

TO: Planning and Zoning Commission
 FROM: Matt Wyant
 DATE: March 10, 2023
 RE: Case #ZTA-2023-01

APPLICANT: Matriarch Manor LLC

REPRESENTED BY: Doreen Blakely

REQUEST: Zoning Text Amendment requested by a citizen of Pottawattamie County, Iowa in reference to distillery, venue, dog park and glamping.

Matriarch Manor's Application:

FOR OFFICE USE ONLY: RECEIPT # _____

POTTAWATTAMIE COUNTY, IOWA
 ZONING TEXT AMENDMENT APPLICATION

PROPERTY OWNER	Name	Matriarch Manor, LLC		
	Mailing Address	Street	City, State, Zip	Council Bluffs IA 51503
	Contact Information (if Best Way to Contact)	Email <input type="checkbox"/>	Home # <input type="checkbox"/> Work # <input type="checkbox"/> Cellular # <input checked="" type="checkbox"/>	4029811262
REPRESENTED BY	Name	Doreen Blakely		
	Mailing Address	Street	City, St, Zip	CB IA 51503
	Contact Information (if Best Way to Contact)	Email <input type="checkbox"/>	Work # <input type="checkbox"/> Cellular # <input checked="" type="checkbox"/>	4029811262
PROPOSED AMENDMENT	Proposed Text	<input checked="" type="checkbox"/> Per Attachment. Destination to include: • Distillery • Venue • Dog Park • Glamping See attached		
	Reason for Proposed Change	<input checked="" type="checkbox"/> Per Attachment No code exists in state nor Pottawattamie County.		

ATTACHMENTS
 ATTACHED TO THIS APPLICATION IS THE FOLLOWING DOCUMENTATION AND/OR ATTACHMENTS:

- A. Supporting Documentation Attached NA
 B. Filing Fee-Checks are to be made payable to "Pottawattamie County Treasurer". Attached NA

Please make be certain that you want to proceed with this project when you submit your application. The fees that you submit are not refundable once the application is submitted.

SIGNATURE

THE FACTS I HAVE PRESENTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Applicant	Signature	Date
	Type or Print Name	

Doreen Blakely 3/10/23
 DOREEN BLAKELY

This application is being submitted at the request of Pottawattamie County, Iowa. There are currently no zoning ordinances regarding distilleries and meaderies because there aren't any located in Pottawattamie County.

I searched the state for other county ordinances specific to distilleries. I couldn't find any beyond the federal and state guidelines.

Distilleries are highly regulated by the TTB (Alcohol and Tobacco Tax and Trade Bureau) and the Iowa ABD (Alcohol Beverage Division) <https://abd.iowa.gov/>. I request no further guidelines be imposed by the county other than the county recognizes and approves distilleries and meaderies.

Distillery: The following provisions shall apply to distilleries and meaderies, along with the various associated structures and uses:

Purpose: The purpose of the distillery is the process of taking fermented liquid and separating out the alcohol and/or importing bulk spirits for process, filtering, blending and bottling, and labeling. Co-packing for other labels is permitted. The Distillery must have an approved Class A Native Distilled Spirits License. Any other privileges must be outlined in their license which is approved by the State.

I understand the need for the county "to preserve and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the citizens of Pottawattamie County, Iowa, all in accordance with and as permitted by the provisions of Chapter 335, Code of Iowa, as amended"; however, to what extent?

https://www.pottcounty-ia.gov/files/county_code/43781.pdf

Governor Kim Reynolds recently stated "State government exists to serve Iowans, but an increasingly growing bureaucracy is making it too complicated". I believe as a citizen of Pottawattamie County, the 159 pages of the zoning ordinances have become too complicated. I have been told "no" on more than one occurrence because it doesn't meet the ordinances; however, unless they can and are being enforced unilaterally, what good are they?

Matriarch Manor, LLC owns and operates property currently zoned A-4 (Matriarch Manor West Lots 1 & 2 and East 1, 2, 3). The majority parcels will remain agriculture, forestry and farmhouse.

Matriarch Distillery is currently located at 18389 Sunnydale Road, leased to and from the owners of the property and distillery under the current zoning for wineries.

