

**ORDINANCE NO. 6569**

**AN ORDINANCE TO AMEND CHAPTER 15.19 P-I/PLANNED INDUSTRIAL DISTRICT OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.19.020 “PRINCIPAL USES” TO INCLUDE “DATA CENTER”.**

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

**SECTION 1.** That Chapter 15.19 P-I/Planned Industrial District, be and the same is hereby amended by amending Section 15.19.020 “Principal Uses” to read as follows:

**15.19.020 Principal Uses**

The following principal uses shall be permitted outright in a P-I district:

1. Business, professional office;
2. Business goods and service establishment;
3. Equipment sales and rental;
4. General government use;
5. Local utility services;
6. Manufacturing, general and light;
7. Retail Shopping establishment;
8. School;
9. Warehousing and distribution, limited;
10. Consumer fireworks sales.
11. Data center

(Ord. 5688 § 1 (part), 2002)

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 REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

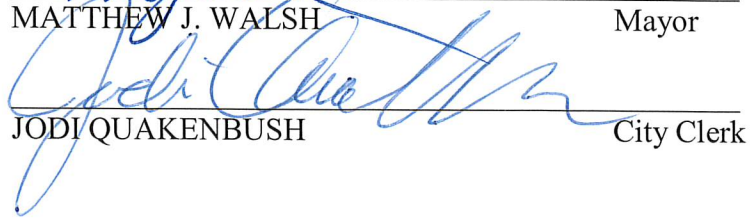
**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND  
APPROVED

September 25, 2023.

  
\_\_\_\_\_  
MATTHEW J. WALSH Mayor

Attest:

  
\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

First Consideration: 8-28-23  
Second Consideration: 9-11-23  
Public Hearing: 9-11-23  
Third Consideration: 9-25-23

# 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 Section 15.19.020 of the Council Bluffs Municipal Code (Zoning Ordinance) to add 'data center', as defined in Section 15.03.176 of the Council Bluffs Zoning Ordinance, as a principal use in the P-1/Planned Industrial District.

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 11th day of September, 2023 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 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 02nd day of September, 2023.

Jodi Quakenbush, City Clerk

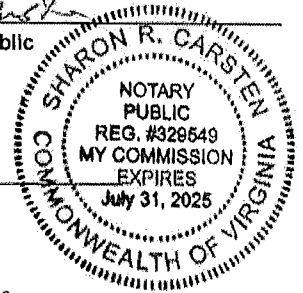
2023 (9) 2-1 Saturday

  
Breck Bauer  
Billing Representative

Sworn to and subscribed before me this 2nd day of September, A.D. 2023.

  
Sharon R. Carsten  
Notary Public

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



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

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jquakenbush@councilbluffs-ia.gov

# Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6569  
AN ORDINANCE TO AMEND CHAPTER 15.19 P-1/PLANNED INDUSTRIAL DISTRICT OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.19.020 "PRINCIPAL USES" TO INCLUDE "DATA CENTER".

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE

CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 15.19 P-1/Planned Industrial District, be and the same is hereby amended by amending Section 15.19.020 "Principal Uses" to read as follows:  
15.19.020 Principal Uses

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

1. Business, professional office;
2. Business goods and service establishment;
3. Equipment sales and rental;
4. General government use;
5. Local utility services;
6. Manufacturing, general and light;
7. Retail Shopping establishment;
8. School;
9. Warehousing and distribution, limited;
10. Consumer fireworks sales.
11. Data center

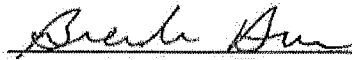
For complete copy of Ordinance, see City Clerk's Office.  
ADOPTED AND APPROVED September 25, 2023.

MATTHEW J. WALSH, Mayor  
JODI QUAKENBUSH, City Clerk  
2023 (9) 30-1 Saturday

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.

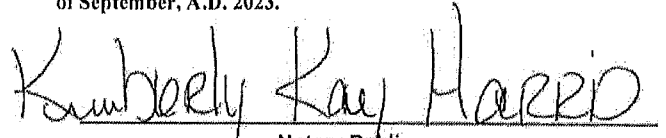
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 30th day of September, 2023.



Billing Representative

Sworn to and subscribed before me this 30th day of September, A.D. 2023.



