

**TO:** Planning and Zoning Commission  
**FROM:** Matt Wyant  
**DATE:** January 12, 2024

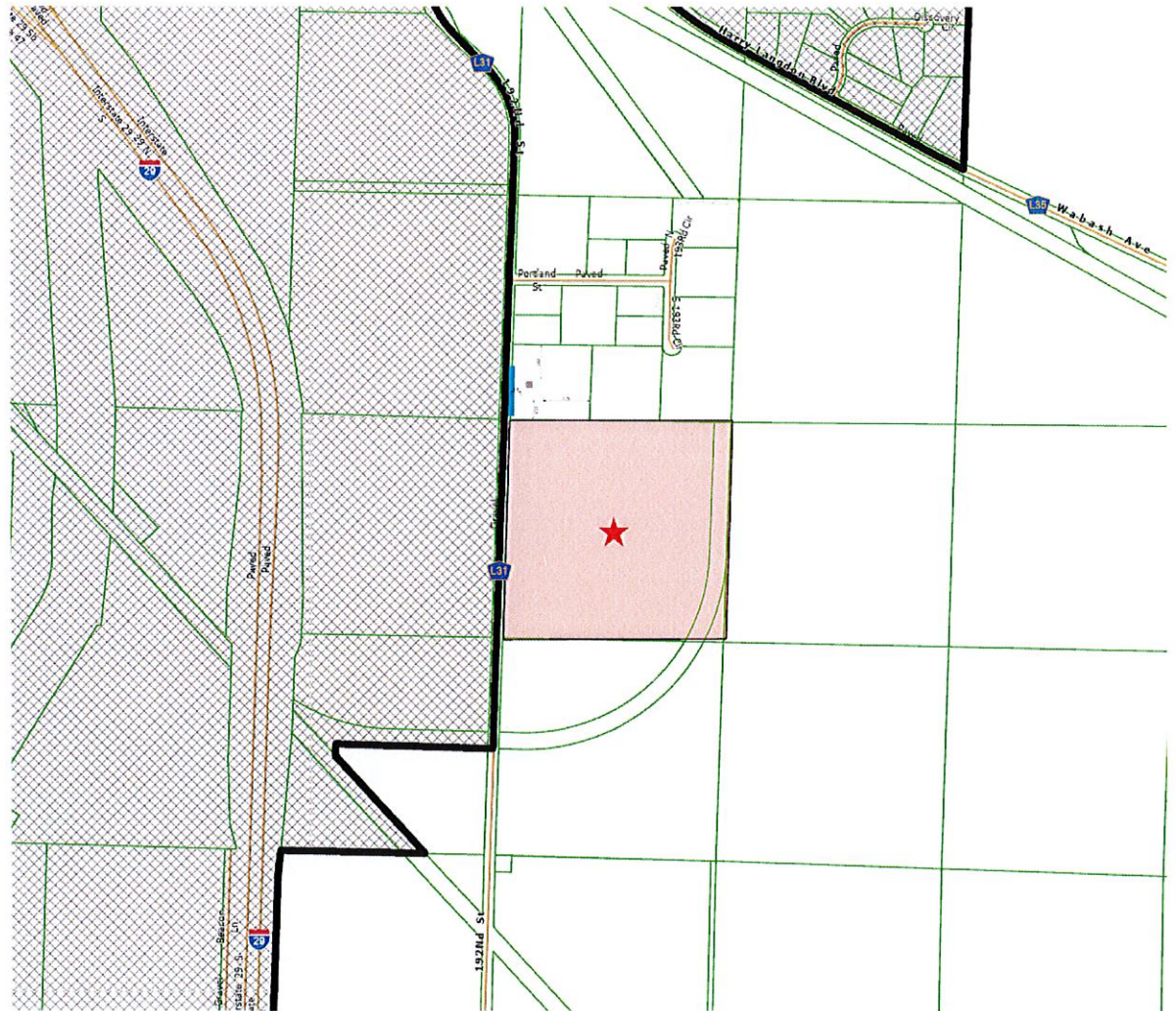
**RE:** #ZMA-2024-01

**REQUEST:** Zoning Map Amendment to reclassify approximately 35.94 acres from a Class A-3 (Riverfront & Ag Production) to a Class I-1 (Limited Industrial).