Matriarch Manor, LLC is asking for permission to lease to Matriarch Distillery under guidelines allowing for the distillery on MM West 2 which will be outside city limits. The distillery will have a tasting room and gift shop. The tasting room guidelines outlined by the State.

To promote the distillery and allow for Matriarch Manor to become a destination and bring consumers to Pottawattamie County, the following ventures are requested without additional permits and/or limitations.

Venue: rentable space. The building will fall under International Building Code (IBC) The venue will also operate a bar (Class C license) https://abd.iowa.gov/sites/default/files/media/file/2020-07/class_c_liquor_license.pdf, kitchen, a stage for bands/live entertainment, use portable johns for overflow outside the venue.

Glamping: Glamping is where nature meets luxury. It's a way to experience the world—without having to sacrifice comfort. There are no specific ordinances related to glamping. The structures may or may not be permanent.

The way we travel has changed. We no longer want a generic, one-size-fits-all vacation in a campground. People want to explore and immerse themselves in local culture, and no longer just want to simply witness nature—we want to live in it. A fusion of glamour and camping, glamping is a way to authentically experience the most awe-inspiring locales around the world.

Igloos: rentable space for groups of 6-8 people for limited time to enjoy the environment without succumbing to the elements.

Dog Park: An area where dogs can come and play and owners can socialize, drink and eat. Guidelines already exist under IBC, bars, restaurants.

Chapter 8

Marked Up

Ordinance:

POTTAWATTAMIE COUNTY, IOWA ZONING ORDINANCE

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- .070 FENCE, SIGHT-OBSCURING: A fence or planting arranged in such a way as to obstruct vision. (*Ordinance #81-6/10-01-81*)
- .080 Fermented Beverage Production Facility: A facility whose primary purpose is to produce fermented beverages, including, but not limited to, wineries, breweries, distilleries, and cideries.
- .090 Fermented Beverage Production Facility, on Farm: A fermented beverage production facility located on a working farm, where a portion of the inputs to the production process are grown on site. An on farm fermented beverage production facility may include a tasting room and sales area, and may provide tours of the production area.

8.002.080 **G**

- .010 GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the *building*. (*Ordinance #81-6/10-01-81*)
- .020 GRAIN ELEVATOR: A *structure* or group of *structures* whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain. (*Ordinance #81-6/10-01-81*)
- .030 GARAGE, PRIVATE: An *accessory building* designed or used for the storage of motor vehicles owned and used by the occupants of the *building* to which it is accessory. (*Ordinance #81-6/10-01-81*)
- .040 GARAGE, COMMERCIAL: A *building* or portion thereof, other than a *private garage*, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles. (*Ordinance #81-6/10-01-81*)

8.002.090 **H**

- .010 HIGHWAY: An officially designated federal or state numbered highway, or other major *street* or road designated by the County as a thoroughfare. (*Ordinance #81-6/10-01-81*)
- .020 HOTEL: A *building* in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradiction to a *boarding house* or *lodging house*. (*Ordinance #81-6/10-01-81*)

8.002.100 **I**

- .010 INOPERABLE MOTOR VEHICLE: Any motor vehicle or portion thereof which does not have a current license or has one of the following conditions: parts have been removed for re-use, salvage or sale or the vehicle has been incapable of operating or has not been operated under its own power for more than thirty (30) days or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or which in any other way constitutes a threat to the health and safety of

public, if the seller, at the time of the sale, is not engaged for profit in the business of selling vehicles and/or equipment, so long as such offering, display or sales are not conducted in excess of one (1) vehicle and/or piece of equipment at a time and no more than six (6) times in a calendar year. Any other sales shall constitute a commercial use not permitted in an "A" or "R" zoning *district*. (Ordinance #2015-05/12-18-2015)

8.002.240

W

.010 WIND TURBINE GENERATOR, COMMERCIAL AND NON-COMMERCIAL: A device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is connected to the electrical transmission or local distribution grid.

.01 Blade. An element of a Wind Turbine Generator which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

.02 Wind Tower. The support structure, above grade, that supports the nacelle and rotor assembly.

.03 Tower Foundation. The Tower support structure, above and/or below grade that supports the entire weight of the Wind Turbine Generator.

.04 Total Height. The height from grade to the highest vertical point of the swept arc. In the case of a Wind Turbine Generator with a vertical axis rotor, the height of the blades from grade to the highest vertical point of the Wind Turbine Generator.

