

TO: Planning & Zoning Commission
FROM: Matt Wyant, County Planning Director
DATE: June 10, 2022

RE: Case #MIS-2022-01

REQUEST: Amend Future Land Use Map of the Pottawattamie County Comprehensive Plan 2030 in Lewis Township Sections 15, 16, 17, 22, 27, 28 and 29 from a Riverfront Ag Production to an Urban Transitional classification.

APPLICANT: Pottawattamie County

GENERAL

INFORMATION: In 2002 the Board of Supervisors appointed a Land Use Task Force that took up the task of amending the County's Land Use Plan. Pottawattamie County's first Land Use Plan was drafted in 1969. In 1974, an amendment to the Land Use Plan was prepared. It was not until 1981, with the adoption of a major amendment to the Zoning Ordinance, that this Land Use Plan and Amendment to the Plan were adopted as the "Official Land Use Plan" for Pottawattamie County. The antiquity of these documents, coupled with the increased development pressures throughout Pottawattamie County, had given rise to the need for the County to embark upon a major amendment and modernization of the it's Land Use Plan and Policies. The recognition that the Loess Hills presents its own special set of development concerns, special focus shall be given to the Loess Hills, as described within the Plan Components. The Task Force, starting in September 2002 and finalizing in 2003, upon unanimous consensus of attending members recommended approval of the 2003-2013 Plan as presented. On February 23, 2004 the Board of Supervisors adopted the 2013 Comprehensive Plan.

In January of 2015 with the approval of the Board of Supervisors, MAPA and Pottawattamie County set out to update the current plan as needed. Public input was sought out in three meetings that were held throughout the County. On November 3, 2015 the Board of Supervisors adopted the 2030 Land Use Plan.

Goal 3.3 *Encourage compatible adjacent land uses throughout the County by means of regulations suited to the unique characteristics and location of each use.*

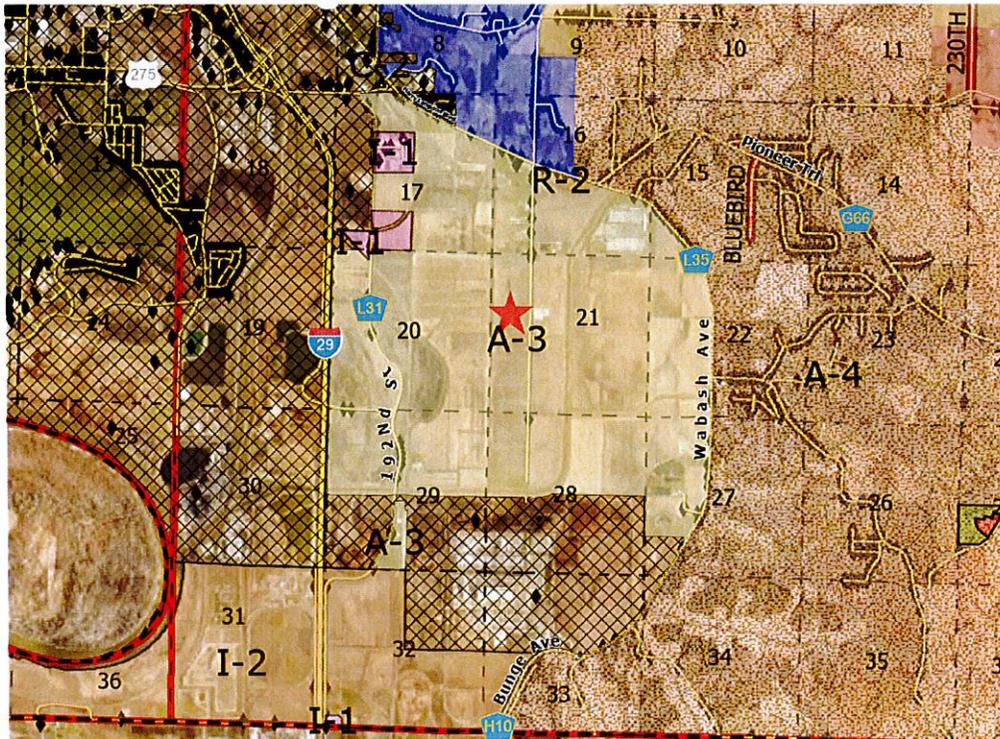
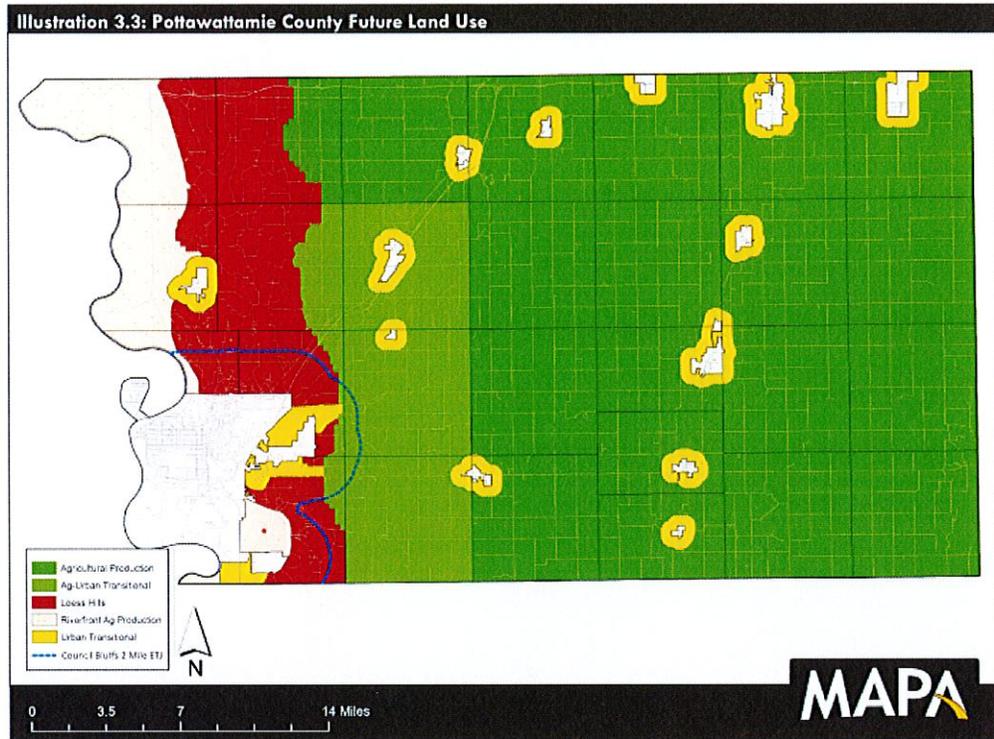
Policy 3.3.1 Establish an annual review and modification process of zoning districts and regulations to encourage both development and redevelopment activities.

Policy 3.3.2 Facilitate the orderly development of residential uses that are environmentally sound, with regard to topography and soils capacity.

Policy 3.3.3 Support the planned development of non-farm residential structures within 2-miles of the Council Bluffs and within ½-mile of the other communities in the County. Agricultural-Urban Transitional Areas are planned in the rural area between the two-mile planning jurisdiction line of Council Bluffs and the eastern township line of Norwalk, Hardin and Keg Creek Townships, from the southern county line, north to the Norwalk and Hazel Dell Townships north line, where concentrations of rural subdivisions currently exist.

Policy 3.3.4 Encourage industrial and commercial development within and/or adjacent to the communities of Pottawattamie County or in areas allowing for compatible land uses and adequate access to transportation and utility systems.

During the 2022 Annual Comp Plan Review, Staff noted that the Future Land Use Map did not match current conditions in the area (indicated with a red dot and red star). On the maps shown below was determined to align with the Urban Transitional classification in regards to the future goals and visions of that area versus Riverfront Ag Production.



