, fencing and site amenities.

#### **15.28.040 Additional Regulations**

- A. Storage Uses. Storage uses shall only be allowed in a PR-1 Overlay, and shall be limited to a combined maximum of five percent of the land area designated as commercial within the development. The following storage use regulations shall apply to all storage uses:
  - 1. Commercial storage facilities and storage yards shall be owned and operated by a homeowner's association or management group for the overall development.
  - 2. Storage yards shall be limited to the exterior storage of operable vehicles, including trucks, recreational vehicles, as defined in CBMC 15.03.585, and vessels, as defined in CMBC 15.03.586, and trailers on designated parking spaces. Exterior storage of junk, wrecked, or inoperable vehicles, equipment, and other materials shall not be allowed.
  - 3. Outdoor storage areas shall be completely screened from view at or beyond the property line and shall be designed as a part of the overall development.
- B. No tavern or small alcohol production facility shall be located within two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.
- C. In-home day care services shall be subject to approval of a conditional use permit as set forth in CMBC 15.02.090.

#### **15.28.050 Establishment of Planned Residential Overlay**

- A. Procedure. All requests to establish a planned residential overlay shall be considered by the City Planning Commission and the City Council in the same manner as a rezoning request, as set forth in CMBC 15.02.070

#### **15.28.060 Development Plan Review Procedure**

- A. Procedure. All requests to adopt a planned residential development shall be considered by the City Planning Commission and the City Council in the same manner as a rezoning request, as set forth in CMBC 15.02.070, except as stated below.
- B. Application. A development plan shall be submitted to the Community Development Department, along with a filing fee as specified by this title. Upon application submittal, the development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the Community Development Department:
  - 1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame and phasing;
  - 2. The development name and legal description of the boundary;
  - 3. A north arrow, scale, bar scale and date;
  - 4. The names and addresses of the owner, and the architect or engineer preparing the plan;
  - 5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;
  - 6. All established floodway or floodway fringe encroachment limits;
  - 7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;
  - 8. Location and size of any sites to be considered for dedication to public use;

9. Layout, numbers and dimensions of proposed lots;
  10. The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
  11. The location and width of other public ways, railroad rights-of-way, utility and all other easements, existing or proposed within the development and within two hundred (200) feet;
  12. Existing and proposed contour intervals of not more than five feet;
  13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
  14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, landscaping, screening and fencing;
  15. Design, location and size of signage to be installed as part of the proposed development;
  16. A photometric plan which shows proposed light pole height, materials and height, light fixture type and design, and other outdoor lighting considerations;
  17. Location and area proposed as open space;
  18. The number of dwelling units proposed for the development and the general arrangement of buildings; and
  19. Architectural drawings, renderings, or other visual documents which illustrate the proposed building design(s).
- C. Review by Community Development Department. The Community Development Director shall determine the adequacy and completeness of the development plan application. The Community Development Director may require additional information prior to scheduling review by the City Planning Commission. The application shall be accompanied by one (1) electronic copy and one (1) paper copy (minimum size: 11 in. x 17 in.) of the preliminary development plan for the entire development.
- D. Review by the City Planning Commission. The City Planning Commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements as set forth, the Commission in recommending approval of the proposed development plan may recommend certain conditions to be attached to such use which the Commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, and required screening and landscaping where necessary to reduce noise and glare, and designation and responsibility for maintenance of the property.
- E. Review by City Council. After review of the development plan by the City Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may take action on the plan. Approval of the development plan shall be by City Council resolution.

- F. Building Permit Review. The Community Development Director shall review all grading, building, and public works construction permits for compliance with the approved development plan. No grading, building, or public works construction permit shall be issued if determined by the Community Development Director to be inconsistent with the approved development plan. However, the Community Development Director shall have the authority to approve minor changes to the development plan. If the Community Development Director determines that major changes are requested, review and approval by the City Planning Commission and City Council shall be required.
- G. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion of the Community Development Director.

(Ord. 5309 § 1 (part), 1996)

**15.28.070 Development Plan Completion**

If the improvements identified in the development plan have not been completed within three years from the date of the City Council approval, the development plan shall be void unless an extension of time has been granted prior to the expiration date. The City Planning Commission may grant a two-year extension. In reviewing a request for extension of time, the Commission shall consider whether the development plan is in compliance with applicable ordinances, standards for public improvements and the comprehensive plan of the city.

