

ORDINANCE NO. 6519

AN ORDINANCE TO AMEND CHAPTER 15.15 C-2/COMMERCIAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.15.030 "CONDITIONAL USES".

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

SECTION 1. That Chapter 15.15 C-2/Commercial District of the 2020 Municipal Code of Council Bluffs, Iowa be and the same is hereby amended by amending Section 15.15.030 "Conditional Uses" to read as follows:

15.15.030 Conditional Uses

The following conditional uses shall be permitted in a C-2 district, in accordance with the requirements set forth in CBMC 15.27:

- A. Adult entertainment, as further limited by CBMC 15.15.060;
- B. Automobile repair, major;
- C. Automobile sales and rental, as further limited by CBMC 15.15.060;
- D. Automobile sales and rental, indoor;
- E. Commercial storage;
- F. Communication tower;
- G. Day care services;
- H. Manufacturing, light (fifty thousand (50,000) square feet or less);
- I. Warehousing and distribution (limited).

(Ord. No. 6026, § 2, 2-23-2009; Ord. No. 6306, § 1, 10-9-2017)

Editor's note— Ord. No. 6026, § 2, adopted Feb. 23, 2009, repealed the former CBMC 15.15.030, and enacted a new CBMC 15.15.030 as set out herein. The former CBMC 15.15.030 pertained to similar subject matter and derived from Ord. No. 5555, § 2, adopted 2001.

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

September 12, 2022.



MATTHEW J. WALSH Mayor

Attest:



ALLISON HEAD Deputy City Clerk

First Consideration: 8-22-22
Second Consideration: 9-12-22
Public Hearing: 9-12-22
Third Consideration: Waived

Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend several sections of Title 15, Zoning, of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: enact Section 15.03.048b, Automobile Sales and Rental, Indoor, to add and define the term 'indoor automobile sales and rental'; amend Section 15.15.030, Conditional Uses, and Section 15.18.030, Conditional Uses, to allow 'indoor automobile sales and rental' as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, Principal Uses, and Section 15.21.020, Principal Uses, to allow 'indoor automobile sales and rental' as principal uses in the I-1 and I-2 Districts.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 12nd day of September, 2022 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.

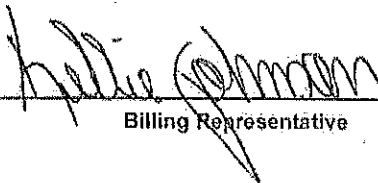
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonparell, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

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

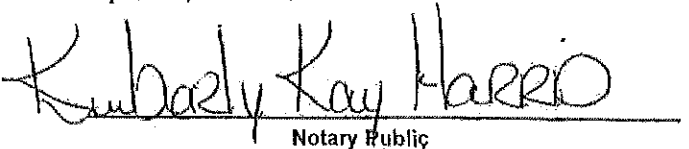
The First publication thereof began on the 04th day of September, 2022.

Jodi Quakenbush, City Clerk

2022 (9) 4- 1 Sunday


Billing Representative

Sworn to and subscribed before me this 4th day
of September, 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: \$22.72
Customer Number: 1003258
Order Number: 0000325648

E-mail

jquakenbush@councilbluffs-ia.gov

Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6519

AN ORDINANCE TO AMEND CHAPTER 15.15 C-2/COMMERCIAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.15.030 "CONDITIONAL USES".

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

SECTION 1. That Chapter 15.15 C-2/Commercial District of the 2020 Municipal Code of Council Bluffs, Iowa be and the same is hereby amended by amending Section 15.15.030 "Conditional Uses" to read as follows:

15.15.030 Conditional Uses

The following conditional uses shall be permitted in a C-2 district, in accordance with the requirements set forth in CBMC 15.27:

- A. Adult entertainment, as further limited by CBMC 15.15.060;
- B. Automobile repair, major;
- C. Automobile sales and rental, as further limited by CBMC 15.15.060;
- D. Automobile sales and rental, indoor;
- E. Commercial storage;
- F. Communication tower;
- G. Day care services;
- H. Manufacturing, light (fifty thousand (50,000) square feet or less);
- I. Warehousing and distribution (limited).