.05 Substation. An electrical construction designed to collect and modify electrical energy produced by the Wind Farm.

.020 WIND FARM, COMMERCIAL: One or more Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid. Commercial Wind Farms shall include but are not limited to Commercial Wind Turbine Generators, operations and maintenance *buildings*, meteorological towers, electrical collector systems, communications, roads and Substations.

.030 WIND FARM, NON-COMMERCIAL: One or more Non-Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid for the sole purpose of serving no more than one (1) dwelling and the associated *accessory structures*.

~~.040 WINERY: An agricultural processing facility that produces wine from fruit or fruit juices under the criteria established by the State of Iowa for Native Wines. (Ordinance #2011-01/6/17/11)~~

8.002.260

Y

- .02 No Non-Commercial Wind Turbine Generator shall be located closer than a distance equal to the Total Height of the Generator to an occupied dwelling, a property line, or a utility easement. (Ordinance #2009-06/06-05-09)
- .03 With respect to a Wind Turbine Generator all setback and separation distances shall be defined relative to the nearest surface of the Wind Turbine Generator as measured at grade. (Ordinance #2008-07/06-06-08)
- .04 No Wind Turbine Generator within a Non-Commercial Wind Farm shall be constructed in a manner which will interfere with emergency communication transmissions of the County. The applicant shall request documentation from the County Sheriff to verify that said wind turbine will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the Wind Turbine Generator and associated equipment will not interfere with emergency communication transmissions shall be at the applicant's expense. (Ordinance #2008-07/06-06-08)
- .05 A Non-Commercial Wind Turbine Generator shall not be placed on a parcel of land or lot which is less than one (1) acre in size. (Ordinance #2009-06/06-05-09)

8.004.250

Fermented Beverage Production Facility, on FarmWINERY: The following provisions shall apply to ~~vineyards~~breweries, cideries, distilleries and wineries, along with the various associated structures and uses: ~~(Ordinance #2011-01/6-17-11)~~

- .01 Purposes: The purpose of the ~~vineyard~~fermented beverage production facility, on farm shall be to grow ~~a portion of the inputs for the production process~~fruits to be processed into wine. The primary purpose of the fermented beverage production facility, on farmwinery shall be to process ~~inputs~~fruit grown on the property owned by the owner of the fermented beverage production facilitywinery, who shall be allowed to process imported fruits and to ferment imported juices, in accordance with Iowa Alcoholic Beverage Division Permitting~~Native Wine~~ license. (Ordinance #2011-01/6-17-11)
- .02 General Provisions: The following general provisions shall apply to fermented beverage production facilities, on farm~~vineyards and wineries~~: (Ordinance #2011-01/6-17-11)
 - A. Fermented beverage production facilities, on farmWineries shall include those areas of a structure where ~~inputs~~grapes are crushed, fermented or pressed, where bulk ~~beverages~~wine ~~are~~ stored in tanks or barrels, or where ~~fermenting~~winery operations such as racking, filtering, blending, or bottling of ~~beverages~~wines are carried out, and on-site case goods storage. (Ordinance #2011-01/6-17-11)
 - B. Picnic areas and playgrounds shall be allowed provided they are subordinate to the fermented beverage production areawinery and tasting room. (Ordinance #2011-01/6-17-11)
 - C. Retail sales of merchandise, art, and pre-packaged food items shall be allowed within the tasting facility or retail sales area of the fermented beverage production facility, on farmwine and shall not be under any

circumstances located in a separate structure from that of the tasting room or retail sales area of the beverages~~wine~~. Sale of fermented beverage~~non-wine~~ merchandise shall be subordinate to beverage~~wine~~ sales. (Ordinance #2011-01/6-17-11)

.02 Tasting Facilities (Ordinance #2011-01/6-17-11)