(Ord. 5309 § 1 (part), 1996)

**15.28.080 Termination of the Planned Residential Overlay**

If no substantial development has taken place in a PR Overlay for three years following approval of the development plan, the City Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

**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.

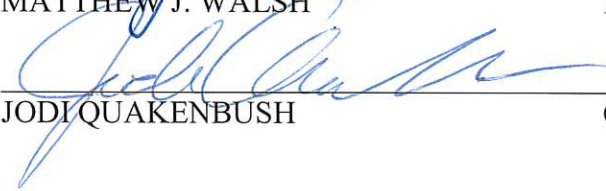
City Council Requests to review this Ordinance in February 2023.

PASSED  
AND  
APPROVED

February 28, 2022.

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

Attest:

  
\_\_\_\_\_  
JODIQUAKENBUSH City Clerk

First Consideration: 1-24-22  
Second Consideration: 2-14-22  
Public Hearing: 2-14-22  
Third Consideration: 2-28-22

# Proof Of Publication

State of Iowa

Pottawattamie County

## NOTICE OF PUBLIC HEARING

### TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend Chapter 15.28, PR/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance), relative to applicability requirements, site development regulations, permitted land uses, and development plan review procedures.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 14th day of February, 2022 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.

Jodi Quakenbush, City Clerk  
2022 (2) 6-1 Sunday

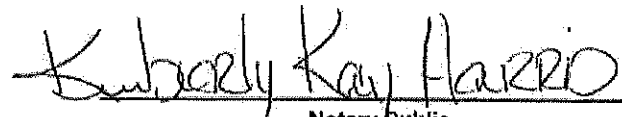
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

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

The First publication thereof began on the 06th day of February, 2022.

  
Brenda Buer  
Billing Representative

Sworn to and subscribed before me this 6th day  
of February, A.D. 2022.

  
Kimberly Kay Harris  
Notary Public

State of Virginia  
County of Hanover  
My Commission expires

Kimberly Kay Harris  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. No. 356753  
Commission Exp. Jan. 31, 2025

CITY OF COUNCIL BLUFFS  
209 PEARL ST.  
COUNCIL BLUFFS, IA 51503

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[jquakenbush@councilbluffs-ia.gov](mailto:jquakenbush@councilbluffs-ia.gov)

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State of Iowa

Pottawattamie County

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS. IOWA.

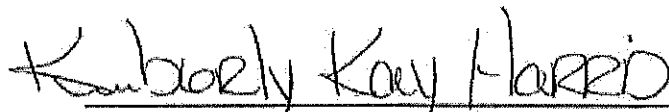
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 05th day of March, 2022.



Billing Representative

Sworn to and subscribed before me this 5th day of March, A.D. 2022.



Notary Public

Kimberly Kay Harris  
NOTARY PUBLIC

Commonwealth of Virginia  
Reg. No. 356763

State of Virginia  
County of Hanover

My Commission expires Commission Exp. Jan. 31, 2025

CITY OF COUNCIL BLUFFS  
209 PEARL ST.  
COUNCIL BLUFFS, IA 51503

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B. PR-1 Overlay (General Master Planned Development). The PR-1 Overlay is intended

ed for general master planned development. The minimum tract of land considered for a PR-1 Overlay shall be one and a half (1 1/2) acres.

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outlined below. The following information shall be submitted to the Community Development Department:

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  5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;
  6. All established floodway or floodway fringe encroachment limits;
  7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;
  8. Location and size of any sites to be considered for dedication to public use;
  9. Layout, numbers and dimensions of proposed lots;
  10. The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
  11. The location and width of other public ways, railroad rights-of-way, utility and all other easements, existing or proposed within the development and within two hundred (200) feet;
  12. Existing and proposed contour intervals of not more than five feet;
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tion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements as set forth, the Commission in recommending approval of the proposed development plan may recommend certain conditions to be attached to such use which the Commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, and required screening and landscaping where necessary to reduce noise and glare, and designation and responsibility for maintenance of the property.