URBAN TRANSITIONAL AREAS

Areas within ½ miles of Neola, Minden, Shelby, Avoca and Walnut form a band of transitional rural lands along the I-80 interstate and Highway 83 (Tamarack Road) corridors. Likewise a similar band of jurisdictions is formulated along the Highway 59 corridor including the communities of Hancock, Oakland, Carson and Macedonia. These urban transitional areas split the agricultural production area in half and logically provide services to the agricultural production area.

Lands within ½ miles of each of the cities should be the area of concentration for non-farm rural dwellings, and commercial and industrial uses that prefer not to or should not be located within the corporate limits of a city. Given the close proximity of municipal services, such as emergency medical, utilities, and other municipal facilities, the areas within two miles of each city are ideal locations for non-farm land use types.

Priorities for development in this region are as follows:

- Allow non-farm dwellings and subdivisions in highest concentrations of any of the future land use areas.
- Allow subdivisions as a permitted use within 2-miles of Council Bluffs and ½-mile of the other communities, when located on hard surfaced roads.
- Promote subdivisions with public or common water and/or sewer systems with minimum lot sizes of 2 acres, but decrease minimum to one acre when location is within one mile from the corporate limits.
- Require subdivision roads to be constructed to County Road Standards.
- Minor subdivisions, comprised of no more than 4 separate lots, can have direct-shared access onto hard surfaced roads beyond 2-miles of Council Bluffs and ½-mile of the other communities.
- Major subdivisions of 5 or more separate lots would require frontage roads or designated access roads that have direct access onto hard surfaced roads within 2-miles of Council Bluffs and ½-mile of the other communities.
- Promote commercial and industrial uses where proximity to urban services are readily available, as well as access to the highway corridors.

VS.

RIVER FRONT AND LOW LYING AGRICULTURAL PRODUCTION AREAS

The first and most restrictive region included in the Future Land Use Plan analysis, is the River Front and Low Lying Agricultural Production Areas. This area extends from the Missouri River east to the western boarder of the Loess Hills region. The River Front region is most notable for its association with the low-lying bottomlands of the Missouri River floodplain. This region contains very fertile soils for the production of row crops and is generally void of non-farm dwellings. The nature of the mostly flat lands has attracted the Interstate 29 and 680 corridors with their associated commercial uses at the interstate interchanges. Generally, given the fact that large portions of this region are included in the floodplain of the Missouri River, very few areas are capable of sustaining development.

The following is a list of recommendations for the area:

- Prohibit commercial and industrial uses, except at Interstate interchanges.
- Allow dwellings only when in conformance with floodplain restrictions.
- Preservation of wetlands, open space areas and agricultural production areas is needed.
- Limit non-farm dwellings to one per quarter/quarter (40 acres).

TO: Planning and Zoning Commission
FROM: Matt Wyant, Planning Director
DATE: June 10, 2022

RE: #ZMA-2022-02

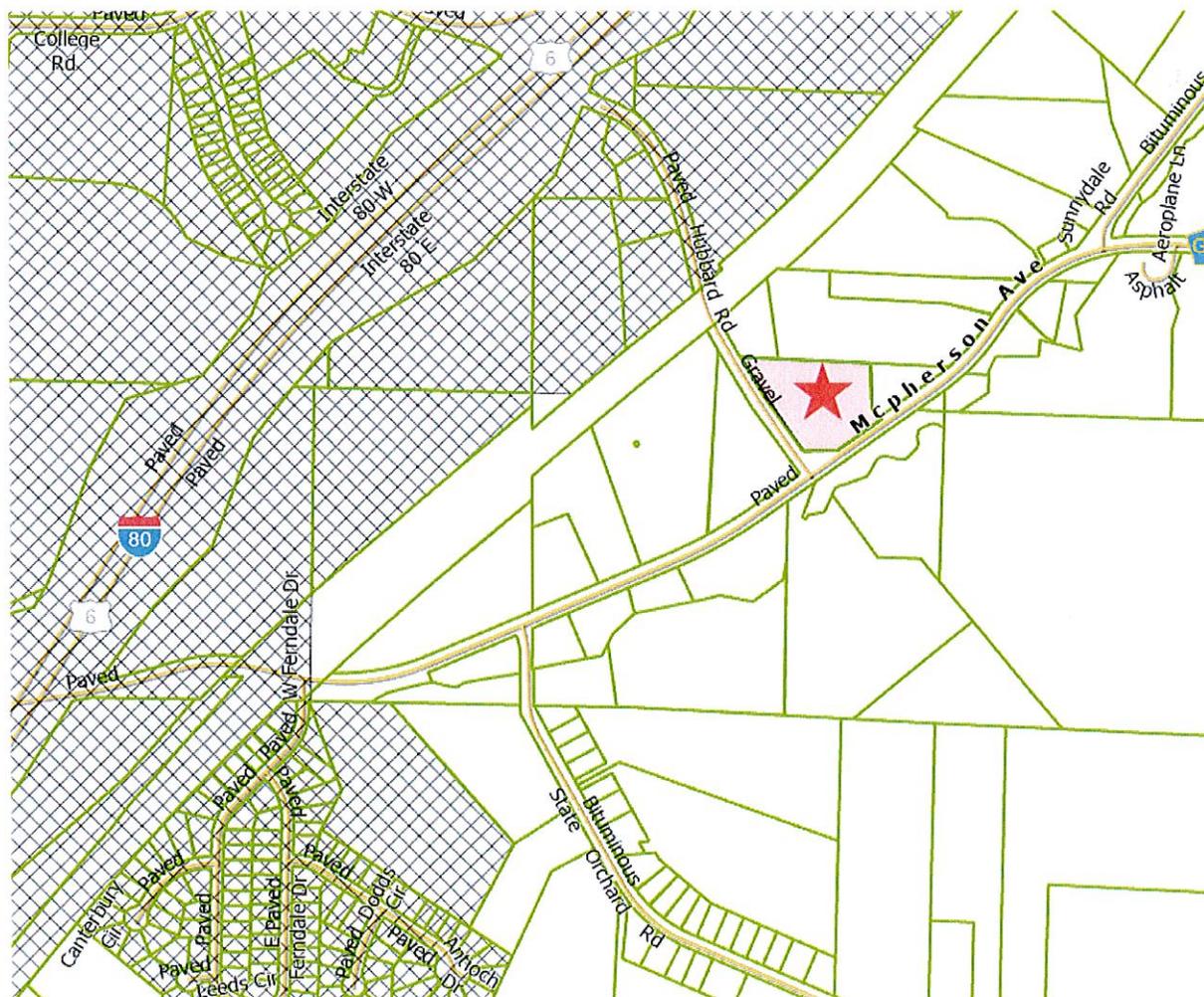
REQUEST: Zoning Map Amendment to reclassify approximately 3.91 acres from a Class R-2 (Urban Transitional) to a Class C-2 (General Commercial).

