

ORDINANCE NO. 6506

AN ORDINANCE TO AMEND CHAPTER 15.13 A-P/ADMINISTRATIVE-PROFESSIONAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.13.020 "PRINCIPAL USES" AND BY AMENDING SECTION 15.13.060 "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 15.13-A/P/Administrative-Professional District of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.13.020 "Principal Uses" and Section 15.13.060 "Additional Regulations" to read as follows:

15.13.020 Principal Uses

The following principal uses shall be permitted in an A-P district:

- A. Boarding, lodging, rooming house, or bed and breakfast;
- B. Business, professional office;
- C. College or university;
- D. Community recreation services;
- E. Consumer fireworks sales;
- F. Cultural service;
- G. Dwelling, multifamily;
- H. Dwelling, single-family attached;
- I. Dwelling, single-family detached;
- J. Dwelling, townhouse;
- K. Dwelling, two-family;
- L. Family home;
- M. Funeral service;
- N. General government use;
- O. Group care home;
- P. Hospital;
- Q. Local utility services;
- R. Congregate housing, life care facility or nursing home;
- S. Park and recreation services;
- T. Private parking lot;
- U. Public parking lot;
- V. Public safety services;
- W. Religious assembly;
- X. School.

(Ord. 5919 § 1, 2007)

15.13.060 Additional Regulations

- A. All business, service activities, storage and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas.
- B. More than one structure or principal use is permitted, subject to compliance with the site development regulations of this district.
- C. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5406 § 2 (part), 1998)

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

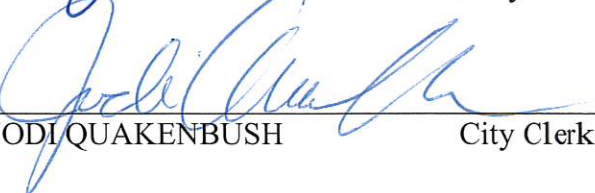
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

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 15.16.020, 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.

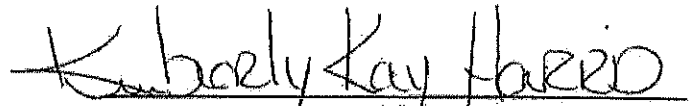
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

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

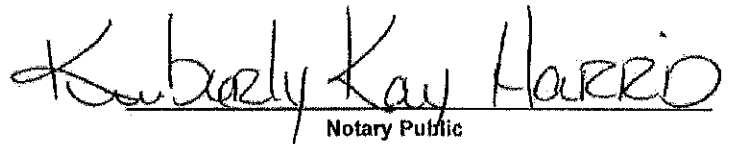
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

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

The First publication thereof began on the 15th day of July, 2022.


Billing Representative

Sworn to and subscribed before me this 15th 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. 358753
Commission Exp. Jan. 31, 2025

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

Publication Cost: \$55.10
Customer Number: 1003258
Order Number: 0000318177

E-mail

jquakenbush@councilbluffs-ia.gov

**ORDINANCE NO. 6506
AN ORDINANCE TO AMEND CHAPTER 15.13 A-
P/ADMINISTRATIVE-PROFESSIONAL DISTRICT
OF THE 2020 MUNICIPAL CODE OF COUNCIL
BLUFFS, IOWA BY AMENDING SECTION
15.13.020 "PRINCIPAL USES" AND BY AMEND-
ING SECTION 15.13.060 "ADDITIONAL REGULA-
TIONS" TO INCLUDE AND ADDRESS CONSUM-
ER FIREWORKS SALES.**

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE**

CITY OF COUNCIL BLUFFS, IOWA
SECTION 1. That Chapter 15.13-
A/P/Administrative-Professional District of
the 2020 Municipal Code of Council Bluffs, Io-
wa, be and the same is hereby amended by
amending Section 15.13.020 "Principal Uses"
and Section 15.13.060 "Additional Regulations"
to read as follows:
15.13.020 Principal Uses

