

ORDINANCE NO. 6416

AN ORDINANCE TO AMEND CHAPTER 15.19 “P-I/PLANNED INDUSTRIAL DISTRICT” OF THE 2015 MUNICIPAL CODE (ZONING ORDINANCE) BY AMENDING SECTION 15.19.020 “PRINCIPAL USES” TO INCLUDE “MANUFACTURING, GENERAL” AND “RETAIL SHOPPING ESTABLISHMENT” AND BY AMENDING SECTION 15.19.030 “CONDITIONAL USES” TO REMOVE “MANUFACTURING, GENERAL”.

**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” of the 2015 Municipal Code (Zoning Ordinance) is hereby amended by amending Section 15.19.020 “Principal Uses” and Section 15.19.030 “Conditional Uses” to read as follows:

15.19.020 Principal Uses

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

- A. Business, professional office;
- B. Business goods and service establishment;
- C. Equipment sales and rental;
- D. General government use;
- E. Local utility services;
- F. Manufacturing, general and light;
- G. Warehousing and distribution, limited;
- H. Retail shopping establishment.

(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:

- A. Communication tower;
- B. Day care services.

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

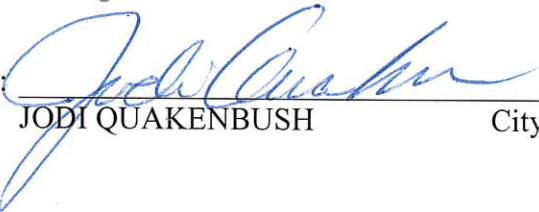
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

July 13, 2020.



MATTHEW J. WALSH Mayor

Attest: 

JODI QUAKENBUSH City Clerk

First Consideration: 6-8-20
Second Consideration: 6-22-20
Public Hearing: 6-22-20
Third Consideration: 7-13-20

Council Communication

Department: City Clerk
Case/Project No.: ZT-20-002
Submitted by: Christopher N. Gibbons, AICP,
Planning Manager

Ordinance 6416
ITEM 7.B.

Council Action: 7/13/2020

Description

Ordinance to amend chapter 15.19 "P-I/Planned Industrial District" (Zoning Ordinance) by amending section 15.19.020 "Principal Uses" to include "Manufacturing, General" and "Retail Shopping Establishment" and by amending section 15.19.030 "Conditional Uses" to remove "Manufacturing, General." ZT-20-002

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZT-20-002 Staff Report	Other	5/28/2020
ZT-20-002 Attachment A	Code Section	5/28/2020
Public Hearing Notice	Other	5/28/2020
Ordinance 6416	Ordinance	6/3/2020

City Council Communication

Department: Community Development		Planning Commission: 5/12/2020
Case #ZT-20-002	Ordinance No.	1 st Consideration: 6/08/2020 2 nd Consideration: 6/22/2020 3 rd Consideration: Request to be waived
Applicant: City of Council Bluffs		

Subject/Title

Request: Public hearing on the request of the Community Development Department to amend Section 15.19.020 by adding 'Manufacturing, general' as defined by §15.03.460, and adding 'Retail Shopping Establishment', as defined in §15.03.592 as principal uses in the P-I/Planned Industrial District, and to amend Section 15.19.030 "Conditional Uses" of the P-I District by removing 'Manufacturing, general', all in the Municipal Code (Zoning Ordinance) of Council Bluffs, Iowa.

Background

The Community Development Department proposes to amend Title 15 of the Municipal Code (Zoning Ordinance) by adding 'Manufacturing, general' and 'Retail shopping establishment' as principal uses in the P-I/Planned Industrial District.

Per Section 15.19.010, Statement of Intent, of the Municipal Code (Zoning Ordinance), 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. 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"*. Currently, the following land uses are allowed in the P-I District as either a principal use, meaning they are allowed by-right, or as a conditional use which requires review and approval by the Council Bluffs Zoning Board of Adjustment:

15.19.020 Principal Uses

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

- A. Business, professional office;
- B. Business goods and service establishment;
- C. Equipment sales and rental;
- D. General government use;
- E. Local utility services;
- F. Manufacturing, light;
- G. Warehousing and distribution, limited.

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:

- A. Communication tower;
- B. Manufacturing, general;
- C. Day care services.

Section 15.03.460 of the Municipal Code (Zoning Ordinance) defines a 'manufacturing, general' use as "an establishment engaged in the processing, manufacturing, compounding, assembly, package, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration or air pollution effects across property lines. Such uses will include the manufacture, processing and packaging of food and kindred items, asphalt, stone, clay, glass, plastic, paper, cement, and other products, welding shops, sawmills, petroleum storage and distribution, foundries and storage of chemicals". Currently, a 'manufacturing, general use' is allowed as a conditional use in the P-I District and as a principal use in the I-2/General Industrial and I-3/Heavy Industrial Districts.