**LOCATION:** Lewis Township  
192<sup>nd</sup> St

17-74-43 NE SW EXC RR

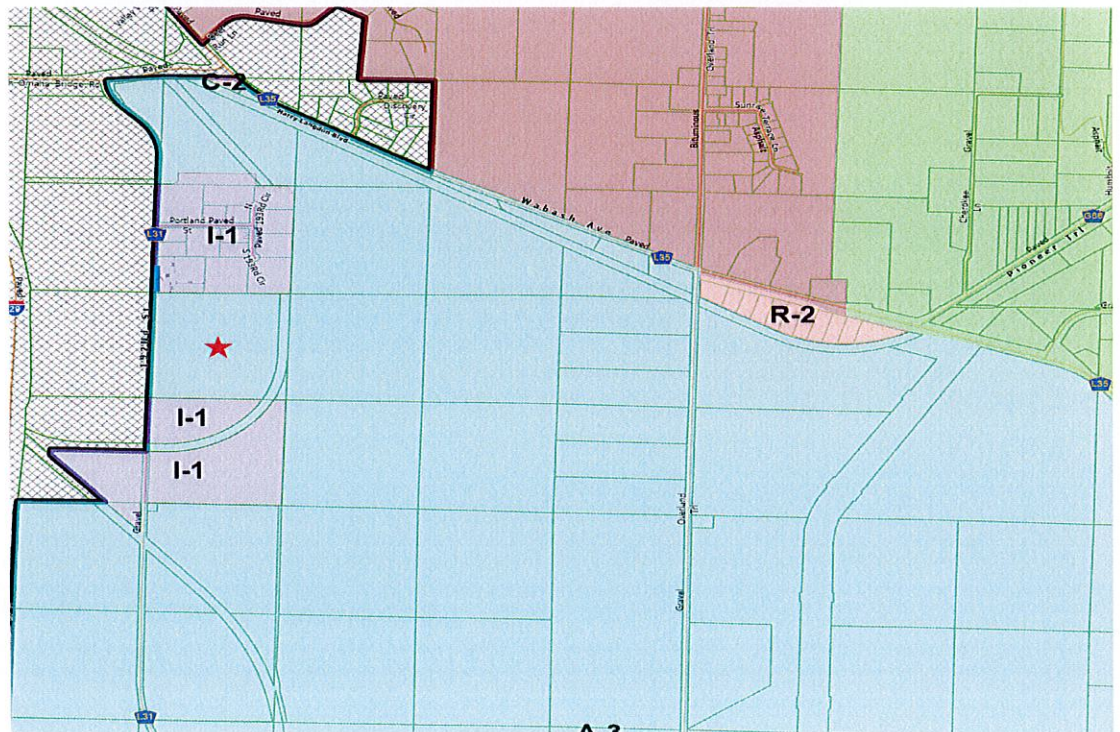
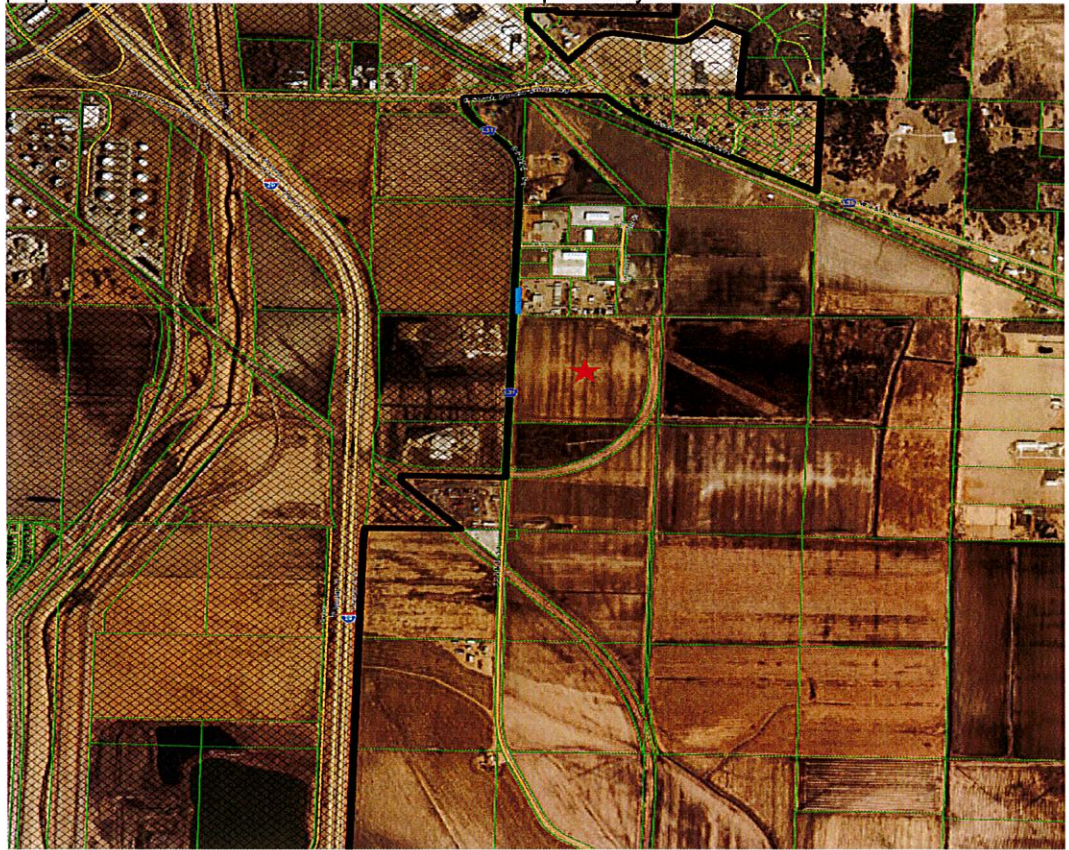
The subject property is located adjacent to the city limits of Council Bluffs on 192<sup>nd</sup> St.