(Ord. No. 6026, § 2, 2-23-2009; Ord. No. 6306, § 1, 10-9-2017)

Editor's note - Ord. No. 6026, § 2, adopted Feb. 23, 2009, repealed the former CBMC 15.15.030, and enacted a new CBMC 15.15.030 as set out herein. The former CBMC 15.15.030 pertained to similar subject matter and derived from Ord. No. 5555, § 2, adopted 2001.

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
September 12, 2022.
MATTHEW J. WALSH, Mayor
Attest: ALLISON HEAD, Deputy City Clerk
2022 (9) 20- 1 Tuesday

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

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 20th day of September, 2022.



Billing Representative

Sworn to and subscribed before me this 20th day
of September, 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

Publication Cost: \$40.90
Customer Number: 1003258
Order Number: 0000329671

E-mail

jquakenbush@councilbluffs-ia.gov

Council Communication

Department: City Clerk
Case/Project No.: ZT-22-005
Submitted by: Brandon Siracuse, Planner

Ordinances 6518, 6519, 6520, 6521 and 6522
ITEM 5.D.

Council Action: 9/12/2022

Description
Ordinances to amend sections of the municipal code within Title 15 (Zoning Ordinance) to amend the code as follows: enact Section 15.03.048b, Automobile Sales and Rental, Indoor, to add and define the term 'indoor automobile sales and rental'; amend Section 15.15.030, Conditional Uses, and Section 15.18.030, Conditional Uses, to allow 'indoor automobile sales and rental' as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, Principal Uses, and Section 15.21.020, Principal Uses, to allow 'indoor automobile sales and rental' as principal uses in the I-1 and I-2 Districts. ZT-22-005

Background/Discussion
See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	8/12/2022
Attachment A: Proposed Chapter 15.03, Definitions	Code Section	8/12/2022
Attachment B: Proposed Chapter 15.15, C-2/Commercial District	Code Section	8/12/2022
Attachment C: Proposed Chapter 15.18, P-C/Planned Commercial District	Code Section	8/12/2022
Attachment D: Proposed Chapter 15.20, I-1/Light Industrial District	Code Section	8/12/2022
Attachment E: Proposed Chapter 15.21, I-2/General Industrial District	Code Section	8/12/2022
Public Hearing Notice	Notice	8/12/2022
Ordinance 6518	Ordinance	8/16/2022
Ordinance 6519	Ordinance	8/16/2022
Ordinance 6520	Ordinance	8/16/2022
Ordinance 6521	Ordinance	8/16/2022
Ordinance 6522	Ordinance	8/16/2022

City Council Communication

<p>Department: Community Development Department</p> <p>CASE #ZT-22-005</p> <p>Applicant: Community Development Department</p>	<p>Ordinance No. _____</p>	<p><u>City Council</u></p> <p>1st Consideration: 8/22/22</p> <p>2nd Consideration: 9/12/22</p> <p>3rd Consideration: 9/26/22</p> <p>Planning Commission: 8/9/2022</p>
---	----------------------------	--

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: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term ‘indoor automobile sales and rental’; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses*, to allow ‘indoor automobile sales and rental’ as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow ‘indoor automobile sales and rental’ as principal uses in the I-1 and I-2 Districts.

Background

Recently, the development community has expressed interest in utilizing land within the City’s P-C/Planned Commercial Districts for automobile sales and rental. The P-C District, however, is not intended to support large outdoor automobile sales lots associated with traditional automobile sales and rental facilities. Such large sales lots can detract from the integrity of the P-C Districts and reduce the visual quality and urban form of the City’s commercial centers. Indoor automobile sales and rental is a form of auto sales that has become more popular, particularly for specialized vehicle sales, and due to such facilities containing their merchandise indoors the impacts on surrounding land uses are more appropriate to the P-C District than large outdoor sales lots. As such, the Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code to define “indoor automobile sales and rental” separately from “automobile sales and rental”; to allow “indoor automobile sales and rental” as a conditional use in the P-C/Planned Commercial District and C-2/Commercial District; and to allow “indoor automobile sales and rental” as a principal use in the I-1/Light Industrial District and I-2/General Industrial District.

