

**ORDINANCE NO. 6393**

**AN ORDINANCE TO AMEND CHAPTER 15.05-A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.05.030 "CONDITIONAL USES" AND SECTION 15.05.050 "SITE DEVELOPMENT REGULATIONS".**

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

**SECTION 1.** That Chapter 15.05 A-2/Parks, Estates and Agricultural District of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by amending Section 15.05.030, "Conditional uses" and Section 15.05.050 "Site development regulations" to read as follows:

**15.05.030 - Conditional uses.**

The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.02:

- (1) Agricultural sales and service;
- (2) Commercial recreation (indoor and outdoor);
- (3) Day care services;
- (4) Extraction activity;
- (5) Funeral service in conjunction with a cemetery;
- (6) Outdoor firing range;
- (7) Private campground;
- (8) Sanitary landfill;
- (9) Rubble dump; and
- (10) Greenhouse, commercial.

**15.05.050-Site development regulations.**

**Minimum Lot Size**

Lot area:	3 acres
Lot width:	150 feet
Lot depth:	200 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	50 feet	50 feet
Street side yard:	20 feet	20 feet
Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage:	10% maximum	

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 REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

August 12, 2019

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

Attest:   
\_\_\_\_\_  
JODIQUAKENBUSH City Clerk

First Consideration: 7-22-19  
Second Consideration: 8-12-19  
Public Hearing: 8-12-19  
Third Consideration: Waived

**Council Communication**

Department: City Clerk  
Case/Project No.: ZT-19-002  
Submitted by: Chris Meeks

Ordinance 6393  
ITEM 5.A.

Council Action: 8/12/2019

**Description**

Ordinance amending Section 15.05.030(02) by adding 'Commercial recreation (indoor)', as defined by §15.03.156, as a conditional use in the A-2/Parks, Estates and Agricultural District; and amending Section 5.05.050 to reduce the front yard setback for an accessory structure from "greater of 50 feet or existing front setback line of principal structure" to "50 feet" for property located in the A-2/Parks, Estates and Agricultural District.

**Background/Discussion**

See attachments

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
CASE #ZT-19-002 Staff Report	Other	7/11/2019
CASE #ZT-19-002 Attachment A	Other	7/11/2019
CASE #ZT-19-002 Public Hearing Notice	Other	7/11/2019
Ordinance 6393	Ordinance	7/16/2019

### Council Communication

Department: Community Development  Case #ZT-19-002  Applicant: Brett Derrig 219 N. 20 <sup>th</sup> Street Council Bluffs, IA 51501	Ordinance No.	City Council: 7/22/19  Planning Commission: 7/09/19
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#### Subject/Title

CASE #ZT-19-002: Public hearing on the request of Brett Derrig to amend Section 15.05.030(02) of the Municipal Code (Zoning Ordinance) by adding 'Commercial recreation (indoor)', as defined by Section 15.03.156, as a conditional use in an A-2/Parks, Estates, and Agricultural District; the Council Bluffs Community Development Department expanded the request to amend Section 15.05.050, Site development regulations of the Municipal Code (Zoning Ordinance) to allow an accessory in an A-2/ Parks, Estates, and Agricultural District to have a minimum 50 foot front yard setback, as opposed to the current front yard setback standard of "greater of 50 feet or existing front setback line of principal structure".

#### Background

The Community Development Department has received a request from Brett Derrig, for a text amendment to Title 15 of the Municipal Code (Zoning Ordinance) for:

- An amendment to §15.05.030, Conditional uses in the A-2/Parks, Estates, and Agricultural District, to amend "(2) Commercial recreation (outdoor)" to "(2) Commercial recreation (indoor and outdoor)".

Additionally, upon reviewing the site development regulations of the A-2 District, the Community Development Department expanded the request to:

- Amend §15.05.050, Site development regulations in the A-2/Parks, Estates and Agricultural District to amend the front yard setback for an accessory structure from "greater of 50 feet or existing front setback line of principal structure" to "50 feet".

