

ORDINANCE NO. 6605

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 15.28.020 “APPLICABILITY”.

**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 be and the same is hereby amended by amending Section 15.28.020 “Applicability” to read as follows:

15.28.020 Applicability

1. 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.
2. 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.
3. 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 2 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 two (2) dwelling units.
 3. A minimum of one (1) mixed commercial-residential structure.
4. 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.

(Ord. 5309 § 1 (part), 1996)

HISTORY

Amended by Ord. 6483 on 2/28/2022

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

May 6, 2024.



MATTHEW J. WALSH Mayor

Attest:



AMANDA KOPERA Deputy City Clerk

First Consideration: 4-22-24
Second Consideration: 5-6-24
Public Hearing: 5-6-24
Third Consideration: Waived

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:

May. 18, 2024

NOTICE ID: yU4KxHWGjGBw0JKiHAvJ

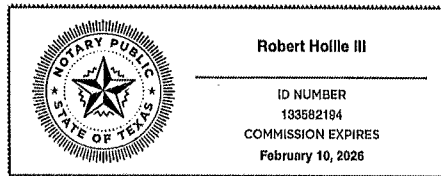
PUBLISHER ID: COL-9100617

NOTICE NAME: Ordinance 6605

(Signed) Laquansay Nickson Watkins

VERIFICATION

State of Texas
County of Bexar



Subscribed in my presence and sworn to before me on this: 05/20/2024

[Signature]

Notary Public

PUBLICATION FEE: \$59.88

Electronically signed and notarized online using the Proof platform.

Ordinance 6605

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 15.28.020 "APPLICABILITY".

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 be and the same is hereby amended by amending Section 15.28.020 "Applicability" to read as follows: 15.28.020 Applicability

- 1. 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.
2. 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 1/2) acres.
3. 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 2 combination of contiguous properties owned by the same person or entity, that contain a maximum of one and one-half (1 1/2) 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 two (2) dwelling units.
3. A minimum of one (1) mixed commercial-residential structure.
4. 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.

For complete copy of Ordinance, see City Clerk's Office. ADOPTED AND APPROVED May 6, 2024. MATTHEW J. WALSH, Mayor Attest: JODI QUAKENBUSH, City Clerk May 18, 2024 COL-9100617

AFFIDAVIT OF PUBLICATION

The Daily Nonpareil

State of Florida, County of Orange, ss:

Yuade Moore, 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. 30, 2024

NOTICE ID: BglUvZeluBruliBFH7rS

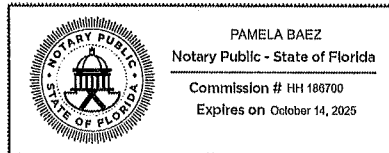
PUBLISHER ID: COL-9100543

NOTICE NAME: ZT-24-002

(Signed) Yuade Moore

VERIFICATION

State of Florida
County of Orange



Subscribed in my presence and sworn to before me on this: 04/30/2024

[Signature]
Notary Public

PUBLICATION FEE: \$38.71

Notarized remotely online using communication technology via Proof.

Notice of Public Hearing

You are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing for May 6, 2024 at 7:00 p.m. in the City Council Chambers, 2 nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa on the request of the Community Development Department to amend Section 15.28.020, *Applicability*, of the P-R/ Residential Overlay District and Section 15.08B.020, *Principal Uses*, of the R-1/Single-Family Residential District to allow the PR-2 Overlay to be utilized for development of residential structures with a minimum of two (2) dwelling units.
Jodi Quakenbush, City Clerk
April 30, 2024 COL-9100543

Council Communication

Department: City Clerk
Case/Project No.: ZT-24-002
Submitted by: Haley Weber, Planner

Ordinances 6605 and 6606
ITEM 5.B.

