

**ORDINANCE NO. 6511**

**AN ORDINANCE TO AMEND CHAPTER 15.22, I-3/HEAVY INDUSTRIAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.22.020 “PRINCIPAL USES” AND BY AMENDING SECTION 15.22.060 “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 15.22-I-3/Heavy Industrial District of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.22.020 “Principal Uses” and Section 15.22.060 “Additional Regulations” to read as follows:

**15.22.020 Principal Uses**

The following principal uses shall be permitted outright in an I-3 district:

- A. Agricultural sales and service;
- B. Chemical plant;
- C. Consumer fireworks sales;
- D. Electric utility generation facility;
- E. Governmental maintenance facility;
- F. Grain storage and distribution;
- G. Horticulture and crop production;
- H. Local utility service;
- I. Manufacturing, general and heavy;
- J. Railroad yard and intermodal facilities;
- K. Sign manufacturing;
- L. Truck service establishment;
- M. Truck terminal;
- N. Warehousing and distribution, limited and general; and
- O. Solar energy conversion systems.

(Ord. 5958 § 2, 2007)

**HISTORY**

*Amended by Ord. 6445 on 3/8/2021*

**15.22.060 Additional Regulations**

- A. The maximum height of a structure shall be as limited by CBMC 15.22.050, except in cases where smokestacks or towers are integral to a legally established electric utility generation facility. In such cases, the height shall be unlimited, provided an area equal to the maximum

height of the tallest part of the structure can be maintained from all of the property lines of the parcel of land on which the facility is located.

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

(Ord. 5958 § 5, 2007)

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 REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

# 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 15.15.020, 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 15.15.060, 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. 866753  
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

[jqquakenbush@councilbluffs-ia.gov](mailto:jqquakenbush@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:

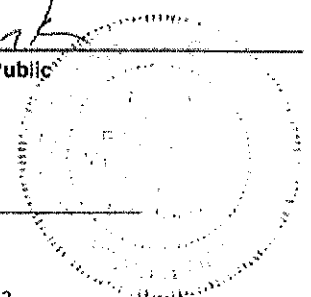
The First publication thereof began on the 17th day of July, 2022.

  
Brenda Sauer  
Billing Representative

Sworn to and subscribed before me this 17th day  
of July, A.D. 2022.

  
John R. Auer  
Notary Public

State of Virginia  
County of Hanover  
My Commission expires \_\_\_\_\_



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

Publication Cost: \$49.42  
Customer Number: 1003258  
Order Number: 0000318238

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**ORDINANCE NO. 6511  
AN ORDINANCE TO AMEND CHAPTER 15.22, I-  
3/HEAVY INDUSTRIAL DISTRICT OF THE 2020  
MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA  
BY AMENDING SECTION 15.22.020 "PRINCIPAL  
USES" AND BY AMENDING SECTION 15.22.060  
"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 15.22- I-3/Heavy Industrial District of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.22.020 "Principal Uses" and Section 15.22.060 "Additional Regulations" to read as follows:  
**15.22.020 Principal Uses**

The following principal uses shall be permitted outright in an I-3 district:

- A. Agricultural sales and service;
- B. Chemical plant;
- C. Consumer fireworks sales;
- D. Electric utility generation facility;
- E. Governmental maintenance facility;
- F. Grain storage and distribution;
- G. Horticulture and crop production;
- H. Local utility service;
- I. Manufacturing, general and heavy;
- J. Railroad yard and intermodal facilities;
- K. Sign manufacturing;
- L. Truck service establishment;
- M. Truck terminal;
- N. Warehousing and distribution, limited and general; and
- O. Solar energy conversion systems.

(Ord. 5958 § 2, 2007)

**HISTORY**  
Amended by Ord. 6445 on 3/8/2021  
**15.22.060 Additional Regulations**

A. The maximum height of a structure shall be as limited by CBMC 15.22.050, except in cases where smokestacks or towers are integral to a legally established electric utility generation facility. In such cases, the height shall be unlimited, provided an area equal to the maximum height of the tallest part of the structure can be maintained from all of the property lines of the parcel of land on which the facility is located.