The purpose of the text amendment to §15.05.030, as requested by Mr. Derrig, is to allow indoor commercial recreation as a conditional use in the A-2 District, which currently only allows outdoor commercial recreation as a conditional use. Mr. Derrig is proposing to construct an indoor baseball training facility at 1100 N. 8<sup>th</sup> Street on ground that is currently zoned A-2/Parks, Estates and Agricultural District, and houses baseball fields. Commercial recreation (indoor) is defined as "businesses and organizations engaged in the provision of sports, entertainment, or recreation within an enclosed or screened building. Typical uses include bowling alleys, billiard parlors, skating rinks, amusement machine complex, racquetball, swimming, tennis and exercise/fitness centers." while Commercial recreation (outdoor) means "businesses and organizations engaged in the provision of sports, entertainment, or recreation in an open or partially enclosed or screened facility. Typical uses include skating rinks, swimming pools, tennis, driving ranges, miniature golf and golf courses and the structures associated with its operation."

The purpose of the proposed amendment to §15.05.050, Site development regulations in the A-2/Parks, Estates and Agricultural District, as proposed by the Community Development Department is in response to a review of properties located within the A-2 District and the future development of those properties. By today's ordinance, accessory structures are required to be located behind the front setback of the principal

structure on the property, as is the case with many residential districts in the City. However, with the intent of the district being for agricultural, recreational and large-parcel residential uses with a minimum lot size of three acres, the parcels located in the A-2 District often serve a different purpose and feature development patterns that are unlike other districts in the City. The front yard setback of 50 feet in the A-2 District is also twice as large as the 25 foot front yard setback of the R-1/Single Family Residential District and R-2/Two-Family Residential District. Allowing accessory structures to be located in front of a principal structure, so long as they meet or exceed the required 50 foot front yard setback, will provide easier construction options to those with long driveways or topographic constraints who wish to construct an accessory garage for personal storage, or for agricultural operations who are in need of equipment storage structures or other necessary accessory buildings for their operation.

All City departments and utility providers received a copy of the proposed text amendments. The Council Bluffs Fire Marshall, Council Bluffs Permits and Inspections Division, Council Bluffs Public Works Department, Black Hills Energy, and Council Bluffs Water Works all responded that they have no comments on the request.

No other comments have been received.

#### **Recommendation**

The Community Development Department recommends approval of the following requests:

1. Amend Section 15.05.030(02) of the Municipal Code (Zoning Ordinance) by adding 'Commercial recreation (indoor)', as defined by Section 15.03.156, as a conditional use in an A-2/Parks, Estates, and Agricultural District.
2. Amend Section 15.05.050, Site development regulations of the Municipal Code (Zoning Ordinance) to allow an accessory in an A-2/ Parks, Estates, and Agricultural District to have a minimum 50 foot front yard setback, as opposed to the current front yard setback standard of "greater of 50 feet or existing front setback line of principal structure".

#### **Public Hearing**

Staff speaker on behalf of request:

1. Chris Meeks, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503.

Speakers in favor:

1. Brett Derrig, 219 North 20<sup>th</sup> Street, Council Bluffs, IA 51501

Speakers against: None.

#### **Planning Commission Recommendation**

The Planning Commission recommends approval to amend Section 15.05.030(02) of the Municipal Code (Zoning Ordinance) by adding 'Commercial recreation (indoor)', as defined by Section 15.03.156, as a conditional use in an A-2/Parks, Estates, and Agricultural District; and approval to amend Section 15.05.050, Site development regulations of the Municipal Code (Zoning Ordinance) to allow an accessory in an A-2/ Parks, Estates, and Agricultural District to have a minimum 50 foot front yard setback, as opposed to the current front yard setback standard of "greater of 50 feet or existing front setback line of principal structure".

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

#### **Attachment**

**Attachment A:** Proposed text amendment

Prepared by: Chris Meeks, Planner

## Attachment A:

### Chapter 15.05 - A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

#### 15.05.010 - Statement of intent.

This district is intended to preserve lands best suited for agricultural, recreational and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

(Ord. 5285 § 1 (part), 1996).

#### 15.05.020 - Principal uses.

The following principal uses shall be permitted outright in an A-2 district:

- (1) Animal production.
- (2) Cemetery.
- (3) Dwelling, single-family detached.
- (4) Family home.
- (5) Government maintenance facility.
- (6) Horticulture and crop production.
- (7) Local utility services.
- (8) Park and recreation services.
- (9) Public campground.
- (10) Public safety services.
- (11) Religious assembly.
- (12) Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres.
- (13) Animal shelter (non-profit).

(Ord. No. 6055, § 1, 3-8-2010; Ord. No. 6081, § 1, 5-24-2010).