E. Review by City Council. After review of the development plan by the City Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may take action on the plan. Approval of the development plan shall be by City Council resolution.

F. Building Permit Review. The Community Development Director shall review all grading, building, and public works construction permits for compliance with the approved development plan. No grading, building, or public works construction permit shall be issued if determined by the Community Development Director to be inconsistent with the approved development plan. However, the Community Development Director shall have the authority to approve minor changes to the development plan. If the Community Development Director determines that major changes are requested, review and approval by the City Planning Commission and City Council shall be required.

G. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion of the Community Development Director.

(Ord. 5309 § 1 (part), 1996)

**15.28.070 Development Plan Completion**

If the improvements identified in the development plan have not been completed within three years from the date of the City Council approval, the development plan shall be void unless an extension of time has been granted prior to the expiration date. The City Planning Commission may grant a two-year extension. In reviewing a request for extension of time, the Commission shall consider whether the development plan is in compliance with applicable ordinances, standards for public improvements and the comprehensive plan of the city.

(Ord. 5309 § 1 (part), 1996)

**15.28.080 Termination of the Planned Residential Overlay**

If no substantial development has taken place in a PR Overlay for three years following approval of the development plan, the City Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

**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.

City Council Requests to review this Ordinance in February 2023.

PASSED  
AND February 28, 2022.  
APPROVED

MATTHEW J. WALSH Mayor

Attest:  
JODI QUARENBLUSH City Clerk

First Consideration: 1-24-22  
Second Consideration: 2-14-22  
Public Hearing: 2-14-22  
Third Consideration: 2-28-22  
2022 (3) 5- 1 Saturday

**Council Communication**

Department: City Clerk  
Case/Project No.: ZT-22-002  
Submitted by: Moises Monroy and Haley Weber,  
Planners

Ordinance 6483  
ITEM 7.C.

Council Action: 2/28/2022

**Description**

Ordinance to amend Chapter 15.28 PR/Planned Residential Overlay relative to applicability requirements, site development regulations, permitted land uses, and development plan review procedure. ZT-22-002

**Background/Discussion**

See attached staff report.

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Staff Report	1/13/2022
Attachment A - Proposed Chapter 15.28	Code Section	1/13/2022
Attachment B - Examples of Residential Development	Other	1/13/2022
Notice of Public Hearing	Notice	1/13/2022
Ordinance 6483	Ordinance	2/15/2022

## City Council Communication

Department: Community Development  CASE #ZT-22-001  Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	1 <sup>st</sup> Consideration: 1/24/2022 2 <sup>nd</sup> Consideration: 2/14/2022 3 <sup>rd</sup> Consideration: 2/28/2022  Planning Commission: 1/11/2022
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### Subject/Title

**Request:** Public hearing on the request of the City of Council Bluffs to amend the definitions stated in Sections 15.03.220, Dwelling, Multifamily, 15.03.230, Dwelling, Single-Family Detached, and 15.03.235, Dwelling, Single-Family Attached, and 15.03.236, Dwelling, Townhouse, and to enact Chapter 15.35, Infill Development, to the Council Bluffs Municipal Code (Zoning Ordinance).

### Background

The Community Development Department is requesting to amend Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance) as follows:

- Enact Chapter 15.35: Infill Development to establish a process for constructing infill dwelling structures on very small existing lots of record that would otherwise be unbuildable due to the development standards of the base zoning district, and to establish a code chapter that may be expanded to facilitate future infill development needs;
- Amend Section 15.03.220: Dwelling, Multifamily to update the definition of a multifamily dwelling;
- Amend Section 15.03.230: Dwelling, Single-Family Detached to update the definition of a single-family detached dwelling;
- Amend Section 15.03.235: Dwelling, Single-Family Attached to update the definition of a single-family attached dwelling;
- Amend Section 15.03.236: Dwelling, Townhouse, to update the definition of a townhouse dwelling.

#### Enacting Chapter 15.35

The purpose of this request is to establish a mechanism by which very small existing nonconforming lots of record, which are currently undevelopable due to the development standards of the base zoning district, may be developed with infill dwelling structures. The City currently does not have a mechanism to allow this type of infill housing to be constructed. However, a number of residential lots exist around the City that are too small on which to build or rebuild any structure under existing development standards. Such lots have existed since prior to the enactment of current zoning and subdivision regulations. Because such lots are largely unbuildable due to the regulations of the base zoning district, there is the potential for a regulatory takings claim.