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

(Ord. 5958 § 5, 2007)

**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: Waived  
2022 (7) 17-1 Sunday

## ATTACHMENT G

### **Chapter 15.22 - I-3/HEAVY INDUSTRIAL DISTRICT**

15.22.010 Statement Of Intent

15.22.020 Principal Uses

15.22.030 Conditional Uses

15.22.040 Accessory Uses

15.22.050 Site Development Regulations

15.22.060 Additional Regulations

15.22.070 Signs

#### **15.22.010 Statement Of Intent**

The I-3 district is intended to provide areas of the city for activities and uses of a heavy industrial character. This district is designed to accommodate industrial uses which have significant external effects. These uses typically have operating characteristics and environmental effects that make them incompatible with surrounding uses. The I-3 district is most appropriately located in areas that are separated from residential and consumer-oriented commercial districts.

(Ord. 5958 § 1, 2007)

#### **15.22.020 Principal Uses**

The following principal uses shall be permitted outright in an I-3 district:

- A. Agricultural sales and service;
- B. Chemical plant;
- C. Electric utility generation facility;
- D. Governmental maintenance facility;
- E. Grain storage and distribution;
- F. Horticulture and crop production;
- G. Local utility service;
- H. Manufacturing, general and heavy;
- I. Railroad yard and intermodal facilities;
- J. Sign manufacturing;
- K. Truck service establishment;
- L. Truck terminal;
- M. Warehousing and distribution, limited and general; and
- N. Solar energy conversion systems;
- O. Consumer fireworks sales.**

(Ord. 5958 § 2, 2007)

HISTORY

Amended by Ord. [6445](#) on 3/8/2021

#### **15.22.030 Conditional Uses**

The following conditional uses shall be permitted in an I-3 district in accordance with the requirements set forth in CBMC 15.27:

- A. Rubble dump;
- B. Meat packing and processing.

(Ord. 5958 § 3, 2007)

**15.22.040 Accessory Uses**

The following accessory uses shall be permitted in the I-3 district:

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

(Ord. 5366 § 5 (part), 1998)

**15.22.050 Site Development Regulations**

**Minimum Lot Size**

Lot area	5 acres
Lot width	300 feet
Lot depth	600 feet
<b>Minimum Setbacks</b>	<b>All structures</b>
Front yard	30 feet
Interior yard	20 feet
Street side yard	20 feet
Rear yard	20 feet
Maximum height	300 feet
Lot coverage, all structures	70% maximum

(Ord. 5958 § 4, 2007)

### **15.22.060 Additional Regulations**

- A. The maximum height of a structure shall be as limited by CBMC 15.22.050, except in cases where smokestacks or towers are integral to a legally established electric utility generation facility. In such cases, the height shall be unlimited, provided an area equal to the maximum height of the tallest part of the structure can be maintained from all of the property lines of the parcel of land on which the facility is located.
- B. **Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.**

(Ord. 5958 § 5, 2007)

### **15.22.070 Signs**

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

(Ord. 5366 § 5 (part), 1998)

**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-1, 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-1/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**

<p>Department: Community Development Department</p> <p>CASE #ZT-22-004</p> <p>Applicant: Community Development Department</p>	<p>Ordinance No. _____</p>	<p><u>City Council</u></p> <p>1<sup>st</sup> Consideration: 6/27/22</p> <p>2<sup>nd</sup> Consideration: 7/11/22</p> <p>3<sup>rd</sup> Consideration: 7/25/22</p> <p>Planning Commission: 6/14/2022</p>
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**Subject/Title**

**Request:** Public hearing on 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 15.14.020, 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.

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**Background**

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.

Per Section 15.03.171a, “*Consumer Fireworks Sales*” are defined as, “*the sale of first-class and second-class consumer fireworks as defined in Iowa Code §727.2.*” ‘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.

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:

- 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:
 

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

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*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