LOCATION: Garner Township

20736 McPherson

28-75-43 LT 6 NW SE LT 1 SW SE N OF HWY EXC COMM NE COR LT 6 W313' S TO R OF WAY LINE
HWY 6 NELY TO POB

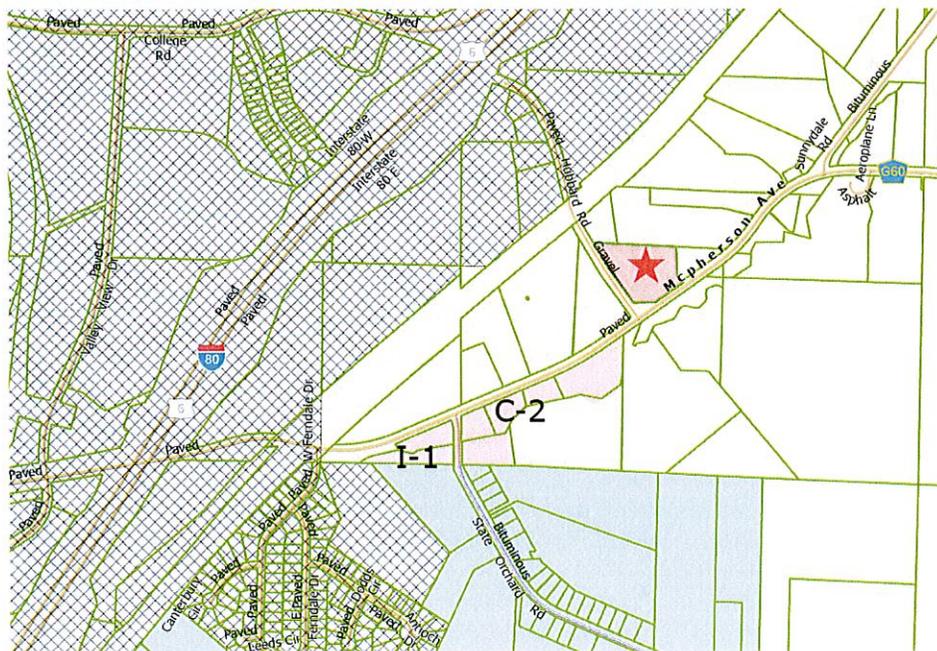
The subject property is located slightly outside the city limits of Council Bluffs on McPherson Ave.



PROPERTY OWNER: Karis – Cara Crilly

GENERAL INFORMATION: The applicant has requested that approximately 3.91 acres, which are currently zoned R-2 (Urban Transitional) District, be rezoned to C-2 (General Commercial).

SITE & AREA REVIEW: The properties in the immediate area are a mixture of residential, commercial and industrial properties.



- Zoning (Pottawattamie County, IA)
- A1 Open Space and Conservation
- A2 Agricultural Production
- A3 River Front and Ag Production
- A4 Loess Hills Landform
- C1 Highway Commercial
- C2 General Commercial
- C3 Commercial Recreational
- I1 Limited Industrial
- I2 General Industrial
- R1 Agricultural-Urban Transitional
- R2 Urban Transitional
- R3 Urban Residential
- R5 Planned Residential

SITE REVIEW:

Situated on the property is a 60' x 100' utility building.



LAND USE PLAN: This proposed Zoning Map Amendment aligns with the Comprehensive and Land Use Plan.

ROADS & TRAFFIC: Access to the subject property is gained from McPherson Avenue, a hard-surfaced county road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 700 vehicles per day.

See attachment for Zoning Ordinance for C-2 District and allowable uses both principle and conditional.

CHAPTER 8.050
GENERAL COMMERCIAL DISTRICT

- 8.050.010 INTENT: The Class C-2 District is intended primarily to provide for those business and commercial establishments serving the general retail shopping needs of those persons living in the unincorporated areas of the *County*. Properties shall be located along or have direct access to hard surfaced streets. (*Ordinance #2015-05/12-18-2015*)
- 8.050.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class C-2 District: (*Ordinance #81-6/10-01-81*)
- .01 A
- A. Antique shops. (*Ordinance #81-6/10-01-81*)
 - B. Apparel and shoe stores. (*Ordinance #81-6/10-01-81*)
 - C. Art galleries. (*Ordinance #81-6/10-01-81*)
 - D. Auditoriums, exhibition halls, or other public assembly rooms. (*Ordinance #81-6/10-01-81*)
 - E. Automobile and other vehicle parts and supply stores. (*Ordinance #81-6/10-01-81*)
 - F. Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities. (*Ordinance #81-6/10-01-81*)
 - G. Automobile, boat, farm implement and equipment, motorcycle, *mobile home*, trailer and truck sales, rental and service. (*Ordinance #81-6/10-01-81*)
- .02 B
- A. Bakeries and bakery outlets-retail sales only. (*Ordinance #81-6/10-01-81*)
 - B. Banks, savings and loan associations, lending agencies, and similar financial institutions including drive-in banks. (*Ordinance #81-6/10-01-81*)
 - C. Barber shops and beauty shops. (*Ordinance #81-6/10-01-81*)
 - D. Bars, cocktail lounges, nightclubs and *taverns*, provided that the side yard setback and rear yard setback shall be a minimum of fifty (50) feet when such yards abut a Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)
 - E. Bicycle shops, sales and repairs. (*Ordinance #81-6/10-01-81*)
 - F. Bookstores including newsstands, magazine stores and rental libraries. (*Ordinance #81-6/10-01-81*)

- G. Building supply stores, provided all phases of the business conducted upon the premises be within an enclosed *building*. (Ordinance #81-6/10-01-81)
- H. Business and professional offices. (Ordinance #81-6/10-01-81)
- I. Business, professional, technical and trade schools and colleges. (Ordinance #81-6/10-01-81)

.03 C

- A. Camera and photographic supply store, including photographic development pick-up stores. (Ordinance #81-6/10-01-81)
- B. Candy, nut and confectionery shops, including ice cream or snack bars, but only at retail and only on the premises. (Ordinance #81-6/10-01-81)
- C. Carpenter and cabinet making shops. (Ordinance #81-6/10-01-81)
- D. Carpet and drapery stores. (Ordinance #81-6/10-01-81)
- E. Catering establishments. (Ordinance #81-6/10-01-81)
- F. Clothes cleaning and laundry pick-up stations. (Ordinance #81-6/10-01-81)
- G. Collection offices of public utility. (Ordinance #81-6/10-01-81)
- H. Commercial parking lots and *structures* for passenger vehicles in accordance with the provisions of Chapter 8.080. (Ordinance #81-6/10-01-81)
- I. *Convalescent, nursing and retirement homes*. (Ordinance #81-6/10-01-81)

.04 D

- A. Dairy stores, retail only. (Ordinance #81-6/10-01-81)
- B. *Demolition rubble waste disposal site* for demolition rubble waste generated on the property where it is disposed of.
- C. Department stores. (Ordinance #81-6/10-01-81)
- D. Drug stores and pharmacies. (Ordinance #81-6/10-01-81)
- E. Dry good stores. (Ordinance #81-6/10-01-81)

.05 E

- A. Egg and poultry stores, excluding any slaughtering, eviscerating or plucking. (Ordinance #81-6/10-01-81)
- B. Electrical repair shops. (Ordinance #81-6/10-01-81)

- C. Employment agencies. (*Ordinance #81-6/10-01-81*)
 - D. Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and *buildings*, provided that the side yard setback and rear yard setback shall be a minimum of fifty (50) feet when such yards abut a Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)
- .06 F
- A. Feed and seed stores, whose products shall be stored and sold in packaged form only. (*Ordinance #81-6/10-01-81*)
 - B. Florist stores. (*Ordinance #81-6/10-01-81*)
 - C. Frozen food lockers for storage and retail sales only, excluding slaughtering. (*Ordinance #81-6/10-01-81*)
 - D. Furniture and appliance stores, including incidental repair and upholstery. (*Ordinance #81-6/10-01-81*)
- .07 G
- A. *Garages* for general motor vehicle repair, but not including major body and fender work, and overall painting and upholstery. (*Ordinance #81-6/10-01-81*)
 - B. Garden shops and supply stores, and nurseries, provided that all equipment, supplies and merchandise, other than plants, shall be kept within a completely enclosed *building* or under a lathed structure and further provided that fertilizer of any type shall be stored and sold in packaged form only. (*Ordinance #81-6/10-01-81*)
 - C. Gift, novelty and souvenir shops. (*Ordinance #81-6/10-01-81*)
 - D. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope of effect. (*Ordinance #81-6/10-01-81*)
 - E. Grocery stores, delicatessens and supermarkets, including convenience stores. (*Ordinance #81-6/10-01-81*)
- .08 H
- A. Hardware stores. (*Ordinance #81-6/10-01-81*)
 - B. Hobby, craft and art supply stores. (*Ordinance #81-6/10-01-81*)
 - C. Home furnishings and decorating stores. (*Ordinance #81-6/10-01-81*)
 - D. Hospitals, medical and dental clinics and other medical and health facilities. (*Ordinance #81-6/10-01-81*)

