Prepared by: *City Legal Dept., 209 Pearl Street, Co. Bluffs, Iowa 51503-Phone: (712) 890-5317*
Return to: *City Legal Dept., 209 Pearl Street, Co. Bluffs, Iowa 51503-Phone: (712) 890-5317*

AGREEMENT OF CONSENT TO SUBDIVISION

AND

PETITION FOR VOLUNTARY ANNEXATION

This agreement between the City of Council Bluffs, Iowa (hereinafter referred to as "City") and Michael L. Coy (hereinafter referred to as "Petitioner") is entered this ___ day of _____, 2019.

Petitioner is the owner of two parcels of land with the parcel numbers 7443 05 376 006 see "Exhibit A" and 7443 05 376 007 see "Exhibit B". Petitioner is requesting that City consent to the subdivision of the two parcels into 3 parcels identified as lot 1, lot 2 and lot 3. Lot 1 will be the reconfigured parcel of what currently bears the address of 15093 Valley View Drive Council Bluffs, Iowa. Lot 2 will be the reconfigured parcel of what currently bears the address of 15091 Valley View Drive Council Bluffs, Iowa. Lot 3 a rectangular shaped parcel with its Western boundary butting up against Valley View Drive and its Southern boundary being what is currently the Southern boundary of parcel 7443 05 376 007.

Parcel 7443 05 367 007 is contiguous to the city limits of Council Bluffs and Parcel 7443 05 376 006 is contiguous to parcel 7443 05 376 007. The City is conditioning its consent to the proposed subdivision on Petitioner, petitioning for the Voluntary Annexation of both Parcels. Said Petition is attached hereto and incorporated by this reference. This petition is to be signed at the time that the City grants it consent to the proposed subdivision. City agrees not to act upon the petition until the passage of 10 years from the date of said signing unless otherwise requested by the Petitioner or his assigns.

It is also anticipated that after Lot 3 has been legally established it will be sold. Petitioner agrees that prior to closing on this sale that he will obtain from the purchaser a petition for the

voluntary annexation of the newly created Lot 3 signed by the individual or entity acquiring same. Likewise, if there is any transfer of the property currently making up Parcels 7443 05 376 006 or 7443 05 376 007 prior to the annexation of same a similar petition will need to be signed by the acquiring party. The petitions identified in this paragraph will not be acted upon by the City until such time as the 10 years set out in the paragraph above has past or upon the request of the Petitioner or his subsequent assigns.

In addition to the above requirements, the following conditions shall be adhered to:

1. The uses of Lots 1 and 2 shall be limited to those permitted in an area zoned AP in the City of Council Bluffs as they currently exist as set out in chapter 15.13 of its Municipal Code. Which is attached hereto and identified as Exhibit C.

2. The uses of Lot 3 shall be limited to those permitted in areas zoned C-2 in the City of Council Bluffs, Iowa as they currently exist as set out in Chapter 15.15 of its Municipal Code. Which is attached hereto and identified as Exhibit D.

3. Any development on Lot 3 shall be designed so that it is compliant with all of the provisions set out in Exhibit D. Its driveway and parking lot shall be compliant with Chapter 15.23 of the Council Bluffs Municipal Code as it currently exists. Which is attached hereto and identified as Exhibit E.

4. If the development on Lot 3 includes a kennel than the screening requirements set out in Section 15.24.040 of the Council Bluffs Municipal Code as it currently exists shall be complied with. This section is attached hereto and identified as Exhibit F.

5. So as to ensure proper spacing of the driveway approaches on Valley View Drive the approach serving Lot 3 shall not be within 100 feet of its Northerly property line.

Any document conveying an interest in Lots 1, 2 or 3 shall expressly state the restrictions and conditions contained herein either by insertion into such document or specific reference to this agreement.

As witness to the above agreement and as authorized representative of our respective party we have affixed our signatures below on this ___ day of _____, 2019.

CITY OF COUNCIL BLUFFS, IOWA

By: _____
MATTHEW J. WALSH
Mayor
209 Pearl Street
Council Bluffs, Iowa 51503

PETITIONER

By_____
MICHAEL L. COY, Property Owner
15091 Valley View Drive
Council Bluffs, Iowa 51503

STATE OF IOWA)
COUNTY OF) ss.
POTTAWATTAMIE)

Subscribed and sworn to me by _____ this _____ day of _____, 20____.

_____
Notary Public

STATE OF IOWA)
COUNTY OF) ss.
POTTAWATTAMIE)

Subscribed and sworn to me by _____ this _____ day of _____, 20____.

_____
Notary Public

Prepared by: *City Legal Dept., 209 Pearl Street, Co. Bluffs, Iowa 51503-Phone: (712) 890-5317*
Return to: *City Legal Dept., 209 Pearl Street, Co. Bluffs, Iowa 51503-Phone: (712) 890-5317*

PETITION FOR VOLUNTARY ANNEXATION

COME NOW THE UNDERSIGNED OWNERS OF LAND and hereby petition the City Council of the City of Council Bluffs, Iowa to voluntarily annex the land described in the Exhibits attached to this Petition to the City of Council Bluffs and state as follows:

1. Michael L. Coy is the owner of parcel numbers 7443 05 376 006 and 7443 05 376 007 described in Exhibits A & B, attached hereto.

2. The voluntary annexation of the land described in the attached Exhibits shall be subject to the City not taking any action on this Petition for a period of 10 years after the execution of same unless otherwise requested by the owner or his assigns.

3. The land described in the attached Exhibits is contiguous with the corporate limits of the City of Council Bluffs, all pursuant to Section 368.7 of the Iowa Code.

CITY OF COUNCIL BLUFFS, IOWA

By: _____
MATTHEW J. WALSH
Mayor
209 Pearl Street
Council Bluffs, Iowa 51503

PETITIONER

By_____
MICHAEL L. COY, Property Owner
15091 Valley View Drive
Council Bluffs, Iowa 51503

STATE OF IOWA)
COUNTY OF) ss.
POTTAWATTAMIE)

Subscribed and sworn to me by _____ this _____ day of _____, 20____.

_____
Notary Public

STATE OF IOWA)
COUNTY OF) ss.
POTTAWATTAMIE)

Subscribed and sworn to me by _____ this _____ day of _____, 20____.

