

ORDINANCE NO. 6507

AN ORDINANCE TO AMEND CHAPTER 15.14 C-1/COMMERCIAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.14.020 "PRINCIPAL USES" AND BY AMENDING SECTION 15.14.060 "ADDITIONAL REGULATIONS" TO INCLUDE AND ADDRESS CONSUMER FIREWORKS SALES.

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

SECTION 1. That Chapter 15.14-C-1/Commercial District of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.14.020 "Principal Uses" and Section 15.14.060 "Additional Regulations" to read as follows:

15.14.020 Principal Uses

The following principal uses shall be permitted outright in a C-1 district:

- A. Business, professional office;
- B. Business service establishment;
- C. Club or lodge;
- D. Commercial recreation (indoor);
- E. Consumer fireworks sales;
- F. Consumer service establishment;
- G. Cultural service;
- H. Financial service;
- I. General government use;
- J. Local utility service;
- K. Parks and recreation service;
- L. Religious assembly;
- M. Restaurant (limited);
- N. Retail shopping establishment;
- O. School;
- P. Veterinary service.

(Ord. No. 6092, § 1, 7-26-2010)

Editor's note— Ord. No. 6092, § 1, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5458, § 1, 1999.

15.14.060 Additional Regulations

- A. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, and minor service for motor vehicles when accessory to a principal or approved conditional use.
- B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5458 § 1 (part), 1999)

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

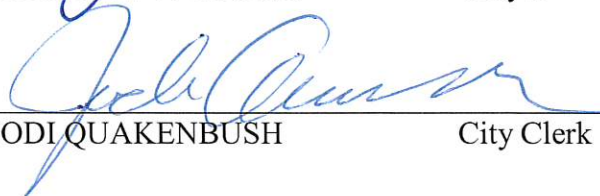
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

July 11, 2022.


MATTHEW J. WALSH Mayor

Attest:


JODI QUAKENBUSH City Clerk

First Consideration: 6-27-22
Second Consideration: 7-11-22
Public Hearing: 7-11-22
Third Consideration: Wavied

Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

A public hearing is to be held by the City Council of the City of Council Bluffs, Iowa, on the 11th day of July, 2022 at 7:00 p.m. 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.

The hearing is in regards to the City's intent to amend the following Sections of the Council Bluffs Municipal Code (Zoning Ordinance) relative to "Consumer Fireworks Sales": Amend Section 15.12.020, Principal Uses; Section 15.13.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, A-P, C-1, C-3, C-4, P-1, and I-3 Districts; and Amend Section 15.12.060, Additional Regulations; Section 15.13.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.060, Additional Regulations; and Section 15.22.060, Additional Regulations, of the MCR, A-P, C-1, C-3, C-4, P-1, and I-3 Districts, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.
2022 (7) 3-1 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 03rd day of July, 2022.



Billing Representative

Sworn to and subscribed before me this 3rd day
of July, A.D. 2022.



Notary Public

State of Virginia
County of Hanover
My Commission expires

Kimberly Kay Harris
NOTARY PUBLIC
Commonwealth of Virginia
Reg. No. 356753
Commission Exp. Jan. 31, 2025

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost: \$22.15
Customer Number: 1003258
Order Number: 0000316093

E-mail

jquakenbush@councilbluffs-ia.gov

Proof Of Publication

State of Iowa

Pottawattamie County

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:

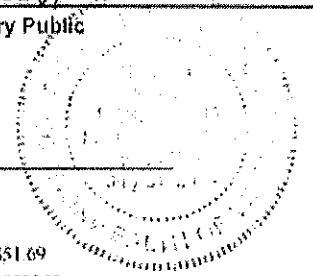
The First publication thereof began on the 16th day of July, 2022.


Brenda Bunn
Billing Representative

Sworn to and subscribed before me this 16th day
of July, A.D. 2022.


John R. Auck
Notary Public

State of Virginia
County of Hanover
My Commission expires



CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost \$51.69
Customer Number: 1003258
Order Number: 0000318180

E-mail

jquakenbush@councilbluffs-ia.gov

ORDINANCE NO. 6507
AN ORDINANCE TO AMEND CHAPTER 15.14 C-
1/COMMERCIAL DISTRICT OF THE 2020 MU-
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AMENDING SECTION 15.14.020 "PRINCIPAL US-
ES" AND BY AMENDING SECTION 15.14.060
"ADDITIONAL REGULATIONS" TO INCLUDE
AND ADDRESS CONSUMER FIREWORKS SALES.

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

SECTION 1. That Chapter 15.14- C-
1/Commercial District of the 2020 Municipal
Code of Council Bluffs, Iowa, be and the same
is hereby amended by amending Section
15.14.020 "Principal Uses" and Section
15.14.060 "Additional Regulations" to read as
follows:
15.14.020 Principal Uses

The following principal uses shall be permit-
ted outright in a C-1 district:

- A. Business, professional office;
- B. Business service establishment;
- C. Club or lodge;
- D. Commercial recreation (indoor);
- E. Consumer fireworks sales;
- F. Consumer service establishment;
- G. Cultural service;
- H. Financial service;
- I. General government use;
- J. Local utility service;
- K. Parks and recreation service;
- L. Religious assembly;
- M. Restaurant (limited);
- N. Retail shopping establishment;
- O. School;
- P. Veterinary service.