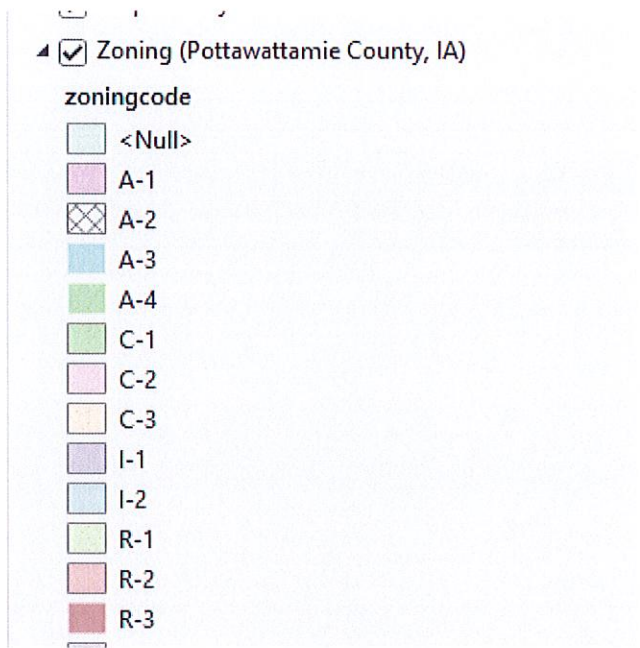


**PROPERTY OWNER:** Morris Properties LLC

**GENERAL INFORMATION:** The applicant has requested that approximately 35.94 acres, which are currently zoned A-3 (River Front & Agricultural Production) District, be rezoned to I-1 (Limited Industrial).