Section 15.03.592 of the Municipal Code (Zoning Ordinance) defines a 'retail shopping establishment' use as "a store or shop engage in the sale of commodities or goods to individuals consumers for personal use rather than for resale, including by limited to, the following:

- A. *Antique stores;*
- B. *Appliance, television and radio sales;*
- C. *Art galleries, commercial;*
- D. *Art supplies;*
- E. *Auto parts and accessory stores, including the machining of parts as an accessory use, but not including in-vehicle installation facilities;*
- F. *Bakeries;*
- G. *Bicycle sales and repair shop;*
- H. *Bookstores;*
- I. *Candy and ice cream stores;*
- J. *Clothing, clothing accessories and dry goods;*
- K. *Department stores;*
- L. *Drug stores;*
- M. *Floor coverings;*
- N. *Florists;*
- O. *Furniture stores;*
- P. *Greenhouse;*
- Q. *Gift and card shop;*
- R. *Grocery, delicatessen and specialty food store;*
- S. *Hardware, paint and wallpaper stores;*
- T. *Jewelry, leather goods and luggage stores;*
- U. *Lawn and garden supply (including nursery stock) stores;*
- V. *Meat market, retail, provided that no killing, eviscerating, skinning, plucking, or smoking of food products occurs on the premises;*
- W. *Music stores;*
- X. *News and tobacco stores;*
- Y. *Photographic equipment and supplies;*
- Z. *Rental of small tools for household use;*
- AA. *Shoe stores;*
- AB. *Sporting goods;*
- AC. *Toy and hobby stores; and*
- AD. *Variety stores".*

Currently, a ‘retail shopping establishment’ is allowed as a principal use in the following City zoning districts: MCR/Mixed Commercial Residential District; C-1/Neighborhood Commercial District; C-2/General Commercial District; C-3/Central Business District; C-4/Downtown Business District; P-C/Planned Commercial District; and I-1/Light Industrial District.

The proposed zoning text amendment requests will result in the following changes to the P-I District land use categories, as highlighted in red below:

15.19.020 Principal Uses

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

- A. Business, professional office;
- B. Business goods and service establishment;
- C. Equipment sales and rental;
- D. General government use;
- E. Local utility services;
- F. Manufacturing, **general and** light;
- G. Warehousing and distribution, limited;
- H. **Retail shopping establishment.**

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:

- A. Communication tower; **and**
- B. Manufacturing, general;**
- C. Day care services.

The purpose of these amendments is to accomplish the following planning and zoning objectives:

1. Eliminating redundancy in the City’s review process for allowing a ‘manufacturing, general’ land use in a P-I District; and
2. Allowing a mixture of land uses that are consistent with the purpose and intent of the P-I District and that are compatible with uses within and adjacent to a P-I District.

All City departments and local utility providers received a copy of the proposed text amendment. The Council Bluffs Fire Department and Council Bluffs Water Works stated they have no comments for the proposed amendment. The Community Development Department provided the following comments:

1. All development proposals within a P-I/Planned Industrial District are required to adopt a planned industrial development plan that addresses building setbacks and heights, landscaping, off-street parking, outdoor lighting, building architecture, signage, stormwater management, utility connections, buffering/screening, and other site design elements. The development plan is reviewed by the City’s Planning Commission and then formally adopted by City Council. In a P-I District a ‘manufacturing, general’ use is classified as a conditional use which requires issuance a conditional use permit by the Zoning Board of Adjustment, prior to the use operating. Therefore, in order for a ‘manufacturing, general’ use to operate in a P-I District it is subject to three regulatory reviews: City Planning Commission and City Council for adopting a development plan, and the Zoning Board of Adjustment for approval of a conditional use permit. The Community Development Department supports reclassifying a ‘manufacturing, general’ use in a P-I District from a conditional use to a principal use in order to eliminate a redundancy in the review and approval process for such use in this District. The development plan functions as a regulatory document for how sites and projects in a P-I District are designed and development, and any changes or modifications to the adopted development plan

must be reviewed by the City Planning Commission and approved by City Council. Requiring a separate conditional use permit is an inefficiency in the review and approval process for a 'manufacturing, general' use in a P-I District, and creates confusion between which regulatory standards (development plan or conditional use permit) are applicable to a development project. Changing the classification of a 'manufacturing, general' use from a conditional use to a principal use will eliminate this redundancy.