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: \$43.84  
Customer Number: 1003258  
Order Number: 0000386626

E-mail

jquakenbush@councilbluffs-ia.gov

**Council Communication**

Department: City Clerk  
Case/Project No.: ZT-23-004  
Submitted by: Haley Weber, Planner

Ordinance 6569  
ITEM 5.A.

Council Action: 9/25/2023

**Description**  
Ordinance to amend chapter 15.19 P-I/Planned Industrial District of the Municipal Code (Zoning Ordinance) by amending section 15.19.020 "Principal Uses" to include "data center." ZT-23-004

**Background/Discussion**  
See attached staff report.

**Recommendation**

**ATTACHMENTS:**

Description	Type	Upload Date
Staff Report	Staff Report	8/18/2023
Attachment A: Proposed Chapter 15.19	Code Section	8/18/2023
Notice of Public Hearing	Notice	8/18/2023
Ordinance 6569	Ordinance	8/22/2023

**City Council Communication**

<p>Department: Community Development</p> <p>CASE #ZT-23-004</p> <p>Applicant: Community Development Department</p>	<p>Ordinance No. _____</p>	<p>City Council</p> <p>1<sup>st</sup> Consideration: 8/28/2023</p> <p>2<sup>nd</sup> Consideration: 9/11/2023</p> <p>3<sup>rd</sup> Consideration: 9/25/2023</p> <p>Planning Commission: 8/8/2023</p>
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**Subject/Title**

**Request:** Public hearing on the request of the Community Development Department to amend Section 15.19.020 of the Council Bluffs Municipal Code (Zoning Ordinance) to add ‘data center’, as defined in Section 15.03.176 of the Council Bluffs Zoning Ordinance, as a principal use in the P-I/Planned Industrial District.

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**Background**

The Community Development Department is proposing to amend Section 15.19.020, *Principal Uses, P-I Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘data center’ as a principal use in the P-I District. The purpose of the proposed amendment is to facilitate a future data center facility at the southeast corner of the intersection of College Road and E. Kanesville Boulevard.

As per Section 15.03.176 of the Council Bluffs Municipal Code (Zoning Ordinance), a ‘data center’ is defined as “a facility, or facilities, that house digital electronic equipment for internet site hosting, electronic data storage and transfer, credit card and financial transaction processing, telecommunications, and other activities that support the electronic information-based economy.” Data centers are currently only allowed in the I-2 District as a principal use.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

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**Discussion**

- A. The P-I/Planned Industrial District is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage and distribution centers in an industrial park setting.
- B. Data centers are deemed a compatible use within industrial/business park settings per the P-I District as data centers are a relatively low-intensity use with little to no exterior operations or storage needs. Furthermore, development of all properties zoned P-I District are required to adopt a planned industrial development plan for the property(s) which would regulate site development, off-street parking, architecture, landscaping, and signage to ensure compatibility with surrounding development and land use contexts.

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**Recommendation**

The Community Development Department recommends approval to amend Section 15.19.020, *Principal Uses, P-I/Planned Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow 'data center' as a principal use in the P-I District, as shown in Attachment 'A.'

**Public Hearing**

Staff speaker for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

The City Planning Commission recommended approval to amend Section 15.19.020 of the Council Bluffs Municipal Code (Zoning Ordinance) to add 'data center', as defined in Section 15.03.176 of the Council Bluffs Zoning Ordinance, as a principal use in the P-I/Planned Industrial District.

VOTE: AYE – Bass, Bailey, Hutcheson, Knauss, Opperman, Rater, Rew, Stroebele, and Van Houten.  
NAY – None. ABSTAIN – None. ABSENT – None. VACANT - Two Motion: Carried.

**Attachment**

Attachment A: Proposed Chapter 15.19, *P-I/Planned Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley Weber, Planner, Community Development Department

## **Chapter 15.19 - P-I/PLANNED INDUSTRIAL DISTRICT**

15.19.010 Statement Of Intent

15.19.020 Principal Uses

15.19.030 Conditional Uses

15.19.040 Accessory Uses

15.19.050 Site Development Regulations

15.19.060 Development Plan Review Procedure

15.19.470 Signs

15.19.080 Additional Regulations

### **15.19.010 Statement Of Intent**

The P-I district is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage and distribution centers in an industrial park setting. The facilities in the planned industrial district are designed to be used in common by sharing ingress and egress roads, ensuring appropriate design with respect to traffic arteries and compatibility with surrounding uses. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage. Final authority over development plans shall be retained by the city council, with extensive review by the planning commission.