Automobile sales and rental is currently allowed as a conditional use in the C-2/Commercial District and as a principal use in the I-1/Light Industrial District and I-2/General Industrial District. Indoor automobile sales and rental would also be appropriate in such districts, and as such the Community Development Department proposes to also add “indoor automobile sales and rental” as a principal use in the C-2/Commercial District and as a principal use in the I-1 and I-2 Districts.

The following text amendments are proposed to enact a definition for ‘indoor automobile sales and rental,’ allow said use as a conditional use in the P-C and C-2 Districts, and allow said use as a principal use in the I-1 and I-2 Districts:

- Enact Section 15.03.048b, Automobile Sales and Rental, Indoor, by adding the following language:
Indoor automobile sales and rental: An automobile sales and rental establishment consisting only of premises on which fully operable noncommercial automobiles, light trucks, motorcycles, mopeds, golf carts, and similar motorized transportation vehicles are

displayed for sale or lease within a fully enclosed structure. Such use shall not include any outdoor inventory display or storage areas. No minimum size requirement shall apply to indoor automobile sales and rental uses.;

- Amend Section 15.15.030, Conditional Uses, of the C-2/Commercial District by adding “automobile sales and rental, indoor” as a conditional use;
- Amend Section 15.18.030, Conditional Uses, of the P-C/Planned Commercial District by adding “automobile sales and rental, indoor” as a conditional use;
- Amend Section 15.20.020, Principal Uses, of the I-1/Light Industrial District by adding “automobile sales and rental, indoor” as a principal use; and
- Amend Section 15.21.020, Principal Uses, of the I-2/General Industrial District by adding “automobile sales and rental, indoor” as a principal use.

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 “indoor automobile sales and rental” uses will be subject to parking regulations under Chapter 15.23, Off-Street Parking, Loading and Unloading. Customer parking shall be provided in the manner specified in this chapter.

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: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term ‘indoor automobile sales and rental’; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses*, to allow ‘indoor automobile sales and rental’ as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow ‘indoor automobile sales and rental’ as principal uses in the I-1 and I-2 Districts.

Public Hearing

Staff speakers for the request:

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

Speakers in favor:

1. John Jerkovich, 535 W Broadway, Suite 100, Council Bluffs, IA 51503

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: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term ‘indoor automobile sales and rental’; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses*, to allow ‘indoor automobile sales and rental’ as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow ‘indoor automobile sales and rental’ as principal uses in the I-1 and I-2 Districts.

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

Attachments

- Attachment A: Proposed Chapter 15.03, *Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment B: Proposed Chapter 15.15, *C-2/Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment C: Proposed Chapter 15.18, *P-C/Planned Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment D: Proposed Chapter 15.20, *I-1/Light Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
- Attachment E: Proposed Chapter 15.21, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Brandon Siracuse, Planner, Community Development Department

Chapter 15.15 - C-2/COMMERCIAL DISTRICT

15.15.010 Statement Of Intent

15.15.020 Principal Uses

15.15.030 Conditional Uses

15.15.040 Accessory Uses

15.15.050 Site Development Regulations

15.15.060 Additional Regulations

15.15.070 Signs

15.15.010 Statement Of Intent

The C-2 district is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods.

