

ORDINANCE NO. 6597

AN ORDINANCE TO AMEND CHAPTER 15.09 R-2/TWO-FAMILY RESIDENTIAL DISTRICT OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.09.030 “CONDITIONAL USES” TO INCLUDE “BOARDING, LODGING, ROOMING HOUSE OR BED AND BREAKFAST”.

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

SECTION 1. That Chapter 15.09 R-2/Two-Family Residential District, be and the same is hereby amended by amending Section 15.09.030 “Conditional Uses” to read as follows:

15.09.030 Conditional Uses

The following conditional uses shall be permitted in an R-2 district, in accordance with the requirements set forth in CBMC 15.27.020:

1. Boarding, lodging, rooming house or bed and breakfast;
2. Cemetery;
3. Day care services.

(Ord. 5306 § 1 (part), 1996)

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

April 1, 2024.


MATTHEW J. WALSH

Mayor

Attest:


JODI QUAKENBUSH

City Clerk

First Consideration: 2-26-24

Second Consideration: 3-11-24

Public Hearing: 3-11-24

Continuation of Second Consideration & Public Hearing 3-25-24

Third Consideration: 4-1-24

Planning Case No. #ZT-24-001

AFFIDAVIT OF PUBLICATION

The Daily Nonpareil

State of Texas, County of Bexar, ss:

Laquansay Nickson Watkins, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Daily Nonpareil, a newspaper printed and published three (3) days a week at Council Bluffs, in said County and State, and that the notice herto attached was published in said newspaper once each day for the period on the dates below listed.

PUBLICATION DATES:

Apr. 11, 2024

NOTICE ID: Lknkz0xgLDEdzvzJLBgl

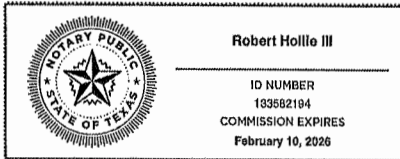
PUBLISHER ID: COL-9100471

NOTICE NAME: Ordinance 6597

(Signed) Laquansay Nickson Watkins

VERIFICATION

State of Texas
County of Bexar



Subscribed in my presence and sworn to before me on this: 04/11/2024

[Handwritten signature]

Notary Public

PUBLICATION FEE: \$44.49

Electronically signed and notarized online using the Proof platform.

Ordinance No. 6597

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

SECTION 1. That Chapter 15.09 R-2/Two-Family Residential District, be and the same is hereby amended by amending Section 15.09.030 "Conditional Uses" to read as follows: 15.09.030 Conditional Uses

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- 1. Boarding, lodging, rooming house or bed and breakfast;
2. Cemetery;
3. Day care services.

For complete copy of Ordinance, see City Clerk's Office.

ADOPTED AND APPROVED April 1, 2024.

MATTHEW J. WALSH, Mayor
Attest: JODI QUAKENBUSH, City Clerk

April 11, 2024 COL-9100471

AFFIDAVIT OF PUBLICATION

The Daily Nonpareil

State of Pennsylvania, County of Lancaster, ss:

Nichole Seitz, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Daily Nonpareil, a newspaper printed and published three (3) days a week at Council Bluffs, in said County and State, and that the notice herto attached was published in said newspaper once each day for the period on the dates below listed.

PUBLICATION DATES:

Mar. 2, 2024

NOTICE ID: V4EMw1HTNmaRQYKRL7Xd

PUBLISHER ID: COL-9100294

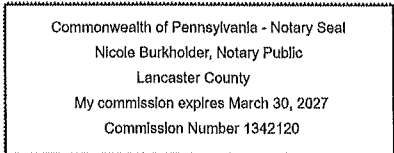
NOTICE NAME: ZT-24-001

Nichole Seitz

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster



Subscribed in my presence and sworn to before me on this: 03/05/2024

Nicole Burkholder

Notary Public

PUBLICATION FEE: \$43.50

Notarized remotely online using communication technology via Proof.

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 Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.

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 11th day of March 2024, in the City Council Chambers, 2 nd 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
March 2, 2024 COL-9100294

Council Communication

Department: City Clerk
Case/Project No.: ZT-24-001
Submitted by: Moises Monroy, Planner

Ordinance 6597
ITEM 8.A.