(Ord. 5688 § 1 (part), 2002)

### **15.19.020 Principal Uses**

The following principal uses shall be permitted outright in a P-I district:

1. Business, professional office;
2. Business goods and service establishment;
3. Equipment sales and rental;
4. General government use;
5. Local utility services;
6. Manufacturing, general and light;
7. Retail Shopping establishment;
8. School;
9. Warehousing and distribution, limited;
10. Consumer fireworks sales.
11. Data center

(Ord. 5688 § 1 (part), 2002)

### **15.19.030 Conditional Uses**

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

1. Communication tower;
2. Day care services.

(Ord. 5688 § 1 (part), 2002)

## HISTORY

*Amended by Ord. 6416 on 7/13/2020*

### **15.19.040 Accessory Uses**

The following accessory uses shall be permitted in a P-I district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the P-I district, unless otherwise excluded.

(Ord. 5688 § 1 (part), 2002)

### **15.19.050 Site Development Regulations**

Minimum tract size, lot size, setback requirements, height, lot coverage, signage and landscaping shall be determined through the development plan review procedures described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title.

(Ord. 5688 § 1 (part), 2002)

### **15.19.060 Development Plan Review Procedure**

The development plan review procedure shall be as follows:

1. Application. A completed application form and ten (10) copies of the development plan along with the required fee shall be submitted to community development department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the community development department:
  1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame and proposed phasing of the project;
  2. The development name and legal description of the boundary;
  3. A north arrow, scale, bar scale and date;
  4. The names and addresses of the owner, and the architect or engineer preparing the plan;
  5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks and commercial areas;
  6. All established floodway or floodway fringe encroachment limits;

7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations pertaining to the adaptability of the property proposed for development;
8. Location and size of any sites to be considered for dedication for public use;
9. Layout, numbers and dimensions of all proposed lots;
10. The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
11. The location and width of other public ways, railroad right of ways, utility and all other easements, existing or proposed within the development and within two hundred (200) feet;
12. Existing and proposed contour intervals of not more than five feet;
13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets and landscaping;
15. Proposed landscaping plan;
16. Proposed signage plan;
17. On projects twenty (20) acres or more in area, or as deemed necessary by the community development director, a traffic impact study to include: (i) data on existing peak hour traffic volumes and conditions; (ii) directional distribution estimates of added traffic; (iii) projections of added traffic volumes for all of the appropriate critical hours; determination of needed improvements, controls, driving locations, and their design; (iv) and identification of any need for additional right-of-way which could be secured from the developer, shall be submitted;
18. Architectural drawings, renderings, or other visual documents which illustrate proposed building design. The community development department director shall determine the adequacy and completeness of the development plan application.

The community development department director may require additional information prior to scheduling review by the city planning commission.

2. Review by City Planning Commission. The city planning commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscaping, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission in recommending approval of the proposed development plan may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to an increase

in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations on the net square footage of signs, lot coverage limitations and/or height of buildings because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary to reduce noise and glare and designation of responsibility for maintenance of the property.

3. Review by City Council. After review of the development plan by the city planning commission, it shall be forwarded to the city council, with its written recommendations whether for approval or denial, whereupon the city council may take action on the plan. Approval of the development plan shall be by city council resolution.
4. Building Permit Review. The community development department director shall review all building and public works construction permits for compliance with the approved development plan. No building or public works construction permit shall be issued if it is determined by the community development department director to be inconsistent with the approved development plan. However, the community development department director shall have the authority to approve minor changes to the development plan. If the community development department director determines that major changes are requested, review and approval by the city planning commission and city council shall be required.

(Ord. 5688 § 1 (part), 2002)

#### **15.19.470 Signs**

In addition to the signage approved in the development plan, signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5688 § 1 (part), 2002)

#### **15.19.080 Additional Regulations**

1. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage.
2. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5688 § 1 (part), 2002)