

ORDINANCE NO. 6455

AN ORDINANCE TO AMEND CHAPTER 15.16 C-3/COMMERCIAL DISTRICT OF THE 2020 MUNICIPAL CODE (ZONING ORDINANCE) OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.16.020 “PRINCIPAL USES” TO ALLOW “DWELLING, MULTIFAMILY”.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 15.16 “C-3/Commercial District” of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.16.020 “Principal Uses” to include “Dwelling, multifamily” by reading as follows:

15.16.020 Principal Uses.

The following principal uses shall be permitted outright in a C-3 district:

- A. Automobile service establishment;
- B. Business, professional office;
- C. Business goods and service establishment;
- D. Club or lodge;
- E. College or university;
- F. Commercial recreation (indoor);
- G. Consumer service establishment;
- H. Cultural service;
- I. Financial service;
- J. Funeral service;
- K. General government use;
- L. Hospital;
- M. Hotel/motel;
- N. Mixed commercial/residential structure;
- O. Newspaper printing;
- P. Park and recreation service;
- Q. Pawn shop;
- R. Private parking lot;
- S. Public parking lot;
- T. Religious assembly;
- U. Restaurant (drive-in, limited and general);
- V. Retail shopping establishment;
- W. School;
- X. Second hand store;
- Y. Tattoo parlor;
- Z. Tavern;
- AA. Small alcohol production facility;
- BB. Dwelling, multifamily.


SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

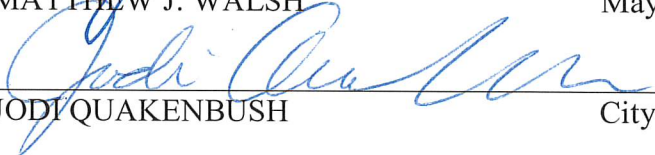
PASSED
AND
APPROVED

June 14, 2021.



MATTHEW J. WALSH Mayor

Attest:



JODIQUAKENBUSH City Clerk

First Consideration: 5-24-21
Second Consideration: 6-14-21
Public Hearing: 6-14-21
Third Consideration: Waived

Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend Sections 15.16.020 and 15.17.020 of the Council Bluffs Municipal Code (Zoning Ordinance) to allow 'dwelling, multi-family', as defined in §15.03.220, as a principal use in a C-3/Commercial District and C-4/Commercial District.


You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 14th day of June, 2021 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk
2021(6)-1 Sunday

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

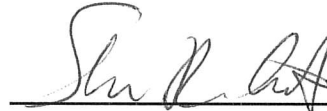
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 06th day of June, 2021.



Billing Representative

Sworn to and subscribed before me this 6th day
of June, A.D. 2021.



Notary Public R Carsten

NOTARY PUBLIC

Commonwealth of Virginia

State of Virginia Notary Registration Number 329549

County of Hanover Commission Expires July 31 2021

My Commission expires _____

CITY OF COUNCIL BLUFFS
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

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ahead@councilbluffs-ia.gov

Attachment A

15.16.020 Principal Uses

The following principal uses shall be permitted outright in a C-3 district:

1. Automobile service establishment;
2. Business, professional office;
3. Business goods and service establishment;
4. Club or lodge;
5. College or university;
6. Commercial recreation (indoor);
7. Consumer service establishment;
8. Cultural service;
9. Dwelling, multifamily
10. Financial service;
11. Funeral service;
12. General government use;
13. Hospital;
14. Hotel/motel;
15. Mixed commercial/residential structure;
16. Newspaper printing;
17. Park and recreation service;
18. Pawn shop;
19. Private parking lot;
20. Public parking lot;
21. Religious assembly;
22. Restaurant (drive-in, limited and general);
23. Retail shopping establishment;
24. School;
25. Second hand store;
26. Tattoo parlor;
27. Tavern;
28. Small alcohol production facility.

(Ord. No. 6027, § 1, 2-23-2009; Ord. No. 6292, § 1, 5-8-2017; Ord. No. 6343, § 1, 8-13-2018)

Editor's note— Ord. No. 6027, § 1, adopted Feb. 23, 2009, repealed the former § 15.16.020, and enacted a new CBMC 15.16.020 as set out herein. The former CBMC 15.16.020 pertained to similar subject matter and derived from Ord. No. 5556, § 1, adopted 2001.