- A. Subordinate to fermented beverage production area~~Winery~~: Tasting facilities shall be clearly related and subordinate to the primary operation of the fermented beverage production facility~~winery~~. The primary focus of the tasting facility shall be the marketing and sale of the fermented beverages~~wine and grape or~~ fruit products processed, vintaged, and~~or~~ bottled at the facility~~winery~~. Snack foods that are consumed during beverage~~wine~~ tasting are allowed. (Ordinance #2011-01/6-17-11)
- B. Fermented beverage sales~~Wine Sales~~: Retail and wholesale sales of fermented beverages~~wine~~ shall include those processed, vintaged, or bottled by the winery operator and other Iowa Native Wines, subject to the provisions of the Iowa Alcoholic Beverage Division Permit~~Native Wine license~~. (Ordinance #2011-01/6-17-11)
- C. Marketing: Tasting facilities include any marketing activities sponsored by a fermented beverage production~~winery~~ facility, on farm intended for the promotion and sale of the facility's products. Activities at a marketing event may include, but are not limited to: (Ordinance #2011-01/6-17-11)
1. Live music events; provided however that concerts, an event which includes more than one facility, or facility rental events, shall be considered Special Events as described in Subsection .03. (Ordinance #2011-01/6-17-11)
 2. Input Grape~~growing and fermenting~~wine making~~growing and fermenting~~ promotional activities. (Ordinance #2011-01/6-17-11)
 3. Meetings of groups of individuals and businesses formally organized in support of fermented beverages, for example Iowa Distillers Alliance,~~for example Western Iowa Grape Growers Association, to support and promote wineries.~~ (Ordinance #2011-01/6-17-11)
 4. Food may be served at marketing events. (Ordinance #2011-01/6-17-11)

- .03 Special Events: Special events are activities that are not the tasting and marketing events described in Subsection .02.C above. Special Event are typically activities where the property owner is compensated for the use of the site or facilities, or by an admission fee, for activities such as but not limited to weddings, parties, company picnics, birthdays, reunions, or concerts. (Ordinance #2011-01/6-17-11)

A. Number Permitted: Special events are limited to a total of 30 days per calendar year. (Ordinance #2011-01/6-17-11)

B. Capacity Limitation: (Ordinance #2011-01/6-17-11)

Events that have less than 25 persons in attendance shall not be considered Special Events and shall not count against the total number of events allowed. (Ordinance #2011-01/6-17-11)

All Special Events are limited to 300 persons. In the case where a Special Event may be held on multiple consecutive days, capacity limitations shall be counted on a per day basis. (Ordinance #2011-01/6-17-11)

In zoning *districts* where allowed, events held with an attendance of greater than 300 persons shall be processed as a separate per event approval for "Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses". (Ordinance #2011-01/6-17-11)

C. Existing Special Events: Any special events scheduled prior to the effective date of this section (8.004.250) shall be allowed to be held during the ensuing calendar year provided it is documented with the *Development Director* that said special event was contractually arranged in writing or publicly advertised prior to said effective date. Said documentation shall be presented to the *Development Director* within thirty (30) days of the effective date of this section. (Ordinance #2011-01/6-17-11)

D. Special Events to be held on an ongoing basis from year to year with a capacity of 26 to 300 persons shall be processed as single *conditional use* permit, addressing the general concept of the events and shall not be limited to a specific number of Special Events per year other than the limitation of the number of events and capacity stipulated in this Section (8.004.250.03). Annual renewal of *conditional use* permits shall not generally be required for Special Events unless circumstances exist that in the opinion of the *Board* warrants a periodic review. (Ordinance #2011-01/6-17-11)

.04 Dining Facilities: Dining facilities are an establishment where food is prepared and served to the public in an established indoor seating area. The dining facility must be subordinate to the Fermented Beverage Production Facility, on Farmwinery. (Ordinance #2011-01/6-17-11)

.05 All areas constructed to accommodate the public shall be subject to the Pottawattamie County Building Codes. Areas of the facility utilized for the production and storage of Fermented beverageswine shall be considered agricultural exempt from the County Building Codes. Said agricultural exempt facilities are required to obtain State Electrical Permits. (Ordinance #2011-01/6-17-11)

~~.06 Orchards and Cider Mills: The same standards and limitation established for wineries shall apply to cider mill facilities, except for those that deal with~~

specifications on the production and licensing required for wine. In all other cases, wine and cider shall be interchangeable. (Ordinance #2011-01/6-17-11)

