City Council Communication

Department: Community Development Case #ZT-20-001 Applicant: City of Council Bluffs	Ordinance No.	Planning Commission: 5/12/2020 1st Consideration: 6/08/2020 2nd Consideration: 6/22/2020 3rd Consideration: Request to be waived

Subject/Title

CASE #ZT-20-001: Public hearing on the request of the Community Development Department to amend Section 15.23.020(A) General Provisions relative to the applicability of when off-street parking, loading, and unloading areas shall comply with the standards specified in Chapter 15.23 Off-Street Parking, Loading and Unloading of the Council Bluffs Municipal Code (Zoning Ordinance).

Background

The Community Development Department is proposing a text amendment to Title 15 of the Municipal Code (Zoning Ordinance) to replace the existing Section 15.23.020(A) which states "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." with the following:

Section 15.23.020 (A) 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 when any of the following actions occur:

1. *Construction of any new residential and/or non-residential development;*
2. *Building additions, expansions, and/or remodels for existing development:*
   a. *Non-residential uses: Any building addition(s), expansion(s), and/or remodel(s) that results an increase in the total number of required off-street parking spaces for a premises by 50% or more; and*
   b. *Residential uses: Any addition or remodel that increases the total number of dwelling units on a premises, or any conversion of an existing dwelling into a group care home, boarding, lodging, or rooming house and/or bed and breakfast use.*
3. *Building additions and/or detached accessory structures that are designed in a manner where they are capable of being used for parking motorized vehicles, recreational vehicles, and/or boats, or which are intended to be used for loading/unloading, warehousing and distributing stored items, materials, and/or products shall be accessed by a hard-surfaced paved driveway in accordance with the standards stated in this Chapter; and*
4. *All off-street parking requirements associated with any special zoning overlay, development plan, or master planned area in the City shall supersede the requirements stated in this Chapter.*

The purpose of the proposed text amendment to §15.23.020(A) is to allow greater flexibility to private residences and businesses to construct minor additions to principal structures on the property that would not otherwise affect the parking needs of said use, and would not need to bring the entirety of the property into compliance with the parking lot standards outlined in the Zoning Ordinance. Currently, any addition to a principal structure on a property requires full compliance of the parking lots on the property, regardless of whether the addition would have any other impacts on the site, including the number of parking stalls required. For residential properties, full parking area compliance would not be required until additional dwelling units are added on the premises (i.e. converting a single family dwelling into a multifamily dwelling or duplex), or a dwelling is converted into a higher intensive use such as a boarding, lodging, and/or rooming

house. On commercial properties, full parking area compliance would not be required until the number of required parking spaces (as required by Section 15.23.060 *Parking Spaces Required*) increases by 50% or more (i.e. a business that requires 10 parking spaces can expand until such time that the business would require 15 parking spaces).

The proposed standard A.3 provides clarification that buildings that are designed or constructed as being capable of providing parking for a vehicle would require that a driveway be paved to a roadway or alley.

If approved, the proposal would not allow any nonconforming parking areas to be expanded in a manner that would increase the area of nonconformity of a parking area. This amendment is providing an equitable solution which would allow businesses to expand or remodel to a point where off-street parking compliance is required. The proposed text amendment would not supersede any zoning overlay districts, development plans, master plan requirements, or conditional use permit regulations, and those subject properties would be subject to the compliance requirements of those plans.

All City departments and utility providers received a copy of the proposed text amendments. The Council Bluffs Fire Marshall and Council Bluffs Water Works all responded that they have no comments on the request.

No other comments have been received.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.23.020(A) General Provisions of the Off-Street Parking, Loading and Unloading Chapter of the Council Bluffs Municipal Code (Zoning Ordinance), replacing the existing text with the following:

"Section 15.23.020 (A) 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 when any of the following actions occur:

1. Construction of any new residential and/or non-residential development;
2. Building additions, expansions, and/or remodels for existing development:
    a. Non-residential uses: Any building addition(s), expansion(s), and/or remodel(s) that results an increase in the total number of required off-street parking spaces for a premises by 50% or more; and
    b. Residential uses: Any addition or remodel that increases the total number of dwelling units on a premises, or any conversion of an existing dwelling into a group care home, boarding, lodging, or rooming house and/or bed and breakfast use.
3. Building additions and/or detached accessory structures that are designed in a manner where they are capable of being used for parking motorized vehicles, recreational vehicles, and/or boats, or which are intended to be used for loading/unloading, warehousing and distributing stored items, materials, and/or products shall be accessed by a hard-surfaced paved driveway in accordance with the standards stated in this Chapter; and
4. All off-street parking requirements associated with any special zoning overlay, development plan, or master planned area in the City shall supersede the requirements stated in this Chapter."

Public Hearing

Staff speakers for the request:

1. Christopher Meeks, 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: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to amend Section 15.23.020(A) *General Provisions* relative to the applicability of when off-street parking, loading, and unloading areas shall comply with the standards specified in Chapter 15.23 Off-Street Parking, Loading and Unloading of the Council Bluffs Municipal Code (Zoning Ordinance), as per staff's recommendation.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachment

Attachment A: Proposed text amendment

Prepared by: Chris Meeks, Planner