- E. *.47 Hotels and motels, but only when serviced with public or common water and sewer facilities. (Ordinance #81-6/10-01-81)*
- .09 I
- A. Ice storage and distribution stations of not more than five (5) ton capacity. *(Ordinance #81-6/10-01-81)*
- .10 J
- A. Jewelry stores, including clock and watch repair. *(Ordinance #81-6/10-01-81)*
- .11 K
- .12 L
- A. Launderettes, coin-operated dry-cleaning establishments, and dry-cleaning or pressing establishments using only non-flammable solvents. *(Ordinance #81-6/10-01-81)*
 - B. Lawn mower repair shops. *(Ordinance #81-6/10-01-81)*
 - C. Leather goods and luggage stores. *(Ordinance #81-6/10-01-81)*
 - D. Liquor stores. *(Ordinance #81-6/10-01-81)*
 - E. Locksmith and key shops. *(Ordinance #81-6/10-01-81)*
- .13 M
- A. Mini-storage warehouses. *(Ordinance #90-8/07-06-90)*
 - B. Mortuaries, funeral homes and funeral chapels. *(Ordinance #81-6/10-01-81)*
 - C. Music stores, including instrument sales and repairs. *(Ordinance #81-6/10-01-81)*
- .14 N
- .15 O
- .16 P
- A. Paint and wallpaper stores. *(Ordinance #81-6/10-01-81)*
 - B. Pet shops, including birds and fish. *(Ordinance #81-6/10-01-81)*
 - C. Plumbing and heating, or electrical contractors and equipment showrooms. *(Ordinance #81-6/10-01-81)*

- D. Printing, lithographic and engraving shops, including blueprint, photostat or other reproduction process shops. (*Ordinance #81-6/10-01-81*)
- .17 Q
- .18 R
- A. Radio and television stores and repair shops. (*Ordinance #81-6/10-01-81*)
 - B. Restaurants, tearooms, cafeterias, cafes, and soda fountains, including outdoor cafes and drive-in eating and dining places, provided that the side yard setback and rear yard setback shall be a minimum of fifty (50) feet when such yards abut a Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)
- .19 S
- A. Scientific, orthopedic and medical instrument and appliance stores. (*Ordinance #81-6/10-01-81*)
 - B. *Service stations*, including dispensing of diesel fuels and complete truck service. (*Ordinance #81-6/10-01-81*)
 - C. Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. (*Ordinance #2003-12/10-03-03*)
 - D. Shoe and hat repair shops. (*Ordinance #81-6/10-01-81*)
 - E. Sporting goods stores. (*Ordinance #81-6/10-01-81*)
 - F. Stamp and coin stores. (*Ordinance #81-6/10-01-81*)
 - G. Stationery and office supply stores, including sales and repairs of office and business machines. (*Ordinance #81-6/10-01-81*)
 - H. Studios, including art, dance, massage and physical culture, music and photographic. (*Ordinance #81-6/10-01-81*)
- .20 T
- A. Tack shops. (*Ordinance #81-6/10-01-81*)
 - B. Tailor and dressmaker shops. (*Ordinance #81-6/10-01-81*)
 - C. Taxidermists. (*Ordinance #81-6/10-01-81*)
 - D. Telegraph offices and telephone exchanges. (*Ordinance #81-6/10-01-81*)
 - E. Telephone answering and messenger services. (*Ordinance #81-6/10-01-81*)

- F. Theaters, except open drive-in theaters. (*Ordinance #81-6/10-01-81*)
- G. Tire shops, excluding any recapping or retreading. (*Ordinance #81-6/10-01-81*)
- H. Tobacco and cigar shops. (*Ordinance #81-6/10-01-81*)
- I. Towers with a height not exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
- J. Toy stores. (*Ordinance #81-6/10-01-81*)
- K. Transformer stations, booster stations, and utility stations; provided there is no yard or garage for service or storage. (*Ordinance #81-6/10-01-81*)
- L. Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals; provided that buses and other transit vehicles shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site. (*Ordinance #81-6/10-01-81*)
- M. Travel bureaus. (*Ordinance #81-6/10-01-81*)

.21 U

- A. Upholstering shops. (*Ordinance #81-6/10-01-81*)

.22 V

- A. Variety stores. (*Ordinance #81-6/10-01-81*)
- B. Veterinary hospitals or clinics; provided all phases of the business conducted upon the premises be within an enclosed *building* where noises and odors are not evident to adjacent properties. (*Ordinance #81-6/10-01-81*)

.23 W

.24 X

.25 Y

.26 Z

8.050.030 **CONDITIONAL USES:** The following *conditional uses* shall be permitted in a Class C-2 District, when authorized in accordance with the requirements of Chapter 8.096: (*Ordinance #81-6/10-01-81*)

.01 Auction halls, barns, and yards. (*Ordinance #81-6/10-01-81*)

.02 Body and fender repair shops, including overall painting and upholstery, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. (*Ordinance #81-6/10-01-81*)

- .03 Drive-in theaters. (*Ordinance #81-6/10-01-81*)
- .04 Exterminator sales when located within a completely enclosed *building*. (*Ordinance #81-6/10-01-81*)
- .05 Secondary airports and private light plane landing strips and helipads, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency, and when situated on a site containing not less than thirty (30) acres.
- .06 Tire shops, including vulcanizing, retreading and recapping. (*Ordinance #81-6/10-01-81*)
- .07 Transmitting stations and towers with a height exceeding one hundred fifty (150) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
- .08 Outdoor entertainment and recreational uses, but only in conjunction with a principal use of entertainment and recreation as listed in 8.050.020.33. (*Ordinance #2004-15/09-10-04*)

8.050.040 ACCESSORY USES: The following *accessory uses* shall be permitted in a Class C-2 District: (*Ordinance #81-6/10-01-81*)

- .01 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal* or conditional uses, unless otherwise excluded. (*Ordinance #81-6/10-01-81*)
- .02 Display *signs*, subject to the provisions of Chapter 8.090. (*Ordinance #81-6/10-01-81*)
- .03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090.
- .04 Outdoor storage of material or merchandise incidental to a permitted use, but not to exceed forty (40) percent of the building floor area used for such use. (*Ordinance #2015-05/12-18-2015*)
- .05 Temporary roadside fireworks stands and Christmas tree lots, when approved by the *Development Director* for a specified time period, after which they shall be disassembled and removed at the end of the authorized period each year. (*Ordinance #81-6/10-01-81*)

8.050.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class C-2 District. (*Ordinance #81-6/10-01-81*)

8.050.060 HEIGHT REQUIREMENT: The maximum height of *buildings and structures* in a Class C-2 District shall be forty (40) feet or three (3) *stories*, whichever is lower. (*Ordinance #81-6/10-01-81*)

8.050.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings and structures* in a Class C-2 District shall be as follows: (*Ordinance #81-6/10-01-81*)

- .01 The *front yard setback* shall be a minimum of twenty-five (25) feet. (*Ordinance #81-6/10-01-81*)
- .02 The *side yard setback* shall be a minimum of twenty-five (25) feet when such *yard* abuts a Class "A" or "R" District or platted residential subdivision, except as provided in Subsections 8.050.020.02.D, 8.050.020.05.D and 8.050.020.18.B.
- .03 The *rear yard setback* shall be a minimum of twenty-five (25) feet when such *yard* abuts a Class "A" or "R" District or platted residential subdivision, except as provided in Subsections 8.050.020.02.D, 8.050.020.05.D and 8.050.020.18.B.
- .04 The minimum *setback* between *buildings* situated on the same site shall be ten (10) feet. (*Ordinance #81-6/10-01-81*)

8.050.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class C-2 District shall be as follows, except as provided in Section 8.004.030 for *lots* not having *common water and/or sewer facilities*: (*Ordinance #81-6/10-01-81*)

	USE	MINIMUM LOT			MAXIMUM LOT
		AREA	WIDTH	DEPTH	COVERAGE
.01	Any Permitted Use	1.0 Acres	80'	100'	50%

(*Ordinance #81-6/10-01-81*)

TO: Planning and Zoning Commission
FROM: Matt Wyant
DATE: June 10, 2022

RE: #ZMA-2022-03

REQUEST: Zoning Map Amendment to reclassify approximately 2.391 acres from a Class A-3 (Riverfront & Ag Production) to a Class I-1 (Limited Industrial).