2. Adding a 'retail shopping establishment' as a principal use in the P-I is intended to encourage a mixture of land uses that can occur within a master planned mid-to-large scale industrial development (e.g., industrial, business, and logistics parks). It will provide employers and employees access to services and shopping opportunities that are compatible with the land uses allowed in P-I District, while also functioning as a transitional land use between commercial and residential land uses that are adjacent to an industrial development zoned P-I District.

Recommendation

The Community Development Department recommends approval to amend to amend Section 15.19.020 by adding 'Manufacturing, general' as defined by §15.03.460, and adding 'Retail Shopping Establishment', as defined in §15.03.592 as principal uses in the P-I/Planned Industrial District, and to amend Section 15.19.030 "Conditional Uses" of the P-I District by removing 'Manufacturing, general', all in the Municipal Code (Zoning Ordinance) of Council Bluffs, Iowa, based on reasons stated above.

Public Hearing

Staff speaker for the request:

1. 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 Planning Commission recommended approval to amend to amend Section 15.19.020 by adding 'Manufacturing, general' as defined by §15.03.460, and adding 'Retail Shopping Establishment', as defined in §15.03.592 as principal uses in the P-I/Planned Industrial District, and to amend Section 15.19.030 "Conditional Uses" of the P-I District by removing 'Manufacturing, general', all in the Municipal Code (Zoning Ordinance) of Council Bluffs, Iowa, as per staff's recommendation.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachment

Attachment A: Proposed text amendment

Prepared by: Christopher N. Gibbons, AICP, Planning Manager

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:

- A. Business, professional office;
- B. Business goods and service establishment;
- C. Equipment sales and rental;
- D. General government use;
- E. Local utility services;
- F. Manufacturing, **general and** light;
- G. Warehousing and distribution, limited.

(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:

- A. Communication tower;
- B. ~~Manufacturing, general;~~**
- B. Day care services.

(Ord. 5688 § 1 (part), 2002)

15.19.040 Accessory Uses

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

- A. 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:

- A. 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.

- B. 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.
- C. 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.
- D. 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

Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage.

(Ord. 5688 § 1 (part), 2002)

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 22nd day of June, 2020 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 Section 15.19.020 by adding 'Manufacturing, general' as defined by §15.03.460, and adding 'Retail Shopping Establishment', as defined in §15.03.592 as principal uses in the P-1/Planned Industrial District, and to amend Section 15.19.030 "Conditional Uses" of the P-1 District by removing 'Manufacturing, general', all in the Municipal Code (Zoning Ordinance) of Council Bluffs, Iowa.

Jodi Quakenbush, City Clerk

2020(6)14-1 Sunday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS 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 14th day of June, 2020.

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Jodi Quakenbush, City Clerk

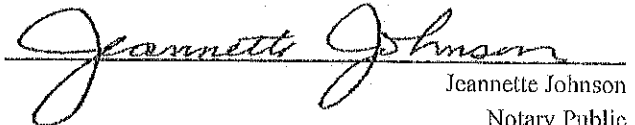
2020(6)14-1 Sunday

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 14th day of June, A.D. 2020.



Tom Schmitt

Daily Nonpareil Publisher

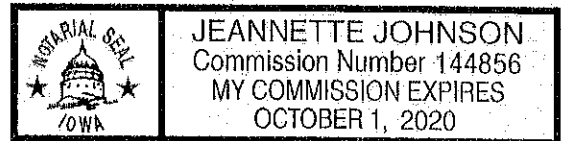


Jeannette Johnson

Notary Public

Filed this 14th day of June, A.D. 2020.

Publication Cost: \$15.54



Customer Number: 1003258

Order Number: 0000149555

Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6416

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PASSED
AND
APPROVED
July 13, 2020.

MATTHEW J. WALSH Mayor

Attest:
JODI QUAKENBUSH City Clerk

First Consideration: 6-8-20
Second Consideration: 6-22-20
Public Hearing: 6-22-20
Third Consideration: 7-13-20
2020(7)17-1 Friday

Filed this 17th day of July, A.D. 2020.

Publication Cost: \$44.27

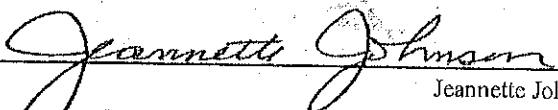
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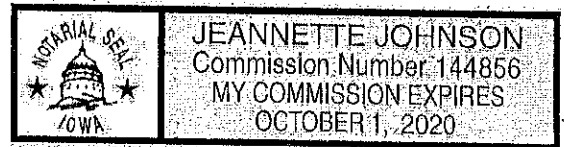
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The First publication thereof began on the 17th day of July, 2020.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 17th day of July, A.D. 2020.


Tom Schmitt
Daily Nonpareil Publisher


Jeannette Johnson
Notary Public



Customer Number: 1003258
Order Number: 0000158530