The following principal uses shall be permit-
ted in an A-P district:

- A. Boarding, lodging, rooming house, or bed and breakfast;
- B. Business, professional office;
- C. College or university;
- D. Community recreation services;
- E. Consumer fireworks sales;
- F. Cultural service;
- G. Dwelling, multi-family;
- H. Dwelling, single-family attached;
- I. Dwelling, single-family detached;
- J. Dwelling, townhouse;
- K. Dwelling, two-family;
- L. Family home;
- M. Funeral service;
- N. General government use;
- O. Group care home;
- P. Hospital;
- Q. Local utility services;
- R. Congregate housing, life care facility or nursing home;
- S. Park and recreation services;
- T. Private parking lot;
- U. Public parking lot;
- V. Public safety services;
- W. Religious assembly;
- X. School.

(Ord. 5919 § 1, 2007)

15.13.060 Additional Regulations

- A. All business, service activities, storage and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas.
- B. More than one structure or principal use is permitted, subject to compliance with the site development regulations of this district.
- C. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5406 § 2 (part), 1998)

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) 15-1 Friday

ATTACHMENT B

Chapter 15.13 - A-P/ADMINISTRATIVE-PROFESSIONAL DISTRICT

15.13.010 Statement Of Intent

15.13.020 Principal Uses

15.13.030 Conditional Uses

15.13.040 Accessory Uses

15.13.050 Site Development Regulations

15.13.060 Additional Regulations

15.13.070 Signs

15.13.010 Statement Of Intent

This district is intended and designed to provide, in certain areas in the city, for the development of professional and low-intensity business offices and uses in areas where residential dwellings predominate.

(Ord. 5406 § 2 (part), 1998)

15.13.020 Principal Uses

The following principal uses shall be permitted in an A-P district:

- A. Boarding, lodging, rooming house, or bed and breakfast;
- B. Business, professional office;
- C. College or university;
- D. Community recreation services;
- E. Consumer fireworks sales;
- F. Cultural service;
- G. Dwelling, multifamily;
- H. Dwelling, single-family attached;
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- Q. Local utility services;
- R. Congregate housing, life care facility or nursing home;
- S. Park and recreation services;
- T. Private parking lot;
- U. Public parking lot;
- V. Public safety services;
- W. Religious assembly;
- X. School.

(Ord. 5919 § 1, 2007)

15.13.030 Conditional Uses

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

- A. Commercial recreation (indoor and outdoor);
- B. Day care services;
- C. Governmental maintenance facility.

(Ord. 5406 § 2 (part), 1998)

15.13.040 Accessory Uses

The following accessory uses shall be permitted in an A-P district:

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

(Ord. 5406 § 2 (part), 1998)

15.13.050 Site Development Regulations

Minimum Lot Size

Any property, or combination of contiguous properties owned by the same person or entity, that are zoned A-P District and contain a minimum of one and one-half acres of total land area, shall be allowed to adopt a site specific development plan in accordance with the procedures stated in Section 15.28.060 of this Title.

Lot area	5,000 square feet	
Lot width	50 feet	
Lot depth	100 feet	
Minimum Setbacks	Principal Structure	Accessory Structure
Front yard	20 feet	Greater of 20 feet or existing front setback line of principal structure
Interior side yard	5 feet	3 feet

Street side yard	15 feet	15 feet
Rear yard	20 feet	3 feet
Maximum height	50 feet	18 feet
Lot coverage: all structures:	50% maximum	

(Ord. 5406 § 2 (part), 1998)

HISTORY

Amended by Ord. [6422](#) on 8/10/2020

15.13.060 Additional Regulations

- A. All business, service activities, storage and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas.
- B. More than one structure or principal use is permitted, subject to compliance with the site development regulations of this district.
- C. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5406 § 2 (part), 1998)

15.13.070 Signs

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

(Ord. 5406 § 2 (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-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
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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.

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:

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