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 February 28, 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: 2-28-22