Most small unbuildable residential lots around the City currently contain residential structures, but if any of these structures were to be destroyed by more than 50% of its replacement cost at the time of destruction, they could not be rebuilt or repaired to their original state. Notably, existing zoning regulations would prevent any sort of new construction from occurring on such lots. Providing a process for development of infill dwelling structures via the conditional use permit process, as proposed with this text amendment, would enable such lots to be buildable, provided a proposed infill dwelling structure does not detract from the neighborhood form, function, or character.

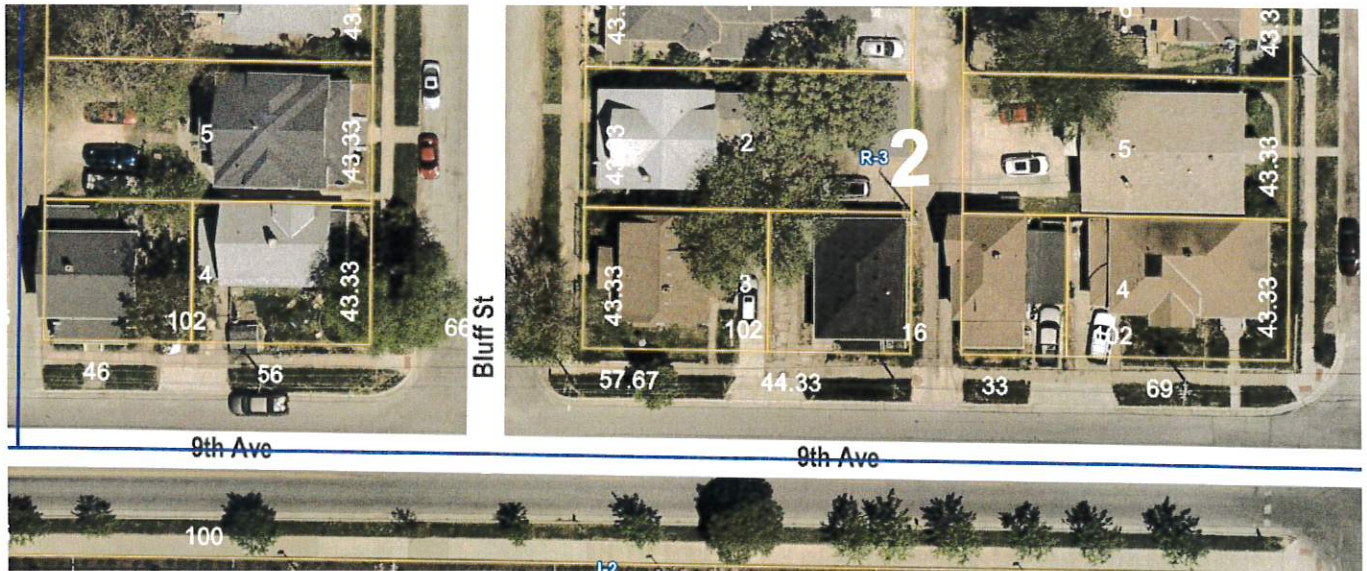
Amending Sections 15.03.220, 15.03.230, 15.03.235, and 15.03.236

In order to enable infill housing to be developed on currently unbuildable residential lots, some of the City's housing definitions would need to be updated. Specifically, requirements for minimum floor area and minimum width for single-family attached and single-family detached homes may prevent such housing typologies from being built, depending on lot dimensions. Updating other housing typology definitions will put the City in a better position to allow a variety of housing to be developed through infill or other mechanisms.

All City Departments and local utilities received notification of the proposed text amendment. No departments or utilities expressed opposition to the request.