LOCATION: Lewis Township

192nd St

Part of NE NW 17-74-43 LYING SWLY OF NORFOLK & WESTERN RR EXC CBEC RR

The subject property is located adjacent to the city limits of Council Bluffs on 192nd St.



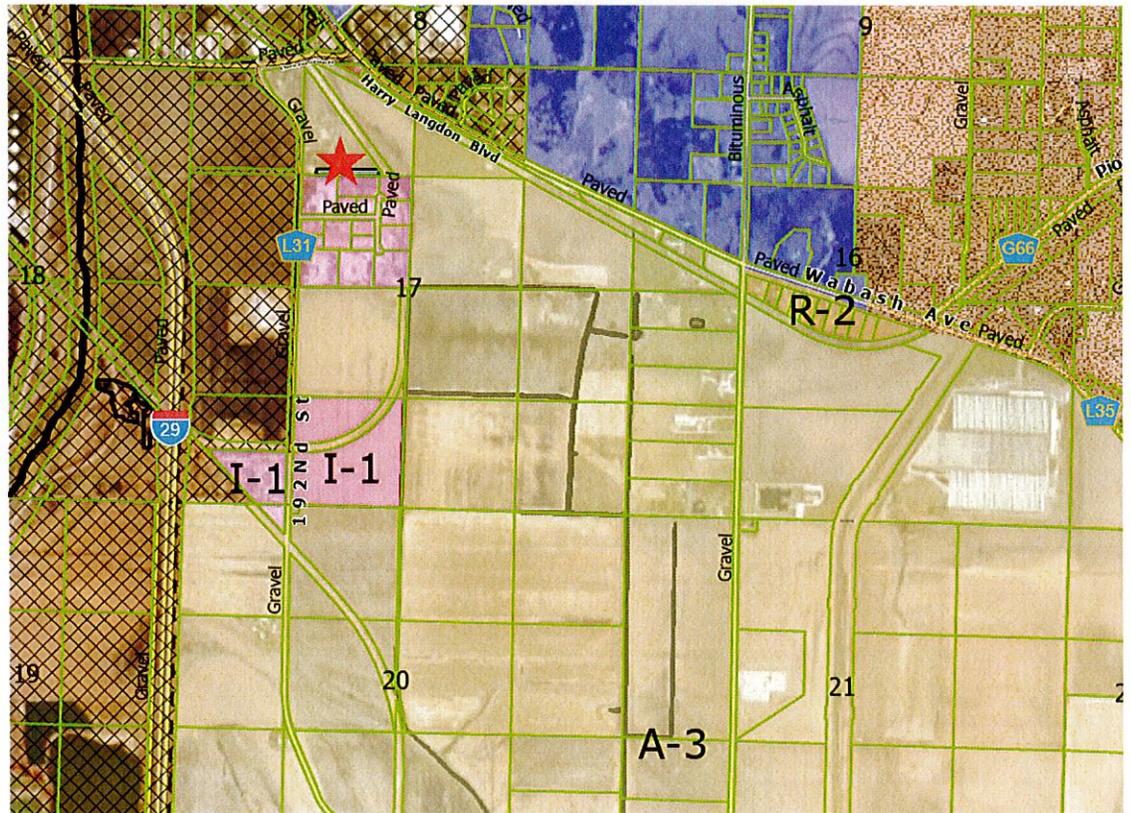
PROPERTY OWNER: Joseph N – Violeta Fernandez Schiro

GENERAL INFORMATION:

The applicants have requested that approximately 2.391 acres of their 27.47 acres parcel, which are currently zoned A-3 (River Front & Agricultural Production) District, be rezoned to I-1 (Limited Industrial). They have granted an easement of this area to Lot 2 of the I-29/I-80 Industrial Park. **See Attachment #1.**

AREA REVIEW:

The properties in the immediate area are a mixture of agricultural ground and industrial properties I-29 and the railroad are in close proximity.



- ▾ Zoning (Pottawattamie County, IA)
 -  A1 Open Space and Conservation
 -  A2 Agricultural Production
 - A3 River Front and Ag Production
 -  A4 Loess Hills Landform
 -  C1 Highway Commercial
 -  C2 General Commercial
 -  C3 Commercial Recreational
 -  I1 Limited Industrial
 -  I2 General Industrial
 -  R1 Agricultural-Urban Transitional
 -  R2 Urban Transitional
 -  R3 Urban Residential
 -  R5 Planned Residential

SITE REVIEW: The parcel has a house, septic, well and outbuilding on it. The easement portion of the property is not useable by the owner due to a division by a drainage way and basin. The area is, however, connected to the lots on the south known as I-29/I-80 Industrial Park.

LAND USE PLAN: This proposed Zoning Map Amendment aligns with the newly reviewed and amended Comprehensive and Land Use Plan.

INDUSTRIAL AREAS

Future industrial usage is encouraged to locate in close proximity to major transportation routes within the 2-mile limit of Council Bluffs and ½-mile of each of the other communities or in specific rural areas such as along railroad or highway corridors. The types of industries that should be encouraged in these areas should include "light manufacturing" and "general industrial" types, such as high tech or agriculture related industries. These types of industries are typically clean and efficient in operation and provide varied classifications of employment opportunities.

ROADS & TRAFFIC: Access to the subject property is gained from 192nd Street, a full depth asphalt road newly constructed through a RISE Grant by the Iowa DOT and County funds. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 430 vehicles per day.

See attachment #2 – Zoning Ordinance for I-1 District and allowable uses both principle and conditional.

Attachment #1



DocID:8611437
Tx:5016044

2022-06612

RECORDER MARILYN HEBING

POTTAWATTAMIE COUNTY, IA

FILE TIME: 05/09/2022 11:26:49 AM

RECORDING FEE 35.00

RMA FEE 1.00

ECM FEE 1.00

R FEES 35 RMA \$ 1

A FEES _____ ECOM \$ 1

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PLEASE RETURN TO: Daniel C. Pauley, Fraser Stryker PC LLO, 500 Energy Plaza, 409 S 17th Street, Omaha, NE 68102

NON-EXCLUSIVE EASEMENT

THIS NON-EXCLUSIVE EASEMENT (this "Easement") is entered into the 5th day of May, 2022 ("Effective Date"), by and between JOSEPH N SCHIRO and VIOLETA FERNANDEZ SCHIRO, a husband and wife ("Grantor"), and ARMSTRONG INVESTMENTS LLC, a Nebraska limited liability company (collectively, "Grantee").

WHEREAS, Grantor is the owner of certain real property located in the County of Pottawattamie, State of Iowa, more particularly described on Exhibit A attached hereto and incorporated herein by this reference ("Grantor Parcel");

WHEREAS, Grantee is the owner of certain real property located in the County of Pottawattamie, State of Iowa, more particularly described on Exhibit B attached hereto and incorporated herein by this reference ("Grantee Parcel");

WHEREAS, the Grantor Parcel includes a certain parcel of real estate depicted on Exhibit C attached hereto and incorporated by reference (the "Easement Area");

WHEREAS, Grantor desires to grant an easement to Grantee over the Easement Area for the purposes set forth herein for the benefit of Grantee and/or Grantee's successors and assigns; and

WHEREAS, by virtue of the recording of this Easement, the Grantor Parcel and the Grantee Parcel shall be owned, held, transferred, sold, conveyed, used, and occupied and mortgaged or otherwise encumbered subject to the provisions of this Easement and every grantee of any interest in either such property, by acceptance of a deed or other conveyance of such interest, and every person or entity owning an interest in any portion of either such property shall be subject to this Easement.