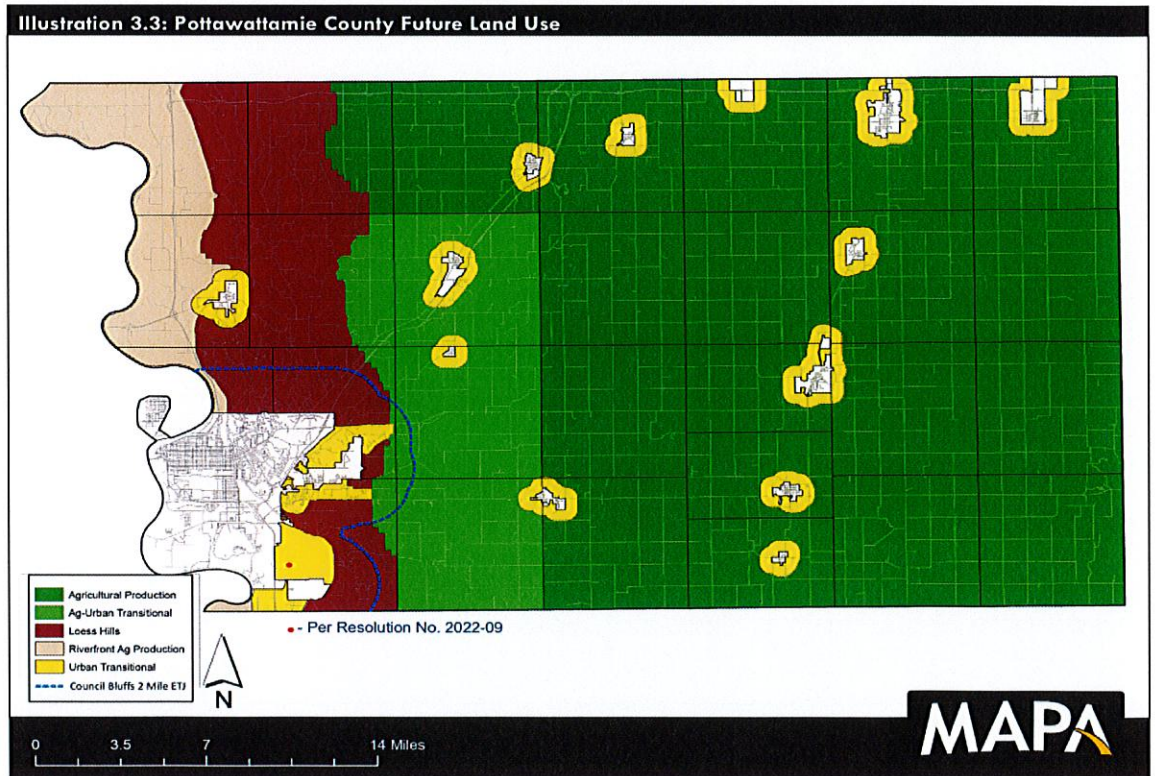
**SITE & AREA REVIEW:** The properties in the immediate area are a mixture of agricultural ground and industrial properties. I-29 and the railroad are in close proximity.





**SITE REVIEW:** The parcel is currently ag ground.

**LAND USE PLAN:** This proposed Zoning Map Amendment aligns with the Comprehensive and Land Use Plan with the recent resolution identifying this area as Urban Transitional.



## **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.

**FLOOD HAZARD:** The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates in the Flood Insurance Rate Maps that the majority of the property as being in a Zone A-Areas of 1% annual chance of flooding. The applicant intends to elevate the property and file a LOMA (letter of map amendment) with FEMA.

**TO:** Planning Commission  
**FROM:** Matt Wyant  
**DATE:** January 12, 2024  
**RE:** Case #ZTA-2024-01

**APPLICANT:** Pottawattamie County Zoning Board of Adjustment

**REQUEST:** Zoning text to amend the Pottawattamie County, Iowa, Zoning Ordinance, Section 8.004.095.03.

**Proposal:** The Zoning Board of Adjustment requested that the maximum square footage of an Accessory Dwelling Unit (ADU) be based on the size of the parcel and not limited to six hundred (600) square feet or fifty (50) percent of the square footage of the primary structure depending on the size of the parcel. A variance application had come before them in which the property owners wanted an 800 square foot ADU in lieu of the maximum 600 square foot allowed per code. The applicants' parcel consisted of 26 acres which led to the discussion that the parcel size should be taken into account when determining the allowable size of an ADU.