**Discussion**

1. The proposed Chapter 15.35: Infill Development is intended to establish a mechanism by which existing nonconforming residential lots of record that are so small that construction of a new residential structure would be impracticable under current zoning (Exhibit A) can be developed with infill dwelling structures. This proposed text amendment would establish and define the term "infill dwelling structure" as "a newly constructed residential building located on an existing nonconforming lot of record and that does not conform to the site development standards of the base zoning district because such standards would make the development not practicable." This term and definition would be specific to Chapter 15.35 rather than being an entirely new land use category. This text amendment would also establish a process by which an infill dwelling structure may be approved for construction.



**Exhibit A. A series of nonconforming lots of record along 9<sup>th</sup> Avenue, north of the ConAgra plant, on which the base zoning regulations would make new residential development impracticable.**

Currently, in order to build a residential structure in a way that does not conform to the base zoning regulations, a property must be granted a variance, otherwise the structure must conform to all site development standards for the base zoning district. Obtaining a variance is a rigid task, as an applicant must show sufficient evidence for five findings of fact that indicate hardship associated with unique conditions of the property. The Zoning Board of Adjustment cannot consider cost or design preferences when deciding whether to grant a variance. As written in the proposed Chapter 15.35 (Attachment A), infill dwelling structures would be subject to review through the Conditional Use Permit (CUP) process, as outlined in Section 15.02.090. Through this process, a property owner or developer, or their representative, would be required to submit a site-specific development

plan that shows proposed architectural renderings, setbacks, lot coverage, off-street parking, and other site development characteristics. The Zoning Board of Adjustment, which makes decisions on CUP requests, would have the ability to approve a site-specific development plan for an infill dwelling structure, provided the property could not be practicably developed under the base zoning regulations. The applicant would be responsible for providing justification for the necessity of a site-specific development plan.

Notably, the CUP process requires a public notice be sent to all owners of property within 200 feet of the subject property. As such, neighbors in the general vicinity of a proposed infill dwelling structure would have an opportunity to submit comments in support or opposition of a proposed infill dwelling structure. This process will provide ample opportunity to determine whether an infill dwelling structure would be beneficial or detrimental to neighborhood form, function, or character.

The proposed Chapter 15.35 is written in such a way that infill dwelling structures may only be built on existing nonconforming lots of record, located in zoning districts that allow residential land uses, on lots whose dimensions prohibit practicable development due to the site development standards of the base zoning district (Exhibit B). An infill dwelling structure could not be constructed on a newly created nonconforming lot, because Title 14: Subdivisions of the Council Bluffs Municipal Code prohibits the creation of nonconforming lots.

<i>Principal Structure Site Development Standards</i>						
<i>District</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback</i>	<i>Street Side Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Maximum Height</i>	<i>Maximum Lot Coverage</i>
R-1	25 feet	greater of 5 feet or 10% of lot width at building setback line	15 feet	20 feet	35 feet	35%
R-1M	15 feet	greater of 5 feet or 10% of lot width at building setback line	15 feet	10 feet	35 feet	35%
R-2	25 feet	5 feet	15 feet	20 feet	35 feet	35%
R-3	20 feet	5 feet	15 feet	20 feet	60 feet	45%
R-4	20 feet	15 feet	5 feet with one foot indentation for every story above the first floor	20 feet	100 feet	60%

**Exhibit B. Site development standards in base residential zoning districts.**

The proposed Chapter 15.35 is also written in such a way that it can be expanded in the future to facilitate other types of infill development and enact design standards for infill development as needed.

2. Current housing typology definitions in City code require a minimum width of 20 feet and minimum floor area of 500 square feet for single-family detached and single-family attached dwellings, regulations which limit creativity in housing design throughout the City and would make these home types particularly difficult to build on lots eligible for infill dwelling structures. The definitions of the City's housing typologies have not been

updated since 1996, and modifications to the definitions would help enable the development of new housing options around the city, infill or otherwise. The Community Development Department is proposing updates to the definitions of single-family detached, single-family attached, townhome, and multifamily dwellings. Attachment B contains comparisons between existing and proposed definitions, along with photo examples of housing types around the City