_____
Notary Public

Find Property Res Sales Comm/Ind Sales

7443 05 376 006

--- Permanent Property Address ---	------- Mailing Address -------
COY, MICHAEL L	COY, MICHAEL L
15093 VALLEY VIEW DR	15091 VALLEY VIEW DR
COUNCIL BLUFFS, IA 51503	COUNCIL BLUFFS, IA 51503

District: 049 LEWIS TWP/LEWIS CENTRAL

REAL ESTATE TAXES ON TREASURER'S WEBPAGE

Go to: https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744305376006

TAX DESCRIPTION*

* Not to be used on legal documents

LEWIS TWP 5-74-43 PT SE SW COMM 733.92'S NW COR TH E53' SE46.81' NELY374.17' NW468.1' N150' E559.51' S892.58' SW120.07' W663.49' N230.73' TO POB (PARCEL D)

ASSESSED VALUE

* Class is for Assessment purposes only -- Not Zoning

land	dwelling	land	building	total	ag acres	year	class*
$49,900	$153,600		$0	$203,500		2018	R
$49,900	$153,600		$0	$203,500		2019	R

EXEMPTIONS & CREDITS

2018 FR	$4,809.00	FOREST RESERVE 7.48 acres
2019 FR	$4,809.00	FOREST RESERVE 7.48 acres

OWNERS

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D COY, MICHAEL L book/page: 2012/17005 D

SALES HISTORY

Sale Date	Amount	Code	Book/Page
10/26/2012	0	D17	2012/17005

ASSESSMENT DATA

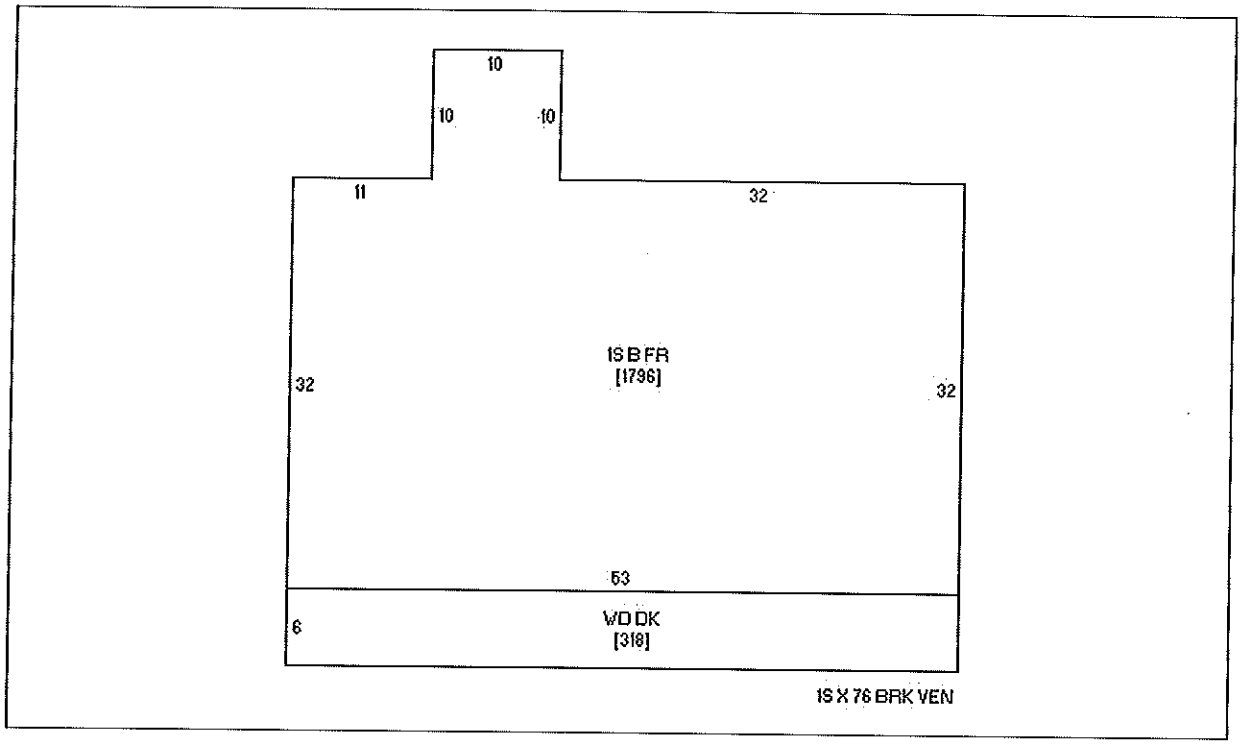
PDF: 7 MAP: LEWIS TWP

Interior Listing: Inspected Date Listed: 01/29/2003 TB Date Reviewed: 03/13/2013 BK

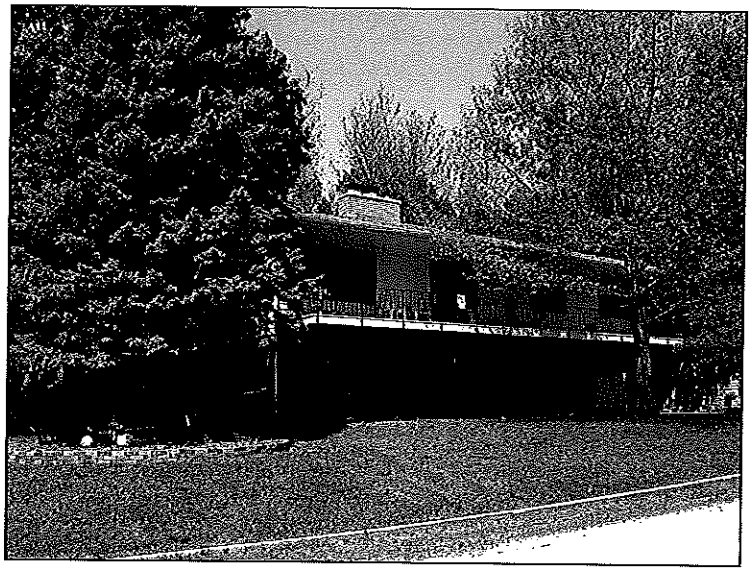
LAND.....507037 sqFt 11.64 acres

Residence 1 of 1 -- Single-Family
BUILDING.....1 Story Frame 5/2 Rooms Above/Below 3/1 Bedrooms Above/Below 1796 SF Base AC
Built:1962 Above Normal Bsmt: Full Bsmt Finish: 650 SF Attic Finish: None
FINISH.....Foundation: C Blk Exterior: Wd Lap Roof: Asph / Hip
Interior: Drwl Flooring: Carpet / Vinyl
FIREPLACE.... 1 Masonry 1 Masonry
PLUMBING.....1 Full Bath 2 Shower Stall Bath
DECK/PATIOS..318 SF Wood Deck-Med
VENEER.....76 ft 1 Story Brick
GARAGES(1)...2 Bsmt Stalls

EXHIBIT "A"



15093 VALLEY VIEW DR, COY, MICHAEL L



15093 VALLEY VIEW DR, COY, MICHAEL L, 1 05/09/2003

Zoom Out Zoom In



1200ft x 1200ft
Click any parcel to go to its web page
See more maps at the County GIS Department.