NOW, THEREFORE, in consideration of the foregoing and the mutual grants, covenants and promises contained herein, and of the mutual benefits accruing to each of the parties hereto, their respective successors and assigns, and other good and valuable consideration, the receipt and sufficiency of which are all hereby acknowledged by each of the parties hereto, and intending to be legally bound, Grantor and Grantee agree as follows:

1. Recitals. The foregoing recitals are hereby incorporated herein as a material part of this Easement.

2. Grant of Easement. Grantor hereby grants and conveys unto Grantee and Grantee's successors and assigns a perpetual, non-exclusive easement for purposes of (i) ingress/egress, (ii) access/use, (iii) storm water retention and (iv) drainage.(v) storage of equipment, vehicles and materials.

3. Term. The term of the Easement shall be perpetual. The Easement is and shall be deemed to be a covenant running with the land and shall be binding upon the parties hereto and upon their successors and assigns, until released or modified upon the unanimous agreement of the then record owners and mortgage lenders of the Grantee Parcel. Any modification or amendment shall be effective when duly executed, acknowledged and recorded in the Office of the Register of Deeds of Pottawattamie County, Iowa.

4. Purpose. The Easement is hereby granted to Grantee, Grantee's successors and assigns, and Grantee's tenants, agents, employees, invitees, licensees and permittees, for purposes of (i) placement and maintenance of the Grantee Personal Property, and (ii) ingress and egress over, across and upon the Easement Area as needed to place, remove, access, and maintain the Grantee Personal Property. For purposes of clarity and the avoidance of doubt, Grantee's conveyed right to place the Grantee Personal Property upon the Easement Area shall include the ability to affix such property upon the Easement Area. This easement is a non-exclusive easement subject to use by others, including, but not limited to, Grantor and/or Grantor's tenants, agents, employees, invitees, licensees and permittees; provided, however, that Grantor shall not make or permit any use of the Easement Area which would unreasonably interfere with the use of the Easement Area by Grantee consistent with the past practice of Grantee and Grantee's predecessors in interest.

5. Maintenance of Grantee Personal Property. Grantee and/or Grantee's successors and assigns, shall, at its sole cost and expense and for so long as the Easement is in effect, be solely responsible and obligated to maintain the Grantee Personal Property in good order. Grantee may change, replace, or modify the use of the Grantee Personal Property in Grantee's sole discretion.

6. Responsibility to Repair Own Parcel. Except as expressly set forth herein, each party shall be responsible for the repair and maintenance of the real property owned by it and all improvements located on such real property.

7. Taxes. Each party shall be solely responsible for payment of all real estate taxes and assessments, if any, on the real property owned by it and all improvements located on such real property.

8. Restrictions. Neither Grantee nor any agent, servant or employee of Grantee, nor any successor or assign of Grantee, shall create, permit or suffer at any time any obstruction to or interference with ingress and egress over, across and upon the Easement Area for any purpose nor shall any such party at any time endanger, interfere with, or otherwise obstruct the maintenance, repair, operation or use of the Easement Area for ingress and egress. Grantee shall permit no liens or claims of lien to be filed against the Easement Area and shall promptly discharge or transfer to bond any lien that may be filed against such property by reason of such party's activities, its successors and assigns, employees, tenants, invitees, agents, representatives, or affiliates thereon. It is understood and agreed by Grantee that it is not given any lien rights against the Grantor Parcel. The foregoing notwithstanding, the parties agree that Grantee is constructing a fence to enclose the easement area.

9. Indemnification. Each party (the "Indemnifying Party") and its successors and assigns hereby agrees to defend, indemnify and hold harmless the other party (the "Indemnified Party"), its tenants, subtenants, concessionaires, licensees, successors and assigns and their respective directors, officers, members, employees, tenants, invitees, agents, representatives and affiliates from and against any and all claims, obligations, liabilities, losses, damages, causes of action, suits, demands, claims for indemnity or contribution, penalties, judgments, costs and expenses, including reasonable attorneys' fees and expenses, of every kind and nature whatsoever, to the extent such arise out of, are caused or alleged to have been caused by any action or inaction of the Indemnifying Party, its successors and assigns or their respective directors, officers, members, employees, tenants, invitees, agents, representatives and affiliates in connection with or related to, directly or indirectly, the use of the Easement Area pursuant to this Easement.

10. Severability. If any portion of this Easement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Easement is invalid or unenforceable, but that by limiting such provision the same would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

11. Waiver. The failure of either party to enforce any provision of this Easement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with each and every provision of this Easement.

12. Headings. The section headings appearing herein are for convenience of the parties only and do not affect, define, limit or construe the contents of the various sections in this Easement.

13. Governing Law. The laws of the State of Iowa shall govern the jurisdiction, venue, interpretation and construction of this Easement, excluding the choice of law rules that may direct jurisdiction, venue, interpretation or construction of this Easement to other jurisdictions.

14. Nature of Easement. Nothing contained in this Easement will be deemed a gift, grant or dedication of any portion of the Grantor Parcel to or for the general public or for any public purpose whatsoever. No easement, except as expressly set forth herein, shall be implied.

15. Counterparts. This Easement may be signed in one or more counterparts, which when taken together, shall constitute one and the same Easement. The parties may execute and exchange counterparts by means of facsimile or electronic transmission and the parties agree that the receipt of such executed counterparts shall be binding on the parties and shall be construed as originals.

[Remainder of page intentionally left blank; signature page to follow.]

IN WITNESS WHEREOF, the parties have set their hands hereto on the day above first written.

GRANTOR:

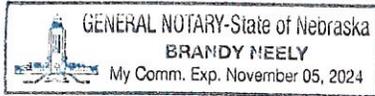
GRANTEE:

[Signature]
JOSEPH N. SCHIRO
[Signature]
VIOLETA FERNANDEZ SCHIRO

ARMSTRONG INVESTMENTS LLC
By: [Signature]
Name: Jason Armstrong
Title: President

STATE OF IOWA)
COUNTY OF Pottawattamie) SS.

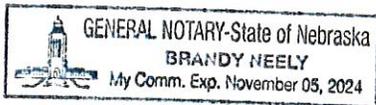
The foregoing instrument was acknowledged before me this 5th day of May, 2022 by JOSEPH N. SCHIRO, as Grantor.



[Signature]
Notary Public

STATE OF IOWA)
COUNTY OF Pottawattamie) SS.

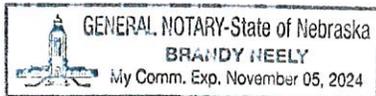
The foregoing instrument was acknowledged before me this 5th day of May, 2022 by VIOLETA FERNANDEZ SCHIRO, as Grantor.



[Signature]
Notary Public

STATE OF IOWA)
COUNTY OF Pottawattamie) SS.

The foregoing instrument was acknowledged before me this 5th day of May, 2022 by JASON ARMSTRONG, authorized representative of ARMSTRONG INVESTMENTS LLC, as Grantee.



[Signature]
Notary Public

EXHIBIT A

GRANTOR PARCEL

That part of the Northeast Quarter of the Northwest Quarter that lies South of the Southerly right of way line of railroad now known as Wabash Trail in Section 17, Township 74, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, Except that portion of the Northeast Quarter of the Northwest Quarter deeded to CBEC Railway, Inc., in Warranty Deed, recorded June 28, 1995, in Book 95 at Page 32098, records Pottawattamie County, Iowa, subject to road right of way.

AND

A 16.5 foot triangular parcel located in the Northeast corner of the Southeast Quarter of the Northwest Quarter all in Section 17, Township 74, Range 43 West of the 5th P.M., Pottawattamie County, Iowa.