(Ord. 5458 § 2 (part), 1999)

15.15.020 Principal Uses

The following principal uses shall be permitted outright in a C-2 district:

1. Automobile repair, minor;
2. Automobile service establishment;
3. Building material, retail sales only;
4. Business, professional office;
5. Business service establishment;
6. Club or lodge;
7. Commercial recreation (indoor and outdoor);
8. Consumer service establishment;
9. Contractor shop;
10. Cultural service;
11. Financial service;
12. General government use;
13. Hotel/motel;
14. Kennel, commercial;
15. Local utility service;
16. Park and recreation services;
17. Pawn shops;
18. Printing, binding, and mail operations (fifty thousand (50,000) square feet or less);
19. Private and public parking lots;
20. Public safety services;
21. Religious assembly;
22. Restaurant (drive-in/fast food, limited and general);
23. Retail shopping establishment;
24. School;
25. Secondhand store;
26. Tattoo parlor;

27. Tavern, as limited by CBMC 15.15.060;
28. Veterinary service;
29. Warehousing and distribution, limited (fifty thousand (50,000) square feet or less);
30. Funeral service;
31. Consumer fireworks sales;
32. Small alcohol production facility.

(Ord. 5557 § 1, 2001)

(Ord. No. 6147, § 1, 2-13-2012; Ord. No. 6332, § 1, 6-11-2018; Ord. No. 6341, § 1, 8-13-2018)

Editor's note— Ord. No. 6085, § 1, adopted June 14, 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. 5555, § 1, 2001; Ord. No. 6026, § 1, 2-23-2009.

15.15.030 Conditional Uses

The following conditional uses shall be permitted in a C-2 district, in accordance with the requirements set forth in CBMC 15.27:

1. Adult entertainment, as further limited by CBMC 15.15.060;
2. Automobile repair, major;
3. Automobile sales and rental, as further limited by CBMC 15.15.060;
4. Commercial storage;
5. Communication tower;
6. Day care services;
7. Manufacturing, light (fifty thousand (50,000) square feet or less);
8. Warehousing and distribution (limited);
9. Automobile sales and rental, indoor.

(Ord. No. 6026, § 2, 2-23-2009; Ord. No. 6306, § 1, 10-9-2017)

Editor's note— Ord. No. 6026, § 2, adopted Feb. 23, 2009, repealed the former CBMC 15.15.030, and enacted a new CBMC 15.15.030 as set out herein. The former CBMC 15.15.030 pertained to similar subject matter and derived from Ord. No. 5555, § 2, adopted 2001.

15.15.040 Accessory Uses

The following accessory uses shall be permitted in a C-2 district:

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

(Ord. 5458 § 2 (part), 1999)

15.15.050 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	15 feet	15 feet
Interior side yard	5 feet	5 feet
Street side yard	10 feet	10 feet
Rear yard	10 feet	10 feet
Maximum height	50 feet	18 feet
Lot coverage, all structures:	60% maximum	

(Ord. 5458 § 2 (part), 1999)

15.15.060 Additional Regulations

1. None of the adult entertainment activities as defined in CBMC 15.03 shall be located within one thousand (1,000) feet of any other such use, nor shall any such use be located within three hundred (300) feet of any school, place of religious assembly, public park, or residential district.
2. No tavern or small alcohol production facility shall be located within two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.

Exception: The two hundred (200) foot distance limitation from conforming multifamily residential uses as noted above shall not apply to taverns which do not exceed three thousand (3,000) square feet in gross floor area if located within a commercial development with one hundred twenty-five thousand (125,000) square feet or more of leasable retail/commercial space.

3. Parking for automobile sales and rental facilities shall include space for both visitor parking and sale display area. One space is required for each vehicle available for sale, lease or rental at one time with additional parking based on the size of the building used for sales and accessory repairs and service.
4. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. No. 6026, § 3, 2-23-2009; Ord. No. 6332, § 1, 6-11-2018; Ord. No. 6341, § 1, 8-13-2018)

Editor's note— Ord. No. 6026, § 3, adopted Feb. 23, 2009, repealed the former CBMC 15.15.060, and enacted a new CBMC 15.15.060 as set out herein. The former CBMC 15.15.060 pertained to similar subject matter and derived from Ord. No. 5940, § 1, adopted 2007.

15.15.070 Signs

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

(Ord. 5458 § 2 (part), 1999)