

ORDINANCE NO. 6630

AN ORDINANCE TO AMEND CHAPTER 15.28-P-R/PLANNED RESIDENTIAL OVERLAY OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.28.040 "ADDITIONAL REGULATIONS".

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

SECTION 1. That Chapter 15.28-P-R/Planned Residential Overlay be and the same is hereby amended by amending Section 15.28.040 "Additional Regulations" to read as follows:

15.28.040 Additional Regulations

- A. Storage Uses. Storage uses shall only be allowed in a PR-1 Overlay, and shall be limited to a combined maximum of five percent of the land area designated as commercial within the development. The following storage use regulations shall apply to all storage uses:
1. Commercial storage facilities and storage yards shall be owned and operated by a homeowner's association or management group for the overall development.
 2. Storage yards shall be limited to the exterior storage of operable vehicles, including trucks, recreational vehicles, as defined in CBMC 15.03.585, and vessels, as defined in CMBC 15.03.586, and trailers on designated parking spaces. Exterior storage of junk, wrecked, or inoperable vehicles, equipment, and other materials shall not be allowed.
 3. Outdoor storage areas shall be completely screened from view at or beyond the property line and shall be designed as a part of the overall development.
- B. No tavern or small alcohol production facility shall operate within a distance of two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use located outside the boundary of a mixed-use development with an adopted planned residential development plan. Distance shall be measured between the closest points from lot line to lot line.
- C. In-home day care services shall be subject to approval of a conditional use permit as set forth in CMBC 15.02.090.

(Ord. 5309 § 1 (part), 1996)

HISTORY

Repealed & Replaced by Ord. 6483 on 2/28/2022

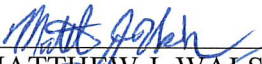
SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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.

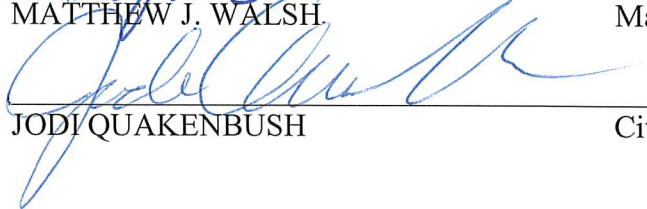
PASSED
AND
APPROVED

March 10, 2025.



MATTHEW J. WALSH Mayor

Attest:



JODIQUAKENBUSH City Clerk

First Consideration: 2-24-25
Second Consideration: 3-10-25
Public Hearing: 3-10-25
Third Consideration: Waived

AFFIDAVIT OF PUBLICATION

The Daily Nonpareil

State of Florida, County of Orange, ss:

Samantha Pryor, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Daily Nonpareil, a newspaper printed and published three (3) days a week at Council Bluffs, in said County and State, and that the notice herto attached was published in said newspaper once each day for the period on the dates below listed.

PUBLICATION DATES:

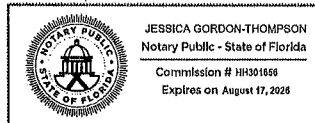
Mar. 25, 2025

NOTICE ID: Yku6PjceHBR0iKvIjK1n

PUBLISHER ID: COL-9101800

NOTICE NAME: Ordinance 6630

(Signed) Samantha Pryor



VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 03/28/2025

[Signature]
Notary Public

PUBLICATION FEE: \$51.64

Notarized remotely online using communication technology via Prof.