AND

The Southwest Quarter of the Northeast Quarter in Section 17, Township 74, Range 43 West of the 5th P.M., Pottawattamie County, Iowa.

Subject to all easements, restrictions, and covenants of record.

EXHIBIT B

GRANTEE PARCEL

LOT 1, I-29/I-80 INDUSTRIAL PARK, A SUBDIVISION AS SURVEYED, PLATTED AND
RECORDED IN POTTAWATTAMIE COUNTY, IOWA

CHAPTER 8.055
LIMITED INDUSTRIAL DISTRICT

8.055.010 INTENT: The Class I-1 District is intended primarily to provide for those activities and used of a limited industrial nature which are either free of objectionable influences in their operations and appearance or which can, through the use of appropriate abatement devices, readily prevent or control any such objectionable be influences. Land requirements for most limited industrial uses generally dictates its application along major streets and highways, railroad lines, and other major transportation corridors of the County which generally lie close to commercial and industrial districts. (*Ordinance #2015-05/12-18-2015*)

8.055.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class I-1 District: (*Ordinance #81-6/10-01-81*)

.01 A

- A. Auction halls, barns and yards. (*Ordinance #81-6/10-01-81*)
- B. Automobile and other vehicle parts and supply stores. (*Ordinance #81-6/10-01-81*)
- C. Automobile and other vehicle washing establishments, including the use of mechanical conveyors, blowers and steam cleaning, and including self-service facilities. (*Ordinance #81-6/10-01-81*)
- D. Automobile, boat, farm implement and equipment, motorcycle, mobile home, trailer and truck sales, rental and service. (*Ordinance #81-6/10-01-81*)

.02 B

- A. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for effective precipitation or recovery of dust. (*Ordinance #81-6/10-01-81*)
- B. Bakeries, other than those whose products are sold at retail only on the premises. (*Ordinance #81-6/10-01-81*)
- C. Bottling plants. (*Ordinance #81-6/10-01-81*)
- D. Business and professional offices. (*Ordinance #81-6/10-01-81*)

.03 C

- A. Carpenter and cabinet making shops. (*Ordinance #81-6/10-01-81*)
- B. Catering establishments. (*Ordinance #81-6/10-01-81*)
- C. Circus, carnivals or similar transient enterprises; provided such structures or buildings shall be at least two hundred (200) feet from any Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)

- D. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred (100) degrees Fahrenheit. (*Ordinance #81-6/10-01-81*)
 - .E. Coal, coke or wood yards. (*Ordinance #81-6/10-01-81*)
 - F. Commercial baseball fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, trampoline centers and similar open recreational uses and facilities. (*Ordinance #81-6/10-01-81*)
 - G. Commercial parking lots and structures for passenger vehicles in accordance with the provisions of Chapter 8.080. (*Ordinance #81-6/10-01-81*)
 - H. Commercial storage warehouses and mini-warehouses. (*Ordinance #81-6/10-01-81*)
 - I. Concrete mixing plants, and concrete product manufacturing; provided no residential street shall be used for delivery trucks for ingress to or egress from the plant. (*Ordinance #81-6/10-01-81*)
 - J. Contractor's equipment storage yards, including storage yards for commercial vehicles. (*Ordinance #81-6/10-01-81*)
 - K. Convenience stores, including package foods and picnic supplies. (*Ordinance #81-6/10-01-81*)
 - L. Cooperage works. (*Ordinance #81-6/10-01-81*)
 - M. Creameries, including wholesale manufacturing of ice cream. (*Ordinance #81-6/10-01-81*)
- .04 D
- A. *Demolition rubble waste disposal sites*, provided that no such disposal site shall be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. (*Ordinance #88-15/12-06-88*)
- B. Drive-in theaters. (*Ordinance #81-6/10-01-81*)
- .05 E
- A. Egg and poultry stores, excluding any slaughtering eviscerating or plucking. (*Ordinance #81-6/10-01-81*)
 - B. Electrical repair shops. (*Ordinance #81-6/10-01-81*)
 - C. Enameling, lacquering or japanning. (*Ordinance #81-6/10-01-81*)

- D. Entertainment and recreational uses, including billiard and pool halls, bowling alleys, ballrooms and dance halls, gymnasiums and other indoor recreational uses and buildings. (*Ordinance #81-6/10-01-81*)
- E. Exterminator sales. (*Ordinance #81-6/10-01-81*)
- .06 F
 - A. Feed and seed sales and storage, including grain elevators. (*Ordinance #81-6/10-01-81*)
 - B. Frozen food lockers, excluding any slaughtering. (*Ordinance #81-6/10-01-81*)
 - C. Furniture warehouses and van services. (*Ordinance #81-6/10-01-81*)
- .07 G
 - A. Garages for general motor vehicle repair, including major body and fender work, and overall painting and upholstering, but not including motor vehicle wrecking or used parts yards or outside storage of component parts. (*Ordinance #81-6/10-01-81*)
 - B. Garden supply shops and nurseries. (*Ordinance #81-6/10-01-81*)
 - C. Governmental *structures* or uses including fire stations, libraries, police stations, post offices, substations and roadside rest areas; but excluding sanitary landfills or uses similar in their scope or effect. (*Ordinance #81-6/10-01-81*)
- .08 H
- .09 I
 - A. Ice manufacturing and cold storage plants. (*Ordinance #81-6/10-01-81*)
- .10 J
- .11 K
- .12 L
 - A. Laboratories, research, experimental, and control or testing; provided no operation shall be conducted, or equipment employed, which would create hazardous, noxious, or offensive conditions. (*Ordinance #81-6/10-01-81*)
 - B. Laundries, including linen and diaper supply services. (*Ordinance #81-6/10-01-81*)
 - C. Lawn mower repair shops. (*Ordinance #81-6/10-01-81*)

- ,13
- D. Lumber yards and building material sales yards, including incidental mill work. (*Ordinance #81-6/10-01-81*)
 - M
 - A. Machinery sales, rental and repairs. (*Ordinance #81-6/10-01-81*)
 - B. Machine shops, including the use of lathes, drill presses and similar equipment on pre-formed metals, but not involving the use of drop hammers and other noise producing machine-operated tools. (*Ordinance #81-6/10-01-81*)
 - C. Manufacturing, assembling, packaging or other comparable treatment of electric, electronic or gas appliances, instruments and devices of any kind, including kitchen appliances; small industrial instruments and devices; radios, phonographs, and television sets; cameras and other photographic equipment; musical instruments, toys, novelties, and rubber and metal hand stamps; medical, dental and drafting instruments; small precision instruments, such as barometers, clocks, watches and compasses; and including the manufacturing of small accessory parts, such as coils, condensers, transformers, crystal holders and similar products. (*Ordinance #81-6/10-01-81*)
 - D. Manufacturing, assembling, painting and repair of electric and neon signs, and outdoor advertising signs and structures. (*Ordinance #81-6/10-01-81*)
 - E. Manufacturing, compounding, processing, assembling, packaging, or other comparable treatment of articles or merchandise derived from previously prepared materials, specifically listed as follows: bone, canvas, cardboard, cellophane, cloth, cord, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, natural or synthetic rubber, paper, plastic, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wood, yarns; and light metal mesh, pipe, rods, strips or wire. (*Ordinance #81-6/10-01-81*)
 - F. Manufacturing, processing, packaging, or other comparable treatment of drugs, general pharmaceutical products, cosmetics, perfume, and toiletries. (*Ordinance #81-6/10-01-81*)
 - G. Manufacturing, processing, packaging, or other comparable treatment of pottery, figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas. (*Ordinance #81-6/10-01-81*)
 - H. Milk distributing station, other than a retail business conducted on the premises. (*Ordinance #81-6/10-01-81*)
 - I. Monument sales yard. (*Ordinance #81-6/10-01-81*)
 - J. Motion pictures, radio, and television production studios and broadcasting stations, but not including antennas or towers. (*Ordinance #81-6/10-01-81*)