***Existing ADU Code Section :***

8.004.095 ACCESSORY DWELLING UNITS (ADU): Accessory dwelling units (ADUs), as defined in Section 8.002.020.020, shall be subject to the following conditions: (Ordinance #2015-05/12- 18-2015)

- .01 The size of the parcel or lot upon which an ADU will be situated shall be two times larger than the minimum lot size for the zoning district in which the parcel or lot is located. (Ordinance #2015-05/12-18-2015)
- .02 The ADU must meet all requirements of the Pottawattamie County, Iowa, Onsite Wastewater Treatment and Disposal Code and the Private Water Well Code with respect to the provisions of individual potable water and sewage disposal system or shall be authorized to connect to a municipal or public water and sewer system. (Ordinance #2015-05/12-18-2015)

The issuance of a permit for the ADU shall not adversely impact adjoining properties from obtaining a permit septic, sewer or well if the adjoining parcel has not constructed their first residence on their adjoining lot. (Ordinance #2015-05/12-18- 2015)

- .03 The total maximum square footage of the ADU shall not exceed the lesser of six hundred (600) square feet or fifty (50) percent of the square footage of the primary structure, excluding garage and carports The minimum total square footage of the ADU shall be not less than two hundred sixty (260) square feet. (Ordinance #2015-05/12-18-2015)
- .04 Location of entrances. Only one main entrance may be located on the street-facing facade of the house, unless the house contained additional entrances before the ADU was created. An exception to this

regulation is an entrance that does not have access from the ground, such as an entrance from a balcony or deck. (Ordinance #2015-05/12-18-2015)

- .05 All ADUs shall comply with the limitations of Section 8.004.040, Lot Frontage Requirement. (Ordinance #2015-05/12-18-2015)
- .06 Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the house. (Ordinance #2015-05/12-18-2015)
- .07 The ADU must be provided with at least one (1) off-street parking space, which shall be in addition to those required for any other structure(s) on the property. (Ordinance #2015-05/12-18-2015)
- .08 The ingress/egress driveway to the ADU shall be shared with that of the primary dwelling. No separate entrance shall be permitted. (Ordinance #2015-05/12-18-2015)
- .09 The ADU shall not be considered an accessory structure for the purpose of determining setbacks. (Ordinance #2015-05/12-18-2015)
- .10 Only one ADU shall be allowed per parcel or lot. (Ordinance #2015-05/12-18-2015)
- .11 The ADU shall not be used as a bed and breakfast. (Ordinance #2015-05/12-18-2015)
- .12 ADUs are permitted only when one of the dwelling units, either the primary residence or the ADU, on the property is owner-occupied. Ownership cannot be fractional. Owner-occupied residence shall not be rented out at any time. (Ordinance #2015-05/12-18-2015)
- .13 Weekly and Daily rentals of ADUs allowed by special permit. (Ordinance #2015-05/12-18-2015)
- .14 The ADU may be permitted to be divided off and to become a separate lot or parcel from that of the primary structure, provide however, that all zoning and subdivision regulations shall be adhered to. (Ordinance #2015-05/12-18-2015)

**Existing code section proposed to be amended:**

*.03 The total maximum square footage of the ADU shall not exceed the lesser of six hundred (600) square feet or fifty (50) percent of the square footage of the primary structure, excluding garage and carports. The minimum total square footage of the ADU shall be not less than two hundred sixty (260) square feet. (Ordinance #2015-05/12-18-2015)*

**Proposed amendment to code section:**

*.03 The minimum total square footage of the ADU shall be not less than two hundred sixty (260) square feet. The total square footage of the ADU shall be limited as follows:*

- A. Double the minimum lot size required by code, up to eight (8) acres, shall not exceed the lesser of eight hundred (800) square feet or fifty (50) percent of the primary structure, excluding garage and carports.*
- B. Eight (8) to twelve (12) acres shall not exceed the lesser of one thousand (1,000) square feet or fifty (50) percent of the primary structure, excluding garage and carports.*
- C. Twelve (12) acres plus shall not exceed the lesser of twelve hundred (1,200) square feet or fifty (50) percent of the primary structure, excluding garage and carport.*