Ordinance 6630
AN ORDINANCE TO AMEND CHAPTER 15.28- P-R/PLANNED RESIDENTIAL OVERLAY OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.28.040 "ADDITIONAL REGULATIONS".
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA SECTION 1: That Chapter 15.28- P-R/Planned Residential Overlay, be and the same is hereby amended by amending Section 15.28.040 "Additional Regulations" to read as follows:
15.28.040 Additional Regulations.
A. Storage Uses. Storage uses shall only be allowed in a P-R-1 Overlay, and shall be limited to a combined maximum of five percent of the land area designated as commercial within the development. The following storage use regulations shall apply to all storage uses:
1. Commercial storage facilities and storage yards shall be owned and operated by a homeowner's association or management group for the overall development.
2. Storage yards shall be limited to the exterior storage of operable vehicles, including trucks, recreational vehicles, as defined in CMBC 15.03.695, and vessels, as defined in CMBC 15.03.696, and trailers on designated parking spaces. Exterior storage of junk, wrecked, or inoperable vehicles, equipment, and other materials shall not be allowed.
3. Outdoor storage areas shall be completely screened from view at or beyond the property line and shall be designed as a part of the overall development.
B. No tavern or small alcohol production facility shall operate within a distance of two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use located outside the boundary of a mixed-use development with an adopted planned residential development plan. Distance shall be measured between the closest points from lot line to lot line.
C. In-home day care services shall be subject to approval of a conditional use permit as set forth in CMBC 15.02.090.
Adopted and Approved March 10, 2025
For complete copy of Ordinance, see City Clerk's Office.
Matthew J. Walsh, Mayor
Jodi Quakenbush, City Clerk
March 25, 2025 COL-9101800

AFFIDAVIT OF PUBLICATION

The Daily Nonpareil

State of Florida, County of Broward, ss:

India Johnston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Daily Nonpareil, a newspaper printed and published three (3) days a week at Council Bluffs, in said County and State, and that the notice herto attached was published in said newspaper once each day for the period on the dates below listed.

PUBLICATION DATES:

Mar. 1, 2025

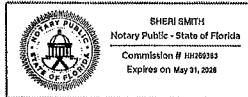
NOTICE ID: RI93LrpFVLDI23Sztzod

PUBLISHER ID: COL-9101696

NOTICE NAME: ZT-25-001

India Johnston

(Signed)



VERIFICATION

State of Florida
County of Broward

Subscribed in my presence and sworn to before me on this: 03/04/2025

S Smith

Notary Public

PUBLICATION FEE: \$16.97

Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARING

You are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing for March 10, 2025 at 7:00 p.m. in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time all persons interested in this matter will be given an opportunity to be heard on the request from Broadmoor River's Edge, represented by Bob Stratton, to amend Section 15.28.040(B), Additional Regulations, PR/Planned Residential Overlay of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use. Jodi Quakenbush, City Clerk March 1, 2025 COL-9101696

Council Communication

Department: City Clerk
Case/Project No.: ZT-25-001
Submitted by: Christopher Gibbons, AICP,
Planning and Code Compliance Manager

Ordinance 6630
ITEM 5.A.

Council Action: 3/10/2025

Description

Ordinance to amend Chapter 15.28-P-R/Planned Residential Overlay of the Zoning Ordinance by amending Section 15.28.040 "Additional Regulations". ZT-25-001

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	2/14/2025
Attachment A: Proposed Section 15.28.040(B)	Code Section	2/14/2025
Attachment B: Tavern and Small Alcohol Production Facility Zoning District Matrix	Other	2/14/2025
Attachment C: Broadmoor Site Plan	Other	2/14/2025
Notice of Public Hearing	Notice	2/14/2025
Ordinance 6630	Ordinance	2/19/2025

City Council Communication

<p>Department: Community Development</p> <p>CASE #ZT-25-001</p> <p>Applicant: Broadmoor River's Edge 809 N. 96th Street Omaha, NE 68114</p> <p>Representative: Bob Stratton Broadmoor River's Edge 809 N. 96th Street Omaha, NE 68114</p>	<p>Ordinance No. _____</p>	<p><u>City Council</u> 1st Consideration: 2/24/2025 2nd Consideration: 3/10/2025 3rd Consideration: 3/24/2025</p> <p>Planning Commission: 2/11/2025</p>
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Subject/Title

Request: Public hearing on the request from Broadmoor River's Edge, represented by Bob Stratton, to amend Section 15.28.040(B), *Additional Regulations, PR/Planned Residential Overlay* of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use.

Background

The Community Development Department has received a request from Broadmoor River's Edge, represented by Bob Stratton, to amend Section 15.28.040(B), *Additional Regulations, PR/Planned Residential Overlay* of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use (see Attachment 'A').