CHAPTER 8.010
AGRICULTURAL PRODUCTION DISTRICT

8.010.010 INTENT: The Class A-2 District is intended to preserve the land best suited for *agricultural* production by protecting prime *agricultural* lands in farmable tracts from the encroachment of scattered residential, commercial and industrial development; to promote efficiency and economy in the delivery of public services by restricting non-farm development in unincorporated areas of the *County*, which are without existing or planned services, and to encourage development in areas where services are provided or can efficiently be provided. (Ordinance #2007-01/03-09-07)

8.010.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-2 District:

- .01 Any customary *agricultural use*. (Ordinance #2004-14/07-01-04)
- .02 *Construction and demolition waste disposal sites*, subject to approval of the Iowa Department of Natural Resources and the *County Board*. (Ordinance #2015-05/12-18-2015)
- .03 *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 #2004-14/07-01-04)
- .04 Sanitary landfills, such to approval by the Iowa Department of Natural Resources and the *County Board*, provided that no such use or structure shall be located closer than one thousand three hundred twenty (1,320) feet to any Class "R" District or platted residential subdivision or *dwelling* other than that of the lessee or owner of the site. (Ordinance #2004-14/07-01-04)
- .05 *Single-family dwellings*, at a maximum density of two (2) *dwellings* per quarter-quarter section. (Ordinance #2015-05/12-18-2015)
- .06 Tower with a height not exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. (Ordinance #2007-09/10-12-07)
- .07 Fermented beverage production facility, on farm~~Vineyard, winery and tasting facilities~~, subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)
- .08 *Wind Farms*, both commercial and non-commercial, subject to the requirements of 8.004.230 and 8.004.240. (Ordinance #2008-02/06-06-08)

8.010.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class A-2 District, when authorized in accordance with the requirements of Chapter 8.096:

- .01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200. (Ordinance #2004-14/07-01-04)
- .02 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred (200) feet from

CHAPTER 8.012
RIVER FRONT AND AGRICULTURAL PRODUCTION DISTRICT

- 8.012.010 INTENT: The A-3 District is intended to limit development within the Missouri River bottomlands. Areas within this district are almost entirely encompassed by the 100-year flood plain of the Missouri River and its associated tributaries and drainage basins. Few *dwellings* exist in this region and those that are extant are located on isolated high grounds above the base flood elevation, or are older *dwellings* constructed prior to the adoption of modern flood plain maps and regulations. Primary uses of these lands has historically been cultivated croplands, as the topography of the region is predominantly level. Flooding, wetness and high shrink-swell potential of area soils severely limit development and it is the intent of this District to limit additional development to isolated areas, either natural or man-made, that are elevated above the base flood elevation. (*Ordinance #2004-14/07-01-04*)
- 8.012.020 PRINCIPAL USES: The following principal uses shall be permitted in a Class A-3 District. (*Ordinance #2004-14/07-01-04*)
- .01 Any customary agricultural use. (*Ordinance #2004-14/07-01-04*)
 - .02 Single-family dwellings, at a maximum density of one (1) *dwelling* per each quarter-quarter section. (*Ordinance #2004-14/07-01-04*)
 - .03 Towers with a height not exceeding five hundred (500) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
 - .04 ~~Vineyard, winery and tasting~~ Fermented beverage production facilities, on farm subject to the provisions of Section 8.004.250. (*Ordinance #2011-01/6-17-11*)
 - .05 Water conservation works including water supply works, flood control and watershed protection works, fish and game hatcheries and preserves, etc. (*Ordinance #2004-14/07-01-04*)
 - .06 Wind Farms, both commercial and non-commercial, subject to the requirements of 8.004.230 and 8.004.240 respectively. (*Ordinance #2008-07/06-06-08*)
- 8.012.030 *CONDITIONAL USES*: The following *conditional uses* shall be permitted in a Class A-3 District, when authorized in accordance with the requirements of Chapter 8.096: (*Ordinance #2004-14/07-01-04*)
- .01 Extraction pits, subject to the provisions of Chapter 8.065. Further provided that no such use shall be located closer than five hundred (500) feet from any Class "R" District or platted residential subdivision, or *dwelling* other than that of the lessee or owner of the site. Any such use existing at any time prior to the adoption of the Ordinance may be reopened, expanded or extended, and continue to operate provided that where any part of the operation is closer than the distance specified above, the operation may be extended parallel to such other uses, but such extension shall not become closer than such other uses. (*Ordinance #2015-05/12-18-2015*)