(Ord. No. 6092, § 1, 7-26-2010)

Editor's note-- Ord. No. 6092, § 1, adopted July
26, 2010, repealed the former section and
enacted a new section as set out herein. The
former section pertained to similar subject
matter and derived from Ord. No. 5458, § 1,
1999.

15.14.060 Additional Regulations

A. All business, service, repair, processing,
storage, and merchandise display shall be
conducted or located within an enclosed
building, with the exception of off-street park-
ing and loading areas, drive-in windows, and
minor service for motor vehicles when acces-
sory to a principal or approved conditional
use.

B. Consumer fireworks sales from a tempora-
ry structure shall not be located within three
hundred (300) feet of a residential structure.

(Ord. 5458 § 1 (part), 1999)

SECTION 2 . REPEALER . All ordinances or
parts of ordinances in conflict with the provi-
sions 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 July 11, 2022.
MATTHEW J. WALSH, Mayor
Attest: JODI QUAKENBUSH, City Clerk

First Consideration: 6-27-22
Second Consideration: 7-11-22

Public Hearing: 7-11-22
Third Consideration: Waived
2022 (7) 16-1 Saturday

ATTACHMENT C

Chapter 15.14 - C-1/COMMERCIAL DISTRICT

15.14.010 Statement Of Intent

15.14.020 Principal Uses

15.14.030 Conditional Uses

15.14.040 Accessory Uses

15.14.050 Site Development Regulations

15.14.060 Additional Regulations

15.14.070 Signs

15.14.010 Statement Of Intent

The C-1 district is intended to provide for the development of retail, office, and minor commercial facilities adjacent to neighborhood residential areas. This district allows a large variety of commercial and services uses.

(Ord. 5458 § 1 (part), 1999)

15.14.020 Principal Uses

The following principal uses shall be permitted outright in a C-1 district:

- A. Business, professional office;
- B. Business service establishment;
- C. Club or lodge;
- D. Commercial recreation (indoor);
- E. Consumer service establishment;
- F. Cultural service;
- G. Financial service;
- H. General government use;
- I. Local utility service;
- J. Parks and recreation service;
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- L. Restaurant (limited);
- M. Retail shopping establishment;
- N. School;
- O. Veterinary service;
- P. Consumer fireworks sales.

(Ord. No. 6092, § 1, 7-26-2010)

Editor's note— Ord. No. 6092, § 1, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5458, § 1, 1999.

15.14.030 Conditional Uses

The following conditional uses shall be permitted in a C-1 district, in accordance with the requirements set forth in CBMC 15.02:

- A. Automobile service establishment;
- B. Communication tower;
- C. Day care services;
- D. Restaurant (drive-in/fast food and general).

(Ord. No. 6092, § 2, 7-26-2010)

Editor's note— Ord. No. 6092, § 2, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5458, § 1, 1999.

15.14.040 Accessory Uses

The following accessory uses shall be permitted in a C-1 district:

- A. Uses of land or structure customarily incidental and subordinate to one of the principal uses in a C-1 district, unless otherwise excluded.

(Ord. 5458 § 1 (part), 1999)

15.14.050 Site Development Regulations

Minimum Lot Size

Lot area	5,000 square feet	
Lot width	50 feet	
Lot depth	100 feet	
Minimum Setbacks	Principal Structure	Accessory Structure
Front yard	20 feet	20 feet
Interior side yard	5 feet	5 feet
Street side yard	15 feet	15 feet
Rear yard	20 feet	5 feet

Maximum height	35 feet	18 feet
Lot coverage: all structures:	50% maximum	

(Ord. 5458 § 1 (part), 1999)

15.14.060 Additional Regulations

- A. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, and minor service for motor vehicles when accessory to a principal or approved conditional use.
- B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5458 § 1 (part), 1999)

15.14.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5458 § 1 (part), 1999)

Council Communication

Department: City Clerk
Case/Project No.: ZT-22-004
Submitted by: Haley Weber, Planner

Ordinances 6505, 6506, 6507, 6508, 6509, 6510
and 6511
ITEM 4.B.