As of: On Web ▼ Get Card

Find Property Res Sales Comm/Ind Sales

Find Property Res Sales Comm/Ind Sales

7443 05 376 007

--- Permanent Property Address ---	------- Mailing Address -------
COY, MICHAEL L	COY, MICHAEL L
15091 VALLEY VIEW DR	15091 VALLEY VIEW DR
COUNCIL BLUFFS, IA 51503	COUNCIL BLUFFS, IA 51503

District: 049 LEWIS TWP/LEWIS CENTRAL
District: 049 LEWIS TWP/LEWIS CENTRAL

REAL ESTATE TAXES ON TREASURER'S WEBPAGE

Go to: https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744305376007

TAX DESCRIPTION*

* Not to be used on legal documents

LEWIS TWP 5-74-43 PT SE SW COMM 964.65'S NW COR TH E663.49' NE120.07' N892.58' E607.62' S1318.78' W1319.27' N354.26' TO POB (PARCEL E)

ASSESSED VALUE

* Class is for Assessment purposes only – Not Zoning

land	dwelling	land	building	total	ag acres	year	class*
$10,400	$574,560		$16,700	$601,660	7.070	2018	A
$6,700	$595,000		$10,300	$612,000	7.070	2019	A

EXEMPTIONS & CREDITS

2018 AGLAND	$5.99	
2018 FR	$13,900.00	FOREST RESERVE16.59 acres
2018 HOMESTEAD	$4,850.00	
2019 FR	$9,000.00	FOREST RESERVE16.59 acres
2019 HOMESTEAD	$4,850.00	

OWNERS

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D COY, MICHAEL L book/page: 2012/17003 D

SALES HISTORY

Sale Date	Amount	Code	Book/Page
10/26/2012	0	D17	2012/17003

ASSESSMENT DATA

PDF: 27 MAP: LEWIS TWP

Interior Listing: Inspected Date Listed: 02/27/2002 TB Date Reviewed: 10/29/2018 KK

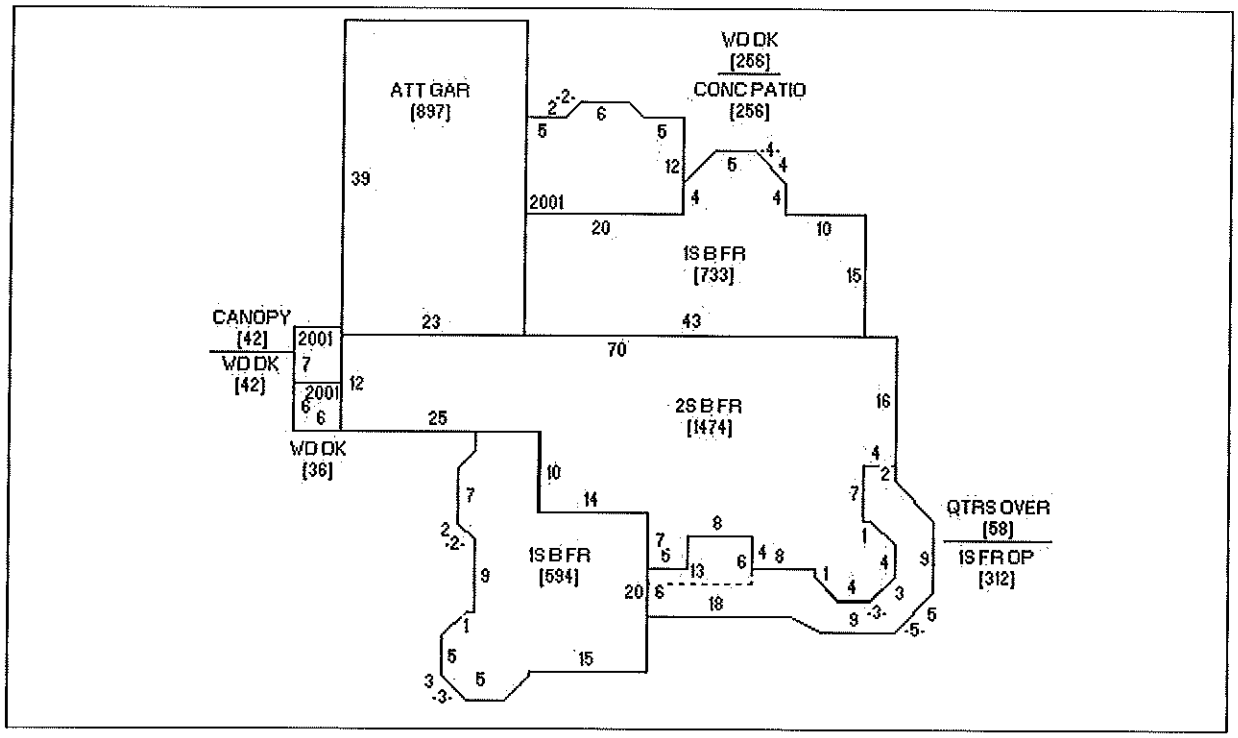
LAND.....1030629 sqFt 23.66 acres

Residence 1 of 1 -- Single-Family
BUILDING.....2 Story Frame 11/0 Rooms Above/Below 4/0 Bedrooms Above/Below 1474 SF Base AC
Built:1999 Normal Bsmt: Full Bsmt Finish: None Attic Finish: None
FINISH.....Foundation: Conc Exterior: Vinyl Roof: Asph / Hip
Interior: Drwl Flooring: Tile / Hdwd
ADDITIONS....Addition 1: 594 SF 1 Story Frame Built: 1999 AC Bsmt SF: 594
Addition 2: 733 SF 1 Story Frame Built: 1999 AC Bsmt SF: 733
FIREPLACE.... 1 Gas-Vertical
PLUMBING.....2 Full Bath 1 Toilet Room 1 Lavatory 1 Shower Stall/Tub
1 Whirlpool Bathroom
PORCHES.....312 SF 1S Frame Open No Bsmt 58 SF Frame Qtrs Over w/AC
DECK/PATIOS..256 SF Wood Deck-Med
256 SF Concrete Patio-Low
42 SF Fbgls/Mtl Roof-Med
36 SF Wood Deck-Med
42 SF Wood Deck-Med
GARAGES(1)...1 Attached
Garage 1: 897 SF Att Frame Built: 1999