3. The proposed Section 15.03.230: Dwelling, Single Family Detached (Attachment C) would eliminate the minimum width and area requirements for detached single-family homes. These requirements are generally arbitrary and not needed in order to achieve quality housing development. Virtually all new homes built in the City today exceed the minimum requirements, so the language is largely unnecessary. However, an infill dwelling structure on a very small nonconforming lot may not be able to meet these requirements. With this new definition, new creative housing designs will be possible on such lots, as well as other lots around the city.
4. The proposed Section 15.03.235: Dwelling, Single-Family Attached (Attachment C) would similarly eliminate minimum width and area requirements for attached single-family homes. Eliminating such regulations would allow for creative housing designs to make the best use of land, especially on lots eligible for infill dwelling structures.
5. The proposed Section 15.03.236: Dwelling, Townhouse (Attachment C) would update the existing definition to state that townhouses must be in a series of three or more attached dwellings, reducing overlap with the definitions of single-family attached dwelling, two-family dwellings, and multifamily dwellings. The new definition will also allow longer rows of townhouses to be constructed, potentially up to the length of an entire block face (the current definition limits townhouse structures to a maximum of four dwelling units). The new definition also clarifies that each townhouse dwelling shall have its own access to the public right-of-way, as opposed to units being accessed via shared hallways or other means. This update will allow more flexibility in the design of townhouse dwellings in the City.
6. The proposed Section 15.03.220: Dwelling, Multifamily (Attachment C), clarifies that multifamily dwellings include any residential structure containing three or more dwelling units, other than a townhouse. This change eliminates overlap between the definitions of townhouse and multifamily dwellings.

#### **Recommendation**

The Community Development Department recommends approval of the request to amend the definitions stated in Sections 15.03.220, Dwelling, Multifamily, 15.03.230, Dwelling, Single-Family Detached, and 15.03.235, Dwelling, Single-Family Attached, and 15.03.236, Dwelling, Townhouse, and to enact Chapter 15.35, Infill Development, to the Council Bluffs Municipal Code (Zoning Ordinance).

#### **Public Hearing**

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

#### **Planning Commission Recommendation**

The City Planning Commission recommended approval to amend the definitions stated in Sections 15.03.220, Dwelling, Multifamily, 15.03.230, Dwelling, Single-Family Detached, and 15.03.235, Dwelling, Single-Family

Attached, and 15.03.236, Dwelling, Townhouse, and to enact Chapter 15.35, Infill Development, to the Council Bluffs Municipal Code (Zoning Ordinance).

VOTE: AYE - Danielsen, Halm, Opperman, Rew, Scott, Stroebele, and VanHouten. NAY - None  
ABSTAIN - None ABSENT -- Bass, Haner, Hutcheson, and Rater. VACANT - None Motion: Carried.

**Attachments**

Attachment A: Proposed Chapter 15.35: Infill Development of the Municipal Code (Zoning Ordinance)

Attachment B: Comparison Between Existing and Proposed Housing Typology Definitions

Attachment C: Proposed Chapter 15.03: Zoning Definitions of the Municipal Code (Zoning Ordinance)

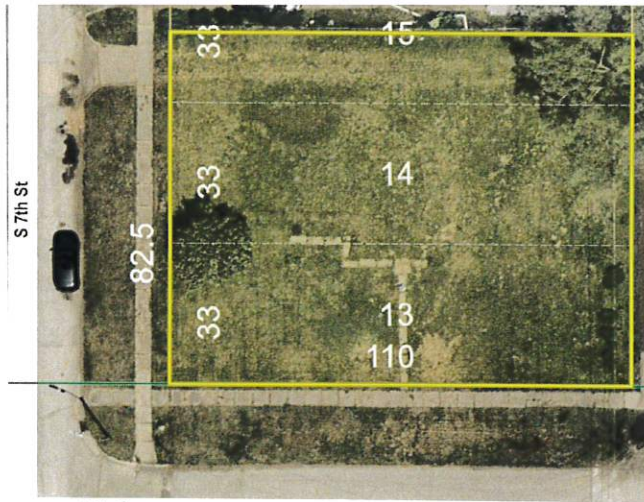
Prepared by: Brandon Siracuse, Planner, Community Development Department

# Attachment B

## PR-1 Example (South 18th Street & 25th Avenue) - R-1/Single-Family Residential District



PR-2 Example (South 7th Street & 24th Avenue) - R-2/Two-Family Residential District



24th Ave

24th Ave



24th Ave

24th Ave