Council Action: 5/6/2024

Description

Ordinance 6605 to amend Chapter 15.28-P-R/Planned Residential Overlay of the Municipal Code (Zoning Ordinance) by amending Section 15.28.020 "Applicability".
Ordinance 6606 to amend Chapter 15.08B-R-1/Single-Family Residential District of the Municipal Code (Zoning Ordinance) by amending Section 15.08B.020 "Principal Uses". ZT-24-002

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	4/12/2024
Attachment A: Proposed Section 15.28.020, Applicability	Code Section	4/12/2024
Attachment B: Proposed Section 15.08B.020, Principal Uses	Code Section	4/12/2024
Notice of Public Hearing	Notice	4/12/2024
Ordinance 6605	Ordinance	4/17/2024
Ordinance 6606	Ordinance	4/17/2024

City Council Communication

Department: Community Development CASE #ZT-24-002 Applicant: Community Development Department	Ordinance No. _____	<u>City Council</u> 1 st Consideration: 4/22/2024 2 nd Consideration: 5/06/2024 3 rd Consideration: 5/20/2024 Planning Commission: 4/09/2024
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Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend Section 15.28.020, *Applicability*, of the P-R/Residential Overlay District and Section 15.08B.020, *Principal Uses*, of the R-1/Single-Family Residential District to allow the PR-2 Overlay to be utilized for development of residential structures with a minimum of two (2) dwelling units.

Background

The Community Development Department, at the request of City Council, is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:

- A. Amend Section 15.28.020, *Applicability*, by allowing one structure with a minimum of two dwelling units to qualify for use of the PR-2 Overlay, as opposed to the currently required three dwelling units; and
- B. Amend Section 15.08B.020, *Principal Uses*, to state that “dwelling, single-family attached” is a principal use as permitted in a planned residential overlay in CBMC 15.28.

Currently, a PR-2 Overlay can be adopted for site-specific infill development in all residential zoning districts (excluding the R-1M/Single-Family Manufactured Housing District and A-P/Administrative Professional District) if one of the following is included within the development:

- A. A minimum of two (2) residential structures;
- B. A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units; or
- C. A minimum of one (1) mixed commercial-residential structure.

The proposed text amendment would modify #2 above to state, “A minimum of one (1) residential structure that contains a minimum of **two (2)** dwelling units” to allow for the PR-2 Overlay to be utilized for development of a duplex or single-family attached structure with only two dwelling units.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

Discussion

- A. The Planned Residential Overlay was 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:

1. 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;
2. Increase and diversify the city's housing stock;
3. Encourage the preservation and use of existing landscape features;
4. Promote efficient land use and infrastructure with smaller networks of utilities and streets;
5. Promote an attractive and safe living environment which is compatible with surrounding residential developments;
6. Provide an alternative method for redeveloping older residential areas and to encourage infill development.

The PR-2 Overlay is intended for site-specific infill development and can 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. The proposed text amendment would further diversify the housing typologies allowed in the R-1/Single-Family district and provide additional opportunity to increase the City's housing stock.

- B. Per Section 15.28.050, *Establishment of a Planned Residential Overlay*, of the CBMC (Zoning Ordinance), a planned residential overlay shall be considered in the same manner as a rezoning request; therefore, any application made to utilize the PR-2 Overlay for the use of a duplex or single-family attached development would require that all property owners within 200 feet of the subject property be notified of the request.

Recommendation

The Community Development Department recommends approval to amend Section 15.28.020, *Applicability*, of the P-R/Residential Overlay District and Section 15.08B.020, *Principal Uses*, of the R-1/Single-Family Residential District to allow the PR-2 Overlay to be utilized for development of residential structures with a minimum of two (2) dwelling units, as shown in Attachments 'A' and 'B.'

Public Hearing

Staff speakers for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

The City Planning Commission recommended approval of the request to amend Section 15.28.020, *Applicability*, of the P-R/Residential Overlay District and Section 15.08B.020, *Principal Uses*, of the R-

1/Single-Family Residential District to allow the PR-2 Overlay to be utilized for development of residential structures with a minimum of two (2) dwelling units, as shown in Attachments 'A' and 'B.'

VOTE: AYE – Hutcheson, Fruend, Rater, Rew, Stroebele, and Van Houten, NAY – None.
ABSTAIN – None ABSENT – Rater and Watson. VACANT – Three. Motion: Carried.

Attachment

Attachment A: Proposed Section 15.28.020, *Applicability*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Proposed Section 15.08B.020, *Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley Weber, Planner, Community Development Department

Chapter 15.28 - P-R/PLANNED RESIDENTIAL OVERLAY

15.28.020 Applicability

1. 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.
2. 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.
3. 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 2 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~~ **two (2)** dwelling units.
 3. A minimum of one (1) mixed commercial-residential structure.
4. 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.

(Ord. 5309 § 1 (part), 1996)

HISTORY

Amended by Ord. [6483](#) on 2/28/2022