Council Action: 4/1/2024

Description

Ordinance to amend Chapter 15.09 R-2/Two-Family Residential District of the Municipal Code (zoning ordinance) by amending Section 15.09.030 "Conditional Uses" to include "boarding, lodging, rooming house or bed and breakfast". ZT-24-001

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	2/16/2024
Attachment A: Proposed Section 15.09.030	Code Section	2/16/2024
Ordinance 6597	Ordinance	3/27/2024

City Council Communication

<p>Department: Community Development</p> <p>CASE #ZT-24-001</p> <p>Applicant: Just Wright Investments Danielle Wright 2122 Avenue 'A' Council Bluffs, IA 51501</p> <p>Representative: Deborah Petersen 215 South Main Street, Suite 301 Council Bluffs, IA 51503</p>	<p>Ordinance No. _____</p>	<p><u>City Council</u> 1st Consideration: 2/26/2024 2nd Consideration: 3/11/2024 3rd Consideration: 3/25/2024</p> <p>Planning Commission: 2/13/2024</p>
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Subject/Title

Request: Public hearing on the request of Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.

Background

The Community Development Department has received a request from Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District. The purpose of this request is to allow the applicant to operate a faith-based rooming house for individuals recovering from substance abuse on property addressed at 424 North 1st Street, which is currently zoned R-2/Two-Family Residential District. If the proposed text amendment is approved, the applicant will be required to obtain a conditional use permit from the Zoning Board of Adjustment for the proposed use.

All City Departments and local utilities were notified of the proposed text amendment. The following comments were received:

- A. The Council Bluffs Permits and Inspections Division and the Council Bluffs Fire Department stated that the proposed rooming house at 424 North 1st Street would be acceptable per the Building and Fire Codes provided the number of residents is limited to five.
- B. The Council Bluffs Public Works Department stated that they have no comments on the request.
- C. The Council Bluffs Parks and Recreation Department stated that they have no comments on the request.
- D. The Council Bluffs Police Department stated that they have no objections to the request. They also noted that if residents of the rooming house require a high level of care, it may lead to heightened calls for service and complaints from neighbors should the facility not be suited to the residents' needs.
- E. Council Bluffs Water Works stated that they have no comments on the request.
- F. MidAmerican Energy Company stated that they have conflicts or concerns on the request.

Discussion

- A. As per Section 17.01.010 of the Council Bluffs Municipal Code, a 'boarding, lodging, rooming house or bed and breakfast' is defined as "any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to one or more roomers."
- B. The R-2/Two-Family Residential District is intended to provide for a medium-density residential neighborhood in established and developing areas of the community, and is primarily comprised of one- and two-family structures.
- C. 'Boarding, lodging, rooming house or bed and breakfast' is a principal use in the R-3/Low Density Multifamily Residential District, the R-4/High Density Multifamily Residential District, and the A-P/Administrative-Professional District. If the proposed text amendment were approved, 'boarding, lodging, rooming house or bed and breakfast' would be allowed as a conditional use in the R-2 District, and thus would require the issuance of a conditional use permit by the Zoning Board of Adjustment.
- D. The Community Development Department finds that 'boarding, lodging, rooming house or bed and breakfast' can be a compatible land use with the R-2 District as such use can be an adaptive reuse of existing residential structures previously used for single- and two-family uses, provided all applicable building and fire code requirements are met. In the case of new construction, a 'boarding, lodging, rooming house or bed and breakfast' can be developed to a similar scale and size of surrounding single- and two-family residential uses. Furthermore, allowing such use as a conditional use in the R-2 District provides the opportunity to establish additional site development, off-street parking, landscaping, and screening/buffering standards in order to ensure compatibility with surrounding residential development.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.

Public Hearing

Staff speakers for the request:

1. Moises Monrroy, 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:

1. Danielle Wright, Just Wright Investments, LLC, 2122 Avenue 'A', Council Bluffs, IA 51501
2. Deborah Petersen, Petersen Law PLLC, 215 South Main Street, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended approval of the request to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District, based on reasons stated above.

VOTE: AYE – Hutcheson, Opperman, Rater, Rew, Stroebele, Van Houten, and Watson. NAY – None.
ABSTAIN – None ABSENT – Bailey, Bass, and Knauss. VACANT - One Motion: Carried.

Attachments

Attachment A: Proposed Section 15.09.030, Conditional Uses, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment 'A'

15.09.030 Conditional Uses

The following conditional uses shall be permitted in an R-2 district, in accordance with the requirements set forth in CBMC 15.27.020:

- A. Boarding, Lodging, Rooming House, or Bed and Breakfast.
- B. Cemetery;
- C. Day care services.

(Ord. 5306 § 1 (part), 1996)

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