EXHIBIT "B"

##	Outbuilding Type / Description	Dimension	Cap/Area	Year
1	Barn - Flat/FR	21 x 50	1050 SF	1950
2	Lean-To/FR	16 x 50	800 SF	1950

3 Lean-To/FR	25 x 22	550 SF	1950
4 Machine or Utility Building/C BLK	24 x 35	840 SF	1970
5 Steel Utility Building/POLE/FR	42 x 90	3780 SF	2009



15091 VALLEY VIEW DR, COY, MICHAEL L



15091 VALLEY VIEW DR, COY, MICHAEL L, 1 05/16/2011

Zoom Out Zoom In



2400ft x 2400ft
Click any parcel to go to its web page
See more maps at the County GIS Department.

As of: On Web ▼ Get Card

Find Property Res Sales Comm/Ind Sales

Chapter 15.13 - A-P/ADMINISTRATIVE-PROFESSIONAL DISTRICT

15.13.010 Statement Of Intent
15.13.020 Principal Uses
15.13.030 Conditional Uses
15.13.040 Accessory Uses
15.13.050 Site Development Regulations
15.13.060 Additional Regulations
15.13.070 Signs

15.13.010 Statement Of Intent

This district is intended and designed to provide, in certain areas in the city, for the development of professional and low-intensity business offices and uses in areas where residential dwellings predominate.

(Ord. 5406 § 2 (part), 1998)

15.13.020 Principal Uses

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

A. Boarding, lodging, rooming house, or bed and breakfast;

B. Business, professional office;

C. Community recreation services;

D. College or university;

E. Cultural service;

F. Dwelling, multifamily;

G. Dwelling, single-family attached;

H. Dwelling, single-family detached;

I. Dwelling, townhouse;

J. Dwelling, two-family;

K. Family home;

L. Funeral service;

M. General government use;

N. Group care home;

O. Hospital;

P. Local utility services;

Q. Congregate housing, life care facility or nursing home;

R. Park and recreation services;

S. Private parking lot;

T. Public parking lot;

EXHIBIT "C"

U. Public safety services;

V. Religious assembly;

W. School.

(Ord. 5919 § 1, 2007)

15.13.030 Conditional Uses

The following conditional uses shall be permitted in an A-P district, in accordance with the requirements set forth in CBMC 15.27:

A. Commercial recreation (indoor and outdoor);

B. Day care services;

C. Governmental maintenance facility.

(Ord. 5406 § 2 (part), 1998)

15.13.040 Accessory Uses

The following accessory uses shall be permitted in an A-P district:

A. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

(Ord. 5406 § 2 (part), 1998)

15.13.050 Site Development Regulations

Minimum Lot Size

Lot area	5,000 square feet
Lot width	50 feet
Lot depth	100 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard	20 feet	Greater of 20 feet or existing front setback line of principal structure
Interior side yard	5 feet	3 feet
Street side yard	15 feet	15 feet
Rear yard	20 feet	3 feet
Maximum height	50 feet	18 feet
Lot coverage: all structures:	50% maximum	

(Ord. 5406 § 2 (part), 1998)

15.13.060 Additional Regulations

A. All business, service activities, storage and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas.

B. More than one structure or principal use is permitted, subject to compliance with the site development regulations of this district.

(Ord. 5406 § 2 (part), 1998)

15.13.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5406 § 2 (part), 1998)

Chapter 15.15 - C-2/COMMERCIAL DISTRICT

15.15.010 Statement Of Intent
15.15.020 Principal Uses
15.15.030 Conditional Uses
15.15.040 Accessory Uses
15.15.050 Site Development Regulations
15.15.060 Additional Regulations
15.15.070 Signs

15.15.010 Statement Of Intent

The C-2 district is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods.

(Ord. 5458 § 2 (part), 1999)

15.15.020 Principal Uses

The following principal uses shall be permitted outright in a C-2 district:

A. Automobile repair, minor;

B. Automobile service establishment;

C. Building material, retail sales only;

D. Business, professional office;

E. Business service establishment;

F. Club or lodge;

G. Commercial recreation (indoor and outdoor);

H. Consumer service establishment;

I. Contractor shop;

J. Cultural service;

K. Financial service;

L. General government use;

M. Hotel/motel;

N. Kennel, commercial;

O. Local utility service;

P. Park and recreation services;

Q. Pawn shops;

R. Printing, binding, and mail operations (fifty thousand (50,000) square feet or less);

S. Private and public parking lots;

T. Public safety services;

EXHIBIT "D"

U. Religious assembly;

V. Restaurant (drive-in/fast food, limited and general);

W. Retail shopping establishment;

X. School;

Y. Secondhand store;

Z. Tattoo parlor;

AA. Tavern, as limited by CBMC 15.15.060;

AB. Veterinary service;

AC. Warehousing and distribution, limited (fifty thousand (50,000) square feet or less);

AD. Funeral service;

AE. Consumer fireworks sales;

AF. Small alcohol production facility.

(Ord. 5557 § 1, 2001)

(Ord. No. 6147, § 1, 2-13-2012; Ord. No. 6332, § 1, 6-11-2018; Ord. No. 6341, § 1, 8-13-2018)

Editor's note— Ord. No. 6085, § 1, adopted June 14, 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. 5555, § 1, 2001; Ord. No. 6026, § 1, 2-23-2009.