CHAPTER 8.014
LOESS HILLS DISTRICT

8.014.010 INTENT: The Class A-4 District is intended to preserve the unique natural and environment characteristics of the Loess Hills' rare soils and topographic region of western Pottawattamie County, Iowa and at the same time allow for appropriate types and scales of development. Primary uses of these lands has historically been grasslands with significant regions cultivated for farming, as well as many farm *dwelling*s and non-farm households adjacent or having access to hard surfaced street. (*Ordinance #2015-05/12-18-2015*)

8.014.020 PRINCIPAL USES: The following *principal uses* shall be permitted in a Class A-4 District: (*Ordinance #2004-14/07-01-04*)

- .01 Any customary *agricultural use*. (*Ordinance #2004-14/07-01-04*)
- .02 Single-family dwellings, at a density of two (2) per quarter-quarter section, when not a part of a minor, major or cluster subdivision. (*Ordinance #2004-14/07-01-04*)
- .03 Platted major subdivisions and cluster subdivisions for single-family dwellings, when located on a hard surfaced street. (*Ordinance #2017-03/07/06/2017*)
- .04 Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road. (*Ordinance #2018-04/05-10-18*)
- .05 ~~Vineyard, winery and tasting~~ Fermented beverage production facilities, on farm subject to the provisions of Section 8.004.250. (~~*Ordinance #2011-01/6-17-11*~~)

8.014.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class A-4 District, when authorized in accordance with the requirements of Chapter 8.096: (*Ordinance #2004-14/07-01-04*)

- .01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200. (*Ordinance #2004-14/07-01-04*)
- .02 Cemeteries, including mausoleums and crematories, provided that no such mausoleum and crematory shall be located closer than two hundred (200) feet from any property line, and further provided that any new cemetery shall contain an area of five (5) acres or more. (*Ordinance #2004-14/07-01-04*)
- .03 Churches and other places of worship, including parish houses and Sunday school buildings. (*Ordinance #2004-14/07-01-04*)
- .04 Commercial activities, similar in scope to the following, provided the property shall be located along and have direct access to hard surfaced streets or official bituminous roads. (*Ordinance #2018-04/05-10-18*)
 - A. Antique/Used Furniture Shops.
 - B. Art shops and galleries.

CHAPTER 8.015
AGRICULTURAL-URBAN TRANSITIONAL DISTRICT

8.015.010 INTENT: The R-1 District is intended to provide the opportunity for the continued development of non-farm *dwelling*s and rural subdivisions in the rural unincorporated areas. (Ordinance #2007-01/03-09-07)

8.015.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-1 District:

- .01 Any customary *agricultural uses*. (Ordinance #2004-14/07-01-04)
- .02 Churches and other places of worship, including parish houses and Sunday school buildings. (Ordinance #2004-14/07-01-04)
- .03 *Family homes*. (Ordinance #2004-14/07-01-04)
- .04 Platted major subdivisions for single-family dwellings, when located on a hard surfaced street.
- .05 Platted minor subdivisions for *single-family dwellings*, when located on a *hard surfaced street or an official bituminous road*. . (Ordinance #2018-04/05-10-18)
- .06 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. (Ordinance #2004-14/07-01-04)
- .07 Public schools and private schools having equivalent curriculum. (Ordinance #2004-14/07-01-04)
- .08 *Single-family dwellings*, at a maximum density of three (3) *dwellings* per quarter-quarter section, when not a part of a minor or major subdivision. (Ordinance #2004-14/07-01-04)
- .09 *Towers* with a height not exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. (Ordinance #2007-09/10-12-07)
- .10 ~~Vineyard, winery and tasting~~ Fermented beverage production facilities, on farm subject to the provisions of Section 8.004.250. (Ordinance #2011-01/6-17-11)

8.015.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class R-1 District, when authorized in accordance with the requirements of Chapter 8.096: (Ordinance #2004-14/07-01-04)

- .01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200. (Ordinance #2015-05/12-18-2015)
- .02 *Commercial stables, riding academies and clubs*. (Ordinance #2015-05/12-18-2015)
- .03 *Day care nurseries and nursery schools*, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash

