

**TO:** Planning Commission  
**FROM:** Matt Wyant  
**DATE:** December 5<sup>th</sup>, 2024  
**RE:** Case #ZTA-2024-03

**APPLICANT:** Terry Taulborg, 20452 Perry rd, Council Bluffs

**REQUEST:** Zoning text to amend the Pottawattamie County, Iowa, Zoning Ordinance, Section 8.004.095

**Proposal:** Offer "ADU's" as a conditional use on lots smaller than the current minimums established and remove the language requiring owner occupied for ADU's.

***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 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 (Ordinance #2024-02/02-20-2024)

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.

.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:***

**.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.**

**.12 ADU's 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.**

***Proposed amendment to code section:***

**.01 An Accessory Dwelling Unit (ADU) may only be situated on a parcel or lot that is at least twice the minimum lot size required for the zoning district where it is located as a principal use. Parcels or lots smaller than this requirement may apply for a conditional use permit through the Zoning Board of Adjustment.**

**Or**

**.01 An Accessory Dwelling Unit (ADU) may only be situated on a parcel or lot that is at least twice the minimum lot size required for the zoning district where it is located as a principal use. Parcels or lots smaller than this requirement may apply for a conditional use permit through the Zoning Board of Adjustment, provided the proposed ADU will not be detrimental to neighboring properties or the character of the surrounding area.**

**Delete Section .12 mark as reserve.**

**Option 3 is to leave it as it is.**

**COMMISSION**

**RECOMMENDATION:** On December 16<sup>th</sup>, 2024 the Planning Commission conducted their public hearing on this request and made the following recommendation:

Motion: to recommend that the request of Terry Taulborg, as filed under Case #ZTA-2024-03, be **approved/deny by the Board of Supervisors.**

Motion by:

Second by:

Vote: –Larson, Leaders, Silkworth, Chapman. Motion Carried/failed.