15.15.030 Conditional Uses

The following conditional uses shall be permitted in a C-2 district, in accordance with the requirements set forth in CBMC 15.27:

A. Adult entertainment, as further limited by CBMC 15.15.060;

B. Automobile repair, major;

C. Automobile sales and rental, as further limited by CBMC 15.15.060;

D. Commercial storage;

E. Communication tower;

F. Day care services;

G. Manufacturing, light (fifty thousand (50,000) square feet or less);

H. Warehousing and distribution (limited).

(Ord. No. 6026, § 2, 2-23-2009; Ord. No. 6306, § 1, 10-9-2017)

Editor's note— Ord. No. 6026, § 2, adopted Feb. 23, 2009, repealed the former CBMC 15.15.030, and enacted a new CBMC 15.15.030 as set out herein. The former CBMC 15.15.030 pertained to similar subject matter and derived from Ord. No. 5555, § 2, adopted 2001.

15.15.040 Accessory Uses

The following accessory uses shall be permitted in a C-2 district:

A. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

(Ord. 5458 § 2 (part), 1999)

15.15.050 Site Development Regulations

Minimum Lot Size	
Lot area	5,000 square feet
Lot width	50 feet
Lot depth	100 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard	15 feet	15 feet
Interior side yard	5 feet	5 feet
Street side yard	10 feet	10 feet
Rear yard	10 feet	10 feet
Maximum height	50 feet	18 feet
Lot coverage, all structures:	60% maximum	

(Ord. 5458 § 2 (part), 1999)

15.15.060 Additional Regulations

A. None of the adult entertainment activities as defined in CBMC 15.03 shall be located within one thousand (1,000) feet of any other such use, nor shall any such use be located within three hundred (300) feet of any school, place of religious assembly, public park, or residential district.

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.

Exception: The two hundred (200) foot distance limitation from conforming multifamily residential uses as noted above shall not apply to taverns which do not exceed three thousand (3,000) square feet in gross floor area if located within a commercial development with one hundred twenty-five thousand (125,000) square feet or more of leasable retail/commercial space.

C. Parking for automobile sales and rental facilities shall include space for both visitor parking and sale display area. One space is required for each vehicle available for sale, lease or rental at one time with additional parking based on the size of the building used for sales and accessory repairs and service.

D. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. No. 6026, § 3, 2-23-2009; Ord. No. 6332, § 1, 6-11-2018; Ord. No. 6341, § 1, 8-13-2018)

Editor's note— Ord. No. 6026, § 3, adopted Feb. 23, 2009, repealed the former CBMC 15.15.060, and enacted a new CBMC 15.15.060 as set out herein. The former CBMC 15.15.060 pertained to similar subject matter and derived from Ord. No. 5940, § 1, adopted 2007.

15.15.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5458 § 2 (part), 1999)

Chapter 15.23 - OFF-STREET PARKING, LOADING AND UNLOADING

15.23.010 Statement Of Intent
15.23.020 General Provisions
15.23.025 Permit Required
15.23.030 Design Standards
15.23.040 Submission Of Plans
15.23.050 Completion Time For Off Street Parking, Loading And Unloading Areas
15.23.060 Parking Spaces Required
15.23.070 Loading Spaces Required
15.23.080 Nuisance Conditions - Improvement
15.23.090 Violations And Penalties

15.23.010 Statement Of Intent

This chapter is intended to provide standards on surface paving and design requirements for off-street parking lots and areas, sales lots, loading and unloading areas, personal and recreational vehicle parking, truck terminals, intermodal facilities and storage uses. The lawful use of such existing uses immediately prior to the effective date of the ordinance codified in this chapter may be continued although such designs do not conform to such standards. When any of these items are to be improved, the design shall meet the new requirements within this code.

(Ord. 5532 § 1 (part), 2001)

EXHIBIT "E"

15.23.020 General Provisions

A. Whenever an addition to an existing structure is proposed, all of the applicable provisions contained within this chapter regarding number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface, shall be complied with.

B. Contractual agreements may be made between uses which generate parking and at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each use involved is met. All other required parking spaces shall be located a distance not to exceed four hundred (400) feet from the building or use which they are required to serve, measured in a straight line from the building.

C. In the event several uses occupy a structure or parcel of land, the total requirements for off-street parking or loading and unloading spaces shall be the sum of the requirements of the several uses computed separately.

D. Parking and loading or unloading spaces shall not be located in a required front yard with the exception of commercial and industrial districts, but may be located within a required side or rear yard.

E. All such off-street parking lots and areas, sales lots, apron space and loading and unloading spaces shall be so drained as to prevent damage to abutting properties and/or public streets;

F. All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, brick, or asphalt to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards.

G. In non one and two family uses, all parking surfaces, spaces, circulation and aisles along the outer boundaries of a parking lot, vehicle entry paths, apron spaces, all driveways and other

traveled areas shall be set back a minimum of five feet from the property line unless required for approved access.

H. Barriers must be located for lots over seven thousand five hundred (7,500) square feet in area to contain the parking within the approved parking lot. For parking lots with less than seven thousand five hundred (7,500) square feet in area the following setbacks shall only apply to the side(s) that directly abut public right-of-way. However, appropriate barriers are needed to protect adjacent buildings and structures on a zero setback side.

Barrier	Setback from Property Line	Setback from Parking Surface
A curb at least six inches in height	5 feet	0
Bump rail at least four inches in height	5 feet	3 feet
Guardrail barrier of eighteen to thirty (30) inches in height	5 feet	0
Post and cable barrier or bollard and chain of eighteen to thirty (30) inches in height	5 feet	0
Concrete, brick, metal or iron fence of twenty-four to forty-eight inches in height	5 feet	0

I. Lighting which illuminates parking lots shall be consistent with CBMC 15.24.050.

J. When a computation of required parking spaces results in a fraction of .5 or greater, the requirement shall be rounded up to the next whole number.

(Ord. 5532 § 1 (part), 2001)

15.23.025 Permit Required

No person or entity shall undertake any of the activities required by this chapter unless they have first applied for and received a permit from the building division for the city of Council Bluffs. Fees for these permits shall be established by the city council and set out in CBMC 2.

(Ord. 5532 § 1 (part), 2001)

15.23.030 Design Standards

Off-street parking lot and areas, sales lots, loading and unloading areas storage uses and non one and two family uses shall observe the following design guidelines:

A. General Use Parking and Traveled Areas Including All Required and Nonrequired Parking, Driveways, Entrances and Exits, Vehicles or Sales.