The applicant owns several multi-family and mixed commercial/residential structures within the River's Edge Development and has a prospective tenant who would like to operate a tavern (sports bar) from one of their buildings at 4051 River's Edge Parkway. The proposed tavern complies with the 200-foot separation distance from all existing schools, residential uses, places of religious assembly, and public parks in the surrounding area, except for the existing residential uses within River's Edge. The purpose of this text amendment is to exempt taverns and small alcohol production facilities from meeting the 200-foot separation distance from schools, residential uses, places of religious assembly, and public parks that are located within a mixed-use development with an adopted planned residential development plan.

All City Departments and local utilities were notified of the proposed text amendment. The following comments were received:

- A. The Council Bluffs Public Works Department stated that they have no comments on the request.
- B. The Council Bluffs Police Department stated they have no objection or comment on the request.

- C. Council Bluffs Water Works stated that they have no comments on the request.
- D. MidAmerican Energy Company stated that they have conflicts with the request.
- E. The Community Development Department provided the following comments:

1. A ‘tavern’ is defined in Section 15.03.645 of the Council Bluffs Zoning Ordinance as “*a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, cocktail lounges, and similar uses other than a restaurant*”.
2. A ‘small alcohol production facility’ is defined in Section 15.03.601 of the Council Bluffs Zoning Ordinance as “*a combined manufacturing and commercial facility of alcoholic beverages for direct sale to wholesalers or customers that includes accessory uses such as a retail outlet, tasting room, event space, tavern, or restaurant. Twenty-five (25) percent of the larger of the total gross square footage of the facility or licensed premises shall be dedicated to accessory uses. A small alcohol production facility shall include breweries, distilleries and wineries as defined in Iowa Code § 123.3. Production limitations for breweries shall not exceed fifteen thousand (15,000) barrels (four hundred sixty-five thousand (465,000) gallons) per year; distilleries and wineries shall not exceed fifty thousand (50,000) proof gallons per year. Alcohol production facilities exceeding the limitations stated above shall be classified as "manufacturing, light" as defined in this title*”.
3. Per the Council Bluffs Zoning Ordinance, ‘taverns’ and ‘small alcohol production facilities’ are allowed to operate within the following zoning districts either with or without any special permit approvals, or separation distance from a school, place of religious assembly, public park, or any conforming residential use. A full-size version of the matrix below is included with the case staff report as Attachment ‘B’.

Land Use	Zoning Districts											
	MCR	C-2	C-3	C-4	P-C	I-1	I-2	R-1E	R-1	R-2	R-3	R-4
Small Alcohol Production Facility	C	PS	P	P	P	PS	PS	PR	PR	PR	PR	PR
Tavern	C	PS	P	P	P	PS	PS	PR	PR	PR	PR	PR

P = Permitted by-right without any required separation distances from a school, place of religious assembly, public park, or any conforming residential use.
 C = Permitted with a conditional use permit from Council Bluffs Zoning Board of Adjustment
 PR = Permitted within a PR/Planned Residential Overlay, subject to a 200-foot separation distance from a school, place of religious assembly, public park, or any conforming residential use.
 PS = Permitted with a 200-foot separation distance from a school, place of religious assembly, public park, or any conforming residential use.

4. The applicant’s proposal is to amend Section 15.28.040(2), Additional Regulations, PR/Planned Residential Overlay of the Council Bluffs Zoning Ordinance, as follows:
 2. No tavern or small alcohol production facility shall be located ~~operate~~ within a distance of two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use located outside the boundary of a mixed-use development with an adopted planned residential development plan. Distance shall be measured between the closest points from lot line to lot line.

The proposed text amendment does not add or change any existing land uses within MCR, C-2, C-3, C-4, P-C, I-1, I-2, R-1E, R-1, R-2, R-3, or R-4 Districts; rather the proposed text amendment allows for a tavern and/or small alcohol production facility within a master planned mixed commercial/residential development to not meet the 200 foot separation distance from a school, place of religious assembly, public park, or any conforming residential use that is also located within a master planned mixed commercial-residential development.