CHAPTER 8.020
URBAN TRANSITIONAL DISTRICT

8.020.010 INTENT: The Class R-2 District is intended to provide for single-family residential areas at suburban densities. It is intended that this district shall provide residential areas which combines certain of the advantages of both urban and rural locations by limiting the concentration of development and by permitting limited number of animals to be kept on the premises. (*Ordinance #2007-01/03-09-07*)

8.020.020 PRINCIPAL USES: The following *principal uses* shall be permitted in the Class R-2 District:

- .01 Any customary agricultural use. (*Ordinance #2004-14/07-01-04*)
- .02 Churches and other places of worship, including parish houses and Sunday school buildings. (*Ordinance #81-6/10-01-81*)
- .03 *Family homes*. (*Ordinance #2004-14/07-01-04*)
- .04 Platted major subdivisions for *single-family dwellings*, when located on a hard surfaced street. (*Ordinance #2017-03/07/06/2017*)
- .05 Platted minor subdivisions for single-family dwellings, when located on a hard surfaced street or an official bituminous road. (*Ordinance #2018-04/05-10-18*)
- .06 Public recreational areas and facilities including parks, playgrounds, golf courses, community centers and similar uses. (*Ordinance #81-6/10-01-81*)
- .07 Public schools and private schools having equivalent curriculum. (*Ordinance #81-6/10-01-81*)
- .08 *Single-family dwellings*, at a maximum density of three (3) dwellings per quarter-quarter section, when not a part of a minor or major subdivision. (*Ordinance #2004-14/07-01-04*)
- .09 *Towers* with height not exceeding one hundred (100) feet, subject to the requirements of Section 8.004.220. (*Ordinance #2007-09/10-12-07*)
- .10 Vineyard, winery and tasting facilities, Fermented beverage production facility, on farm subject to the provisions of Section 8.004.250. (~~*Ordinance #2011-01/6-17-11*~~)

8.020.030 CONDITIONAL USES: The following *conditional uses* shall be permitted in a Class R-2 District, when authorized in accordance with the requirements of Chapter 8.096:

- .01 *Bed and breakfast homes*, subject to the provisions of Section 8.004.200.
- .02 *Day care nurseries* and *nursery schools*, provided that for each child there shall be a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways; and further provided that for each child there shall be a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the *rear yard* of the property and be completely enclosed by a fence. (*Ordinance #81-6/10-01-81*)

CHAPTER 8.045
HIGHWAY COMMERCIAL DISTRICT

8.045.010 INTENT: The Class C-1 District is intended to provide for travel-related businesses and services in rural areas of the County along major highways where controlled access to the highway is afforded for the convenience and safety of the highway user by the provisions of frontage roads, interchanges and channelized intersections. Properties shall be located along or have direct access to hard surfaced streets. (*Ordinance #2015-05/12-18-2015*)

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

- .01 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*)
- .02 Convenience stores, including package foods and picnic supplies, souvenirs, novelties, toiletries, and similar merchandise. (*Ordinance #81-6/10-01-81*)
- .03 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*)
- .04 Governmental structures and 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 effects. (*Ordinance #81-6/10-01-81*)
- .05 Motels and motor hotels, but only when serviced with public or common water and sewer facilities. (*Ordinance #81-6/10-01-81*)
- .06 Fermented beverage production facilities, Restaurants, cafes, and drive-in eating and dining places. (*Ordinance #81-6/10-01-81*)
- .07 Service stations, including dispensing of diesel fuels and complete truck service. (*Ordinance #81-6/10-01-81*)
- .08 Sexually oriented businesses, subject to the terms of Chapter 3.55, Sexually Oriented Businesses Ordinance, Pottawattamie County, Iowa. (*Ordinance #2003-12/10-03-03*)
- .09 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*)
- .10 Transformer stations, booster stations and utility stations; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices. (*Ordinance #81-6/10-01-81*)
- .11 Transportation passenger terminals, including bus stations, railroad passenger stations, or other passenger terminals, provided that buses or 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*)

- 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*)

~~D.E.~~ Fermented beverage production facilities

.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.F.~~ 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. 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*)
 - D. Fermented beverage production facility
- .07 G
 - A. Garages for general motor vehicle repair, including major body and fender work, and 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*)
 - 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*)