1. Required Parking and Aisle Widths. Each automobile space shall be not less than one hundred sixty two (162) square feet in area, with dimensions of nine feet by eighteen (18) feet. A maximum of ten (10) percent of required parking can be compact. A compact space shall be one hundred twenty-eight (128) square feet in area, with dimensions of eight by sixteen (16) feet. In addition, there shall be provided adequate entrance and exit driveways to connect each parking space with a street or alley open to use by the public, except where parking of vehicles by attendants is provided.

Type	Minimum Aisle Width
Two-way angled parking	18 feet
Two-way perpendicular parking	24 feet
One-way angled parking	16 feet
One-way perpendicular parking	24 feet

2. Pavement Requirements. Five inches of Portland cement concrete or four inches rock base with four inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.

3. Layout/Markings. The developer shall submit to the building official for review and approval a detailed and accurately scaled parking lot layout clearly showing the location of parking spaces and aisles, all conforming to said standards. Upon construction of the parking lot, the parking spaces must be marked on the parking lot surface according to the extent that those spaces are required in connection with the development. Spaces not required for a development need not be marked, or may be marked to lesser standards. Parking aisles should be designed to reduce pedestrian-vehicular conflicts by placing them perpendicular to the structure. Handicapped parking stalls shall be designed and signed as required by Iowa Admin. Code Chapter 18.

4. Required Green Space. All parking lots with seven thousand five hundred (7,500) square feet shall meet the following requirements:

    a. A minimum of five feet of landscaped area is required between a parking surface and the property line.

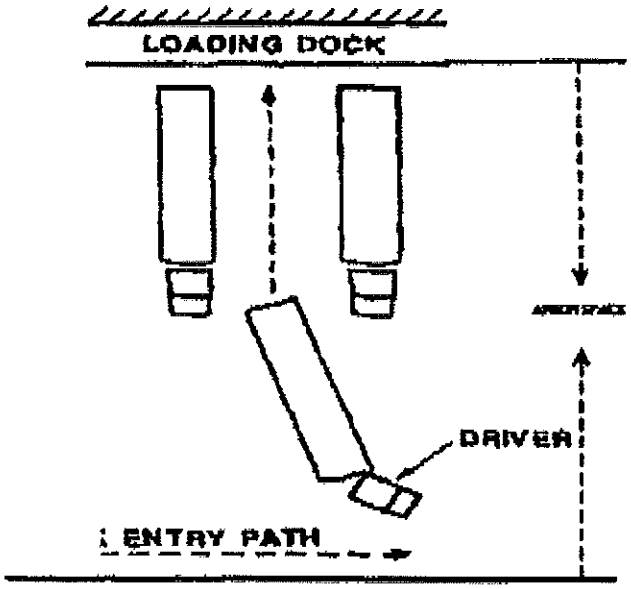
    b. The maximum allowable area that can be paved is ninety (90) percent of total lot area.

    c. A minimum of ten (10) percent of the parking lot area must be landscaped with a permeable surface. Parking lot area is that which is contained within the property line and is adequate for approved parking. This can include the five-foot minimum landscaped setback.

    d. Adjacent parking lots and access points may have the five-foot landscaped area waived when they are shared. The 90/10 rule for required green space will still apply for each abutting lot. Lots less than seven thousand five hundred (7,500) square feet in area shall have five feet on landscaping on those side(s) which abut public right-of-way and the 90/10 rule is not applicable.

5. Screening Requirements. All parking lots shall be screened along the boundary of the parking lot adjacent to residential uses. No screen is required between abutting parking lots. Screening shall conform to the standards in CBMC 15.24.040 Paragraph D.

B. Tractor/trailer Terminals, Service Centers, Intermodal Operations and Storage Areas, Including but not Limited To: Vehicle Entry Paths, Apron Space, all Driveways and Other Traveled Areas.



1. Surface Layout. The developer shall submit to the building official for review and approval a detailed and accurately scaled hard surface layout clearly showing the location of parking spaces and aisles, truck entry paths, apron space, driveways and other traveled areas, all conforming to the provisions in this section.
2. Pavement Requirements. Six inches of Portland cement concrete or six inches rock base with six inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
3. Required Green Space. A minimum of five feet of landscaped area is required between a parking lot, loading and unloading spaces and the property line.
4. Screening. All parking spaces and aisles, truck entry paths, apron spaces, driveways and other traveled areas shall be screened along the boundary adjacent to residential uses. Screening shall conform to the standards in CBMC 15.24.040 Paragraph D.

C. Parking Provisions for Personal Vehicles. All parking in one and two family residential uses shall be parked or stored in the following manner:

1. All residential drives, approaches required and nonrequired parking surfaces shall be hard surfaced.
2. All required parking spaces shall be a minimum of one hundred sixty two (162) square feet in area, with dimensions of nine feet by eighteen feet (18).
3. Pavement Requirements. Four inches of Portland cement concrete or four inches rock base with two inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.
4. Parking is permitted inside any enclosed structure when the structure otherwise conforms to the requirements of its specific zoning district.
5. Parking is permitted outside in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway;
6. Personal vehicles shall not be used for storage of goods, materials or equipment other than those items, which are part of the unit or essential to its immediate use.

D. Parking Provisions for Recreational Vehicles and Vessels. Parking and storing of recreational vehicles and vessels in residential zoning districts, as defined in CBMC 15.03, are subject to the following additional regulations. Recreational vehicles or vessels may be parked and stored by its owner on a single lot in a residential district, subject to the following:

1. Parking of one recreational vehicle or vessel is permitted outside within the required front yard setback on a hard surface driveway or a hard surfaced pad contiguous with the driveway, provided:

    a. Space is not available in the side yard, behind the required front yard or there is no reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and access can be had without substantial damage to existing large trees or major landscaping. A fence shall not be deemed to prevent reasonable access;

    b. Parking in an enclosed structure is not possible;

    c. The vehicle is parked perpendicular to the curb;

    d. The vehicle may not extend over the public sidewalk or public right-of-way.

2. If a recreational vehicle or recreational vessel is equipped with liquefied petroleum gas containers, such containers shall meet all applicable fire safety codes. Any valves must be closed at all times when the vehicle is not being readied for immediate use.