15.17.020 Principal Uses

The following principal uses shall be permitted outright in a C-4 district:

1. Automobile service establishment;
2. Business, professional office;
3. Business goods and service establishment;
4. Club or lodge;
5. College or university;
6. Commercial recreation (indoor);
7. Consumer service establishment;
8. Cultural service;
9. Dwelling, multifamily
10. Financial service;

11. Funeral service;
 12. General government use;
 13. Hospital;
 14. Hotel/motel;
 15. Mixed commercial/residential structure;
 16. Newspaper printing;
 17. Park and recreation service;
 18. Pawn shop;
 19. Private parking lot;
 20. Public parking lot;
 21. Religious assembly;
 22. Restaurant (drive-in, limited and general);
 23. Retail shopping establishment;
 24. School;
 25. Second hand store;
 26. Tattoo parlor;
 27. Tavern;
 28. Small alcohol production facility.
- (Ord. 5469 § 3 (part), 1999)
(Ord. No. 6293, § 1, 5-8-2017; Ord. No. 6342, § 1, 8-13-2018)

Council Communication

Department: City Clerk
Case/Project No.: ZT-21-003
Submitted by: Haley Weber, Planner

Ordinance 6455 & Ordinance 6456
ITEM 4.A.

Council Action: 6/14/2021

Description

1. Ordinance to amend Chapter 15.16 C-3/Commercial District of the 2020 Municipal Code (Zoning Ordinance) by amending Section 15.16.020 "Principal Uses" to allow "Dwelling, Multifamily".

2. Ordinance to amend Chapter 15.17 C-4/Commercial District of the 2020 Municipal Code (Zoning Ordinance) by amending Section 15.17.020 "Principal Uses" to allow "Dwelling, Multifamily".

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	5/14/2021
Attachment A - Proposed Sections	Other	5/14/2021
CASE #ZT-21-003 public hearing notice	Notice	5/14/2021
Ordinance 6455	Ordinance	5/19/2021
Ordinance 6456	Ordinance	5/19/2021

City Council Communication

<p>Department: Community Development</p> <p>CASE #ZT-21-003</p> <p>Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503</p>	<p>Ordinance No. _____</p>	<p>City Council 1st Consideration: 05/24/2021 2nd Consideration: 06/14/2021 3rd Consideration: Request to be waived</p> <p>Planning Commission: 5/11/2021</p>
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Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend Sections 15.16.020 and 15.17.020 of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘dwelling, multi-family’, as defined in §15.03.220, as a principal use in a C-3/Commercial District and C-4/Commercial District.

Background

The Community Development Department is proposing to amend Chapter 15.16 and 15.17 to allow ‘dwelling, multifamily,’ defined in Section 15.03.220 as a ‘building or buildings designed and constructed to contain three or more individual dwelling units’ in the C-3 and C-4 Commercial Districts as follows:

- Amend Section 15.16.020 by adding ‘dwelling, multifamily’ as a principal use in the C-3 District; and
- Amend Section 15.17.020 by adding ‘dwelling, multifamily’ as a principal use in the C-4 District.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

Discussion

1. The purpose of the proposed text amendment is to allow appropriate in-fill residential development and adaptive reuse of existing buildings in the downtown and downtown adjacent areas, which are primarily zoned C-3 and C-4.
2. Allowing multifamily dwellings in the C-3 and C-4 Districts would maximize the use of public and private resources by locating higher density developments within areas of the city that have existing infrastructure, and access to public transportation, employment, commercial/retail establishments, schools, and other supportive services.
3. The 100 Block of West Broadway Historic District is zoned C-4/Commercial District and the Haymarket Historic District is zoned C-3/Commercial District. The mixed commercial/residential nature of these areas is integral to maintaining the historic character of both districts. In the future, the City should look to adopt an overlay for these areas to protect the historic integrity of these districts.

Recommendation

The Community Development Department recommends approval of the request to amend Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), Section 15.16.020, Principal Uses, and Section 15.17.020, Principal Uses, to allow ‘dwelling, multifamily’ in the C-3 and C-4 Commercial Districts.

Public Hearing

Staff speaker for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to approval to amend Sections 15.16.020 and 15.17.020 of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘dwelling, multi-family’, as defined in §15.03.220, as a principal use in a C-3/Commercial District and C-4/Commercial District.

VOTE: AYE – Bass, Halm, Hutcheson, Rater, Scott, and Stroebele. NAY – None. ABSTAIN – None. ABSENT - Danielsen, Haner, Rew, and VanHouten. VACANT - One Motion: Carried.

Attachments

Attachment A: Proposed Sections 15.16.020 and 15.17.020

Prepared by: Haley Weber, Planner, Community Development Department