- K. Motor vehicle dismantling or recycling provided all portions of the operation shall be conducted within an enclosed building; that no metal shredders shall be used in connection with the operation; and that no burning of any portion of a motor vehicle is done on the site. *(Ordinance #81-6/10-01-81)*
- .14 N
- .15 O
- .16 P
- A. Packing and crating houses, excluding meat or fish products. *(Ordinance #81-6/10-01-81)*
 - B. Parcel delivery services. *(Ordinance #81-6/10-01-81)*
 - C. Photographic film printing or development establishments. *(Ordinance #81-6/10-01-81)*
 - D. Plumbing and heating, or electrical contractor shops. *(Ordinance #81-6/10-01-81)*
 - E. Photographic, lithographing and engraving shops, including blueprinting, photostating or other reproduction processes. *(Ordinance #81-6/10-01-81)*
 - F. Processing, packaging, or other comparable treatment of bakery goods, candy, canned foods, processed dairy products, and other food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering of refining of fats and oils. *(Ordinance #81-6/10-01-81)*
 - G. Publishing and newspaper printing establishments, including bookbinding. *(Ordinance #81-6/10-01-81)*
- .17 Q
- .18 R
- A. Refrigeration equipment sales and services. *(Ordinance #81-6/10-01-81)*
 - B. Rental yards for equipment customarily used by contractors. *(Ordinance #81-6/10-01-81)*
 - C. Restaurants, cafes, and drive-in eating and dining places. *(Ordinance #81-6/10-01-81)*
- .19 S
- A. Safe and vault repair. *(Ordinance #81-6/10-01-81)*
 - B. *Service stations*, including dispensing of diesel fuels and complete truck service. *(Ordinance #81-6/10-01-81)*

- C. Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. (*Ordinance #2003-12/10-03-03*)
 - D. Sheet metal shops, including the forming of heating and ventilating ducts, eaves, cornices and metal products, not involving the use of drop hammers and other noise producing machine-operated tools. (*Ordinance #81-6/10-01-81*)
- .20 T
- A. Taxidermists. (*Ordinance #81-6/10-01-81*)
 - B. Telegraph exchanges and other communications equipment buildings. (*Ordinance #81-6/10-01-81*)
 - C. Tire shops, including vulcanizing, retreading or recapping. (*Ordinance #81-6/10-01-81*)
 - D. Tool or cutlery sharpening or grinding. (*Ordinance #81-6/10-01-81*)
 - E. Towers with a height not exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
 - F. Transformer stations, booster stations, and utility stations; including utility yard and garage for service or storage. (*Ordinance #81-6/10-01-81*)
 - G. Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, and including vehicle storage and repair. (*Ordinance #81-6/10-01-81*)
 - H. Truck and motor freight stations or terminals, including cartage and express hauling and similar establishments, provided such uses are conducted either (a) within a completely enclosed building or buildings, except for storage of vehicles, or (b) within an area completely enclosed on sides by a sight obscuring fence not less than six (6) feet high. (*Ordinance #81-6/10-01-81*)
 - I. Temporary roadside fireworks stands and Christmas tree lots, when approved by the *Development Director* for a specified time period, after which they all shall be disassembled and removed at the end of the authorized period each year. (*Ordinance #2021-01/03-12-2021*)
- .21 U
- A. Upholstering shops. (*Ordinance #81-6/10-01-81*)
- .22 V

- A. Veterinary hospitals or clinics; provided an exercising runway shall be at least two hundred (200) feet from any Class "R" District or platted residential subdivision and one hundred (100) feet from any Class "C" District boundary. (*Ordinance #2004-14/07-01-04*)

.23 W

- A. Warehouses, retail and wholesale, except for the storage of fuel or flammable liquids and explosives. (*Ordinance #81-6/10-01-81*)
- B. Welding, blacksmithing, or other metal working shops, exclusive of drop hammers and other noise producing machine-operated tools. (*Ordinance #81-6/10-01-81*)

.24 X

.25 Y

.26 Z

8.055.030 **CONDITIONAL USES:** The following *conditional uses* shall be permitted in a Class I-1 District, when authorized in accordance with the requirements of Chapter 8.096: (*Ordinance #81-6/10-01-81*)

- .01 Agricultural grain and seed, stock feed and alfalfa drying, processing and storage. (*Ordinance #81-6/10-01-81*)
- .02 *Demolition rubble waste disposal sites*, which such disposal site may be located closer than two (2) miles to the corporate limits of any municipality having a population of greater than 25,000, according to the latest federal census. (*Ordinance #88-15/December 8, 1988*)
- .03 Flammable liquids, underground storage only, not to exceed fifty thousand (50,000) gallons per storage unit, provided such storage units shall be located not less than three hundred (300) feet from any Class "R" or "C" District. (*Ordinance #81-6/10-01-81*)
- .04 Foundry casting of light-weight non-ferrous metals produced in an electric foundry not causing noxious fumes or odors. (*Ordinance #81-6/10-01-81*)
- .05 Railroad and freight stations, including freight classification yards and repairs shops; provided no such station, yard or shop shall be closer than two hundred (200) feet from any Class "R" District or platted residential subdivision. (*Ordinance #2004-14/07-01-04*)
- .07 Transmitting stations and towers exceeding two hundred (200) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)

8.055.040 **ACCESSORY USES:** The following *accessory uses* shall be permitted in a Class I-1 District: (*Ordinance #81-6/10-01-81*)

- .01 *Accessory uses and structures* normally incidental and subordinate to one of the permitted *principal or conditional uses*, unless otherwise excluded. (Ordinance #81-6/10-01-81)
- .02 Display *signs*, subject to the provisions of Chapter 8.090. (Ordinance #81-6/10-01-81)
- .03 Outdoor advertising signs and billboards, subject to the provisions of Chapter 8.090. (Ordinance #2004-14/07-01-04)

8.055.050 OFF-STREET PARKING AND LOADING: *Off-street parking and loading spaces* shall be provided in accordance with Chapter 8.080 for permitted *principal and conditional uses* in a Class I-1 District. (Ordinance #81-6/10-01-81)

8.055.060 HEIGHT REQUIREMENTS: The maximum height of *buildings and structures* in a Class I-1 District shall be seventy-five (75) feet, provided that no building or structure within two hundred (200) feet of any Class "R" District or platted residential subdivision shall exceed forty-five (45) feet in height. (Ordinance #2004-14/07-01-04)

8.055.070 SETBACK REQUIREMENTS: The *setback* requirements for *buildings and structures* in a Class I-1 District shall be as follows: (Ordinance #81-6/10-01-81)

- .01 The *front yard setback* shall be a minimum of twenty-five (25) feet. (Ordinance #81-6/10-01-81)
- .02 The *side yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such *yard* abuts a Class "R" District or platted residential subdivision. (Ordinance #2004-14/07-01-04)
- .03 The *rear yard setback* shall be a minimum of fifty (50) feet when such *yard* abuts a Class "A" District and shall be a minimum of seventy-five (75) feet when such *yard* abuts a Class "R" District or platted residential subdivision. (Ordinance #2004-14/07-01-04)
- .04 The minimum *setback* between *buildings* situated on the same site shall be ten (10) feet. (Ordinance #81-6/10-01-81)

8.055.080 LOT SIZE AND COVERAGE REQUIREMENTS: The minimum *lot* size and maximum *lot* coverage for uses in a Class I-1 District shall be as follows, except as provided in Section 8.004.030 for *lots* not having *common water and/or sewer facilities*: (Ordinance #81-6/10-01-81)

	USE	MINIMUM LOT			MAXIMUM LOT
		AREA	WIDTH	DEPTH	COVERAGE
.01	Any Permitted Use	1.0 Acres	80'	100'	70%

(Ordinance #81-6/10-01-81)