3. A recreational vehicle shall not be used or occupied for living, sleeping or housekeeping purposes except that nonpaying guests at a residence may occupy one vehicle, parked or stored consistent with the regulations of this chapter, for sleeping purposes only, for a period not exceeding seventy-two (72) consecutive hours and not more than fourteen (14) days in any calendar year.

4. Pavement Requirements. Four inches of Portland cement concrete or four inches rock base with two inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.

(Ord. 5532 § 1 (part), 2001)

15.23.040 Submission Of Plans

A plan drawn to scale and indicating how the off-street parking or loading and unloading requirements are to be fulfilled shall accompany an application for an off-street parking loading and unloading permit. Such plan shall show all elements necessary to indicate fulfillment of such requirements, inclusive of the following:

A. Delineation of individual parking and loading spaces;

B. Circulation area necessary to serve spaces;

C. Ingress and egress;

D. Material specifications and locations for paving, barriers, lighting and landscaping;

E. Dimensions, continuity, and substance of screening;

F. Grading, drainage, surfacing, and subgrading details;

G. Delineation of obstacles to parking and circulation in finished parking areas;

H. Specifications as to signage.

(Ord. 5532 § 1 (part), 2001)

15.23.050 Completion Time For Off Street Parking, Loading And Unloading Areas

Required parking lots and areas, sales lots, loading and unloading areas, personal and recreational vehicle parking, truck terminals and intermodal facilities shall be improved as required and made available for use before the final inspection is completed by the building official. An extension of time may be granted by the building official provided a performance bond or its equivalent is posted, equaling the cost of completing the improvement as estimated by the building official.

(Ord. 5532 § 1 (part), 2001)

15.23.060 Parking Spaces Required

The number of off-street parking spaces required shall be no less than as set forth in the following:

Residential Types:	
Boarding, lodging, rooming houses, or bed and breakfasts	½ space for each rooming unit
Dormitories	1 space each 300 square feet of floor area
Dwelling, single-family attached and detached dwelling existing prior to the effective date of the ordinance codified in this chapter	1 space per dwelling unit
Dwelling, single-family attached and detached dwelling, townhouse	2 spaces per dwelling unit
Dwelling, two-family and multifamily	
Efficiency and 1 bedroom	1 space per dwelling unit
2 bedroom or more	1 ½ space per dwelling unit
Government sponsored elderly housing	½ space per dwelling unit
Group care home	½ space per resident
Family home	½ space per resident
Institutional Types:	
College/technical schools	1 space for every 3 full-time equivalent students
Correctional placement residence	1 space per 4 person capacity
Cultural service	1 space per each 500 square feet
Detention facilities	1 space per 4 person capacity
Hospitals	1 ½ spaces for each bed
Convalescent and nursing homes	1 space for every three beds
Religious assembly	1 space per 6 person capacity in the main auditorium
Day care services	1 space for every six children
Schools —Elementary and junior high	2 spaces per classroom
Schools —High school	12 spaces per classroom

Places of Public Assembly:	
Clubs and lodges	1 space per 4 person capacity
Commercial recreation (indoor)	½ space per capacity of the occupant load of the facility
Public assembly	1 space per 4 person capacity
Sports arena or auditorium	1 space per 4 person capacity
Theaters	1 space per 4 person capacity
Commercial recreation (outdoor)	Parking spaces equal to 50% of the occupant load of the facility
Service and Retail Sales:	
Agricultural sales and service	1 space per 1,500 square feet of gross floor area
Automobile repair, minor	1 space per 500 square feet of gross floor area
Automobile repair, major	1 space per 750 square feet of gross floor area
Automobile service establishment	1 space per 750 square feet of gross floor area
Automobile sales and leasing	1 space per 500 square feet of gross floor area
Consumer fireworks sale	1 space per 200 square feet of gross floor area
Consumer service establishment	1 space for every 400 square feet of gross floor area
Equipment sales and rental	1 space for every 400 square feet of gross floor area
Financial services	1 space for every 400 square feet of gross floor area
Funeral services	1 space per 6 person capacity
Hotel and motels	1 space for each guest room
Laundry and dry cleaning	1 space for every 300 square feet of gross floor area
Medical and dental offices	2 spaces for each office, examining room and treatment room
Professional offices	1 space for every 400 square feet of gross floor area
Restaurant, general	1 space for every 150 square feet of gross floor area
Restaurant, drive-in or carry-out	1 space for every 100 square feet of gross floor area
Retail sales including grocery stores	1 space for every 200 square feet of gross floor area
Retail sales, including bulky merchandise, household furniture, appliances	1 space for every 700 square feet of gross floor area
Tavern	1 space for every 100 square feet of gross floor area
Veterinary services	1 space for each office, examining room and treatment room

Industrial Types:	
Contractor and construction yards	1 space per employee
Laboratories and research facilities	1 space for every 600 square feet of gross floor area
Printing and publishing	1 space for every 400 square feet of gross floor area
Wholesale and distribution	
0 to 25,000 square feet	5 spaces
25,000 square feet or more	5 spaces plus 1 for each additional 5,000 square feet above 25,000
Manufacturing	
Custom	See Schedule A
General	See Schedule A
Heavy	See Schedule A
Light	See Schedule A
Use types not listed:	See Schedule B

Schedule A: This schedule sets forth minimum off-street parking requirements for uses with elements having different functions or operating characteristics.

Function of Element	Requirement
Office or administrative activity	1 space per 300 square feet
Indoor sales, display or service area	1 space per 500 square feet
Outdoor sales, display or service area	1 space per 2,000 square feet
Equipment servicing or manufacturing	1 space per 1,000 square feet
Indoor or outdoor storage or warehousing	1 space per 5,000 square feet

Schedule B: Specific requirements shall be determined by the mayor or designee. Requirements shall be based on needs for similar uses, location of proposed use, expected demand and traffic generated by the proposed use, and appropriate traffic engineering and planning criteria and information. Determination of requirements may be appealed to the zoning board of adjustment.

