ORDINANCE NO. 6482

AN ORDINANCE TO AMEND TITLE 15 ZONING OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY ENACTING NEW CHAPTER 15.35 "INFILL DEVELOPMENT".

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

SECTION 1. That Title 15 Zoning of the 2020 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by enacting new Chapter 15.35 "Infill Development" to read as follows:

Chapter 15.35-INFILL DEVELOPMENT

15.35.010 Statement of Intent
15.35.020 Definitions
15.35.030 Infill Dwelling Structures

15.35.010 Statement of Intent

The purpose of the Infill Development chapter is to encourage the development of vacant infill tracts and lots throughout the City and the redevelopment of properties that may be problematic or otherwise unique. Acknowledging that it may not be economically feasible or attractive to develop or redevelop many of the smaller properties throughout the City under existing land development regulations, the Infill Development policy gives the City the flexibility to determine the worthiness of those projects that cannot strictly comply with all the land development regulations that would normally be applied to the project provided the project can meet the general intent of the comprehensive plan and the land development regulations as applied consistent with the purpose and intent of this section and sound and generally acceptable planning and land use principles and practices.

The infill development policy ensures that the proposed development is designed and located utilizing innovative techniques and characteristics that are beneficial to the City. Criteria for infill development projects are intended to ensure that a proposed development improves the character of the neighborhood in which it is located and improves the City as a whole; that flexibility in design is used to construct a project that is superior to a project strictly and rigidly designed consistent with the land development regulations; and that the use is compatible with surrounding properties.

In exchange for a better project, the developer may vary some of the standards and criteria of the land development regulations including, but not limited to, density, building setback, height, lot size, parking, and architectural design pursuant to a negotiated conditional use permit with the City.

15.35.020 Definitions

The following terms are specific to this chapter:

Infill Dwelling Structure: 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 development not practicable.

15.35.030 Infill Dwelling Structures

A. Applicability. This section shall apply to existing lot(s) of record that are within established residential neighborhoods and that are considered non-conforming as per the site development standards of the base zoning district.

B. Review Procedure. The property owner or their authorized representative may submit an application for a conditional use permit, as outlined in CBMC Section 15.02.090. The application shall be filed with the Community Development

Department, along with the required filing fee. The Community Development Director shall determine the adequacy and completeness of the application prior to scheduling the case before the zoning board of adjustment.

C. General provisions

1. Infill dwelling structures shall be permitted as conditional uses in all zoning districts that allow residential development.
2. Infill dwelling structures shall only be permitted on existing nonconforming lots of record on which new construction would not be practicable due to the site development standards of the base zoning district.
3. Proposed infill dwelling structures will be evaluated by the Community Development Department on a case-by-case basis. All conditional use permit applications for infill dwelling structures shall include the following materials and information:
    a. Letter of intent stating how the flexibility granted by the City regarding site development standards will benefit the public good and the ability of the development to assist the City in its goals to stabilize, preserve, and/or improve existing neighborhoods.
    b. Setbacks
    c. Lot coverage
    d. Building placement/bulk/size
    e. Off-street parking
    f. Architectural design
    g. Drainage and runoff
    h. Outdoor lighting
    i. Landscaping
    j. Utilities
    k. Any other information pertinent to the development of the site necessary for sufficient development review.
4. The Community Development Department shall have the authority to request additional information for development review as needed.

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 February 14, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

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