**Editor's note**— Ord. No. 6055, § 1, adopted Mar. 8, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5523, § 1, 2000.

#### 15.05.030 - Conditional uses.

The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.02:

- (1) Agricultural sales and service;
- (2) Commercial recreation (indoor and outdoor);
- (3) Day care services;
- (4) Extraction activity;

- (5) Funeral service in conjunction with a cemetery;
- (6) Outdoor firing range;
- (7) Private campground;
- (8) Sanitary landfill;
- (9) Rubble dump; and
- (10) Greenhouse, commercial.

(Ord. No. 6055, § 2, 3-8-2010; Ord. No. 6372, § 1, 12-17-2018).

**Editor's note**— Ord. No. 6055, § 2, adopted Mar. 8, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5523, § 2, 2000.

15.05.040 - Accessory uses.

Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 district only, an accessory structure may exceed the ground floor coverage of the principal structure.

(Ord. 5285 § 1 (part), 1996).

15.05.050 - Site development regulations.

**Minimum Lot Size**

Lot area:	3 acres
Lot width:	150 feet
Lot depth:	200 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	50 feet	Greater of 50 feet or existing front setback line of principal structure <b>50 feet</b>
Street side yard:	20 feet	20 feet

Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage:	10% maximum	

(Ord. 5285 § 1 (part), 1996).

15.05.060 - Additional regulations.

01. Reserved.

(Ord. 5285 § 1 (part), 1996).

15.05.070 - Signs.

Signage in this district shall comply with Chapter 15.33, "Signs."

(Ord. 5285 § 1 (part), 1996).

# 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 12th day of August, 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 §15.05.030(02) of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'Commercial recreation (indoor)', as defined by §15.03.156, as a conditional use in the A-2/Parks, Estates and Agricultural District; and amend §15.05.050 of the Council Bluffs Municipal Code (Zoning Ordinance) to reduce the front yard setback for an accessory structure from "greater of 50 feet or existing front setback line of principal structure" to "50 feet" for property located in the A-2/Parks, Estates and Agricultural District;

(CASE ZT-19-002)  
2019(8)4-1 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 04th day of August, 2019.

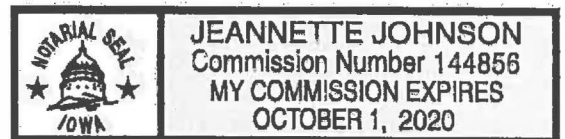
Signed in my presence by the said Tom Schmitt and by her sworn to before me this 4th day of August, A.D. 2019.

  
Tom Schmitt  
Daily Nonpareil Publisher

  
Jeannette Johnson  
Notary Public

Filed this 4th day of August, A.D. 2019.

Publication Cost: \$15.71



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Order Number: 0000064214

# Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6393

AN ORDINANCE TO AMEND CHAPTER 15.05-A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.05.030 "CONDITIONAL USES" AND SECTION 15.05.050 "SITE DEVELOPMENT REGULATIONS".

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE

CITY OF COUNCIL BLUFFS, IOWA

**SECTION 1.** That Chapter 15.05 A-2/Parks, Estates and Agricultural District of the 2015 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by amending Section 15.05.030, "Conditional uses" and Section 15.05.050 "Site development regulations" to read as follows:

**15.05.030 - Conditional uses.**

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- (1) Agricultural sales and service;
- (2) Commercial recreation (indoor and outdoor);
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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  
August 12, 2019

MATTHEW J. WALSH Mayor

Attest:  
JODI QUAKENBUSH City Clerk

First Consideration: 7-22-19  
Second Consideration: 8-12-19  
Public Hearing: 8-12-19  
Third Consideration: Waived  
2019(8)16-1 Friday

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 16th day of August, 2019.

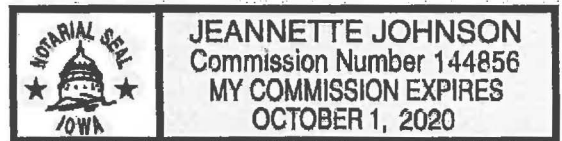
Signed in my presence by the said Tom Schmitt and by her sworn to before me this 16th day of August, A.D. 2019.

  
Tom Schmitt  
Daily Nonpareil Publisher

  
Jeannette Johnson  
Notary Public

Filed this 16th day of August, A.D. 2019.

Publication Cost: \$49.59



Customer Number: 1003258  
Order Number: 0000069913