(Ord. 5532 § 1 (part), 2001) (Ord. No. 6336, § 1, 6-11-2018)

15.23.070 Loading Spaces Required

Any use which involves the receipt or distribution of freight, merchandise supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading. The number of loading spaces required shall be no less than as set forth in the following:

A. The following standards shall be used in determining the minimum number of spaces, which will be required:

Number of Spaces	Gross Floor Area of the Building in Square Feet

None	0 to 5,000
One	5,000 to 20,000
Two	20,000 to 75,000
Three	75,000 to 150,000
Four	over 150,000

B. All such areas shall be so drained as to prevent damage to abutting properties and/or public streets.

C. Driving surfaces of off-street loading spaces shall be surfaced according to CBMC 15.23.030 Paragraph B,2.

D. Loading and unloading berths shall each contain at least three hundred fifty (50) square feet measuring ten (10) feet in width and thirty-five (35) feet in length, and shall have a clearance of at least fourteen (14) feet.

E. Off-street loading spaces may not be located in any required yard adjacent to a residential district.

F. Circulation and access to loading spaces must allow maneuvering into or out of the space to occur outside of any public street or right-of-way.

(Ord. 5532 § 1 (part), 2001)

15.23.080 Nuisance Conditions - Improvement

In those areas under purview of this chapter and which on the effective date of the ordinance codified in this chapter, whose premises or private roadways are, which thereafter become adjacent to a paved street or streets or the means of access thereto is a paved alley or driveway, public or private and the premises are being used for public or private for any of the uses described within this chapter. In the event the city building official, after considering and evaluating such factors as the character of the neighborhood of such premises in respect to being improved or unimproved or residential or commercial, the amount and kind of traffic generated by the premises, the extent of such premises, finds and determines that the use of such premises causes air pollution, adverse drainage conditions, or flying or blowing dust, or that the premises are otherwise so conditioned as to be offensive or constitute a nuisance to the occupants or residents of the neighborhood or vicinity of the premises used for the purposes aforesaid shall be permanently improved as proposed in this chapter.

(Ord. 5532 § 1 (part), 2001)

15.23.090 Violations And Penalties

Any person found guilty of a violation of any of the provisions of this chapter shall be subject to the penalty provisions of CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate violation of the provisions of this chapter and may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

(Ord. 5532 § 1 (part), 2001)

EXHIBIT "F"

15.24.040 Fence Regulations

Fences, including masonry walls, vegetation, ornamental iron, chain link, open wood, solid wood or metal, forming a physical barrier, placed on private property, used for any purpose shall conform to the following requirements:

A. General Requirements for All Zoning Districts.

1. No fence placed on any lot shall project over the property line. No fence or obstruction shall be placed in the public right-of-way.
2. The height of a fence shall be measured from the grade on which the fence is placed.
3. The finished side of any fence shall be directed toward the street right-of-way and adjoining properties.
4. No fence or any other obstruction shall be placed within an equilateral triangle having sides of thirty-five (35) feet each running along the edge of the pavement, or curb if present, of each abutting street. The apex of this triangle shall be at the point of the intersection of the edges of the pavement or curbs of such streets when extended out to a point.
5. No fence shall be placed within three feet of a fire hydrant. No fence shall block visibility or access to a fire hydrant from the street.

B. General Requirements for Open Space/Recreation and Industrial Districts.

1. A fence placed in any yard shall not exceed eight feet in height.
2. In I-2 and I-3 districts when the parcel is fifty (50) contiguous acres or more, a fence not to exceed ten (10) feet in height is permitted in the interior, street side and rear yards. In the front yard, the height of the fence shall not exceed eight feet unless its placement meets the setback requirements for structures. Fencing material for a ten (10) foot tall fence shall be limited to vinyl-coated chain link material with no sharp or pointed projections or barbed wire strands permitted.
3. Barbed wire fences zero to six feet in height are permitted in A-1 and A-2 districts for agricultural uses only.
4. Security fences with sharp or pointed projections or containing barbed wire strands are allowed in the A-2, I-1, I-2 and I-3 districts if placed atop a conforming fence of at least six feet in height, with total fence height not to exceed eight feet.
5. Fence, electrically charged security may be allowed in an I-1, I-2 and I-3 District in accordance with CBMC 13.16.485, subject to the following conditions:
    a. The site shall not be within three hundred (300) feet of a residential district, or a legal non-conforming residential use;
    b. The use shall comply with all requirements for conforming use and site development regulations in a underlying zoning district;
    c. Shall not be located within the area defined as the front yard setback, street side yard setback, or the area between a structure and the front property line or street side property line, if greater than the minimum required setback; and
    d. Shall not be located within the corridor design overlay district (CDO).

C. General Requirements for Residential and Commercial Districts.

1. In a front yard or a street side yard, the height of a fence shall not exceed four feet, unless its placement meets the setback requirements for principal and accessory structures. Exception: ornamental iron fences located in front or street side yards may exceed four feet in height, but are limited to six feet in overall height.
2. No solid fence shall be placed within a front yard or street side yard which creates a safety hazard by obstructing the clear view of pedestrians or vehicles.
3. In an interior side yard or rear yard, the height of a fence, excepting vegetation fences, shall not exceed six feet. Fences in residential areas proposed to exceed six feet in height shall be reviewed on a case-by-case basis by the mayor or designee.
4. Security fences with sharp or pointed projections or containing barbed wire strands may be permitted in a C-2 district when placed on top of an otherwise conforming fence, if the following conditions are met:
    a. The site shall not abut any residential district; and
    b. The use shall comply with all requirements for conforming uses and the site development regulations in a C-2 district.
5. Fence, electrically charged security may be allowed in C-2 District in accordance with CBMC 13.16.485, subject to the following conditions:
    a. The site shall not be within 300 feet of a residential district, or a legal non-conforming residential use;
    b. The use shall comply with all requirements for conforming use and site development regulations in a C-2 District;
    c. Shall not be located within the area defined as the front yard setback, street side yard setback, or the area between a structure and the front property line or street side property line, if greater than the minimum required setback; and
    d. Shall not be located within the corridor design overlay district (CDO).

D. Required Fences.

1. A fence shall be required where any conforming commercial or industrial use abuts a residential district. The fence shall be provided at the abutting side and rear property lines. A fence shall also be required for any open storage area in an industrial district which blocks all view of the storage area at or beyond the property line. The fence shall be provided by one of the following methods:
    a. A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;
    b. A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;
    c. A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or
    d. Any combination of the described methods that achieves a cumulative height of six feet.

E. Maintenance. Upon placement of a fence, appropriate measures shall be taken by the fence

owner to ensure continued maintenance.

(Ord. 5963 § 1, 2008)

(Ord. No. 6255, § 1, 1-11-2016)