Council Action: 7/11/2022

Description

Ordinances to amend sections of the municipal code within Title 15 (Zoning Ordinance) to amend Section 15.12.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	6/17/2022
Attachment A - Proposed Chapter 15.12, MCR/Mixed Commercial-Residential District	Code Section	6/17/2022
Attachment B - Proposed Chapter 15.13, A-P/Administrative Professional District	Code Section	6/17/2022
Attachment C - Proposed Chapter 15.14, C-1/Commercial District	Code Section	6/17/2022
Attachment D - Proposed Chapter 15.16, C-3/Commercial District	Code Section	6/17/2022
Attachment E - Proposed Chapter 15.17, C-4/Commercial District	Code Section	6/17/2022
Attachment F - Proposed Chapter 15.19, P-I/Planned Industrial District	Code Section	6/17/2022
Attachment G - Proposed Chapter 15.22, I-3/Heavy Industrial District	Code Section	6/17/2022
Public Hearing Notice	Notice	6/17/2022
Ordinance 6505	Ordinance	6/22/2022
Ordinance 6506	Ordinance	6/22/2022
Ordinance 6507	Ordinance	6/22/2022
Ordinance 6508	Ordinance	6/22/2022
Ordinance 6509	Ordinance	6/22/2022
Ordinance 6510	Ordinance	6/22/2022
Ordinance 6511	Ordinance	6/22/2022

City Council Communication

Department: Community Development Department CASE #ZT-22-004 Applicant: Community Development Department	Ordinance No. _____	<u>City Council</u> 1 st Consideration: 6/27/22 2 nd Consideration: 7/11/22 3 rd Consideration: 7/25/22 Planning Commission: 6/14/2022
Subject/Title		
<p>Request: Public hearing on the request of the City of Council Bluffs to amend several sections of Title 15: <u>Zoning</u> of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: amend Section 15.12.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.</p>		
Background		
<p>On April 21, 2022 Iowa Senate Bill 2285 passed which allows for the sale of consumer fireworks in all locations zoned for commercial and industrial purposes in Iowa. In response to this bill, the Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code to allow ‘consumer fireworks sales’ as a principal use in all of the city’s commercial and industrial zoning districts.</p> <p>Per Section 15.03.171a, “<i>Consumer Fireworks Sales</i>” are defined as, “<i>the sale of first-class and second-class consumer fireworks as defined in Iowa Code §727.2.</i>” ‘Consumer fireworks sales’ are currently allowed as a principal use in the C-2/Commercial District, P-C/Planned Commercial District, I-1/Light Industrial District, and I-2/General Industrial District. ‘Consumer fireworks sales’ are also regulated by the International Fire Code (IFC), which requires a 300-foot separation distance between ‘consumer fireworks sales’ in a temporary structure (e.g. tent) and a residential use.</p> <p>The following text amendments are proposed to allow “consumer fireworks sales” as a principal use in all remaining commercial and industrial districts and include the IFC’s separation distance requirement:</p> <ul style="list-style-type: none"> • Amend Section 15.12.20, Principal Uses, of the MCR/Mixed Commercial-Residential District by adding “Consumer Fireworks Sales” as a principal use and Section 15.12.060, Additional Regulations, of the MCR/Mixed Commercial-Residential District by adding the following language: <div style="margin-left: 40px;"><i>Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;</i></div> • Amend Section 15.14.020, Principal Uses, of the C-1/Commercial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.14.060, Additional Regulations, of the C-1/Commercial District by adding the following language: 		

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;

- Amend [Section 15.16.020](#), Principal Uses, of the C-3/Commercial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.16.060, Additional Regulations, of the C-1/Commercial District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;

- Amend [Section 15.17.020](#), Principal Uses, of the C-4/Commercial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.17.060, Additional Regulations, of the C-1/Commercial District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;

- Amend [Section 15.19.020](#), Principal Uses, of the P-I/Planned Industrial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.19.080, Additional Regulations, of the C-1/Commercial District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure; and

- Amend [Section 15.22.020](#), Principal Uses, of the I-3/Heavy Industrial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.22.060, Additional Regulations, of the C-1/Commercial District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

The City Planning Commission recommended the following amendments to the A-P/Administrative-Professional District, relative to consumer fireworks sales, at their June 14, 2022 meeting:

- Amend [Section 15.13.20](#), Principal Uses, of the A-P/Administrative-Professional District by adding “Consumer Fireworks Sales” as a principal use and Section 15.13.060, Additional Regulations, of the A-P/Administrative-Professional District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments were received as of the date of this report.

The Community Development Department noted that ‘consumer fireworks sales’ are subject to Section 15.23, *Off-Street Parking, Loading, and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance) and that staff will be responsible for continuing to ensure that all consumer firework sales operations have adequate off-street parking.

Recommendation

The Community Development Department recommends approval of the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: amend Section 15.12.020, Principal Uses; Section 15.13.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, A-P, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.13.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section

15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

Public Hearing

Staff speakers for the request:

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

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval of the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: amend Section 15.12.020, Principal Uses; Section 15.13.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, A-P, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.13.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

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

Attachments

- Attachment A: Proposed Chapter 15.12, MCR/Mixed Commercial-Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment B: Proposed Chapter 15.13, A-P/Administrative Professional District, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment C: Proposed Chapter 15.14, C-1/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment D: Proposed Chapter 15.16, C-3/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment E: Proposed Chapter 15.17, C-4/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment F: Proposed Chapter 15.19, P-I/Planned Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment G: Proposed Chapter 15.22, I-3/Heavy Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley Weber Planner, Community Development Department