5. On February 28, 2022, the Council Bluffs City Council adopted Ordinance No. 6483, which updated Chapter 15.28, PR/Planned Residential Overlay of the Council Bluffs Zoning Ordinance. Included in the update was a list of commercial and residential land uses that were deemed compatible and could co-exist in harmony within a mixed use development with an adopted PR/Planned Residential plan. Taverns and small alcohol production facilities are land uses allowed within a PR/Planned Residential Overlay, subject to a 200-foot separation distance from a school, place of religious assembly, public park, or any conforming residential use. The proposed text amendment aims to remove the 200-foot separation distance requirement so that business owners and/or developers are not inadvertently limited on their ability to provide recreation and/or neighborhood-oriented services to residents who reside within a master planned mixed-use development, such as River's Edge.
6. The proposed tavern will operate from one of Broadmoor's new mixed commercial/residential structures at 4051 River's Edge Parkway, on property legally described as Lot 1, Block 5, River's Edge Subdivision Replat Two. The applicant's submitted site plan (see Attachment C) shows the proposed tavern will be separated by more than 350 feet from any existing residential dwelling located along Avenue B and North 39th Street, which are outside the boundary of River's Edge. No school, place of religious assembly, or public park are located within 200 feet of the subject property where the proposed tavern will operate.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.28.040(B), Additional Regulations, PR/Planned Residential Overlay of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use, as shown in Attachment 'A' of the case staff report.

Public Hearing

Staff speakers for the request:

1. Christopher Gibbons, Planning and Code Compliance Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Bob Stratton, 809 N. 96th Street, Omaha, NE 68114

Speakers against: None

The City Planning Commission recommended approval of the request to amend Section 15.28.040(B), Additional Regulations, PR/Planned Residential Overlay of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use, as shown in Attachment 'A' of the case staff report.

VOTE: AYE – Freund, Hutcheson, Knauss, Rater, Rew, Stroebale and Van Houten. NAY – None. ABSTAIN – None. ABSENT – Watson. VACANT – Three. Motion: Carried.

Attachments

Attachment A: Proposed Section 15.28.040(B) *Additional Regulations, PR/Planned Residential Overlay*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Tavern and Small Alcohol Production Facility Zoning District Matrix

Attachment C: Broadmoor Site Plan

Prepared by: Christopher Gibbons, AICP, Planning and Code Compliance Manager, Community Development Department

Attachment A

Proposed Text Amendment

15.28.040 Additional Regulations

1. Storage Uses. Storage uses shall only be allowed in a PR-1 Overlay, and shall be limited to a combined maximum of five percent of the land area designated as commercial within the development. The following storage use regulations shall apply to all storage uses:
 1. Commercial storage facilities and storage yards shall be owned and operated by a homeowner's association or management group for the overall development.
 2. Storage yards shall be limited to the exterior storage of operable vehicles, including trucks, recreational vehicles, as defined in CMBC 15.03.585, and vessels, as defined in CMBC 15.03.586, and trailers on designated parking spaces. Exterior storage of junk, wrecked, or inoperable vehicles, equipment, and other materials shall not be allowed.
 3. Outdoor storage areas shall be completely screened from view at or beyond the property line and shall be designed as a part of the overall development.
2. No tavern or small alcohol production facility shall ~~be located~~ operate within a distance of two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use located outside the boundary of a mixed-use development with an adopted planned residential development plan. Distance shall be measured between the closest points from lot line to lot line.
3. In-home day care services shall be subject to approval of a conditional use permit as set forth in CMBC 15.02.090.

(Ord. 5309 § 1 (part), 1996)

HISTORY

Repealed & Replaced by Ord. [6483](#) on 2/28/2022

Attachment B

Land Use	Zoning Districts											
	MCR	C-2	C-3	C-4	P-C	I-1	I-2	R-1E	R-1	R-2	R-3	R-4
Small Alcohol Production Facility	C	PS	P	P	P	PS	PS	PR	PR	PR	PR	PR
Tavern	C	PS	P	P	P	PS	PS	PR	PR	PR	PR	PR

P = Permitted by-right without any required separation distances from a school, place of religious assembly, public park, or any conforming residential use.
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 PS = Permitted with a 200-foot separation distance from a school, place of religious assembly, public park, or any conforming residential use.

