

ORDINANCE NO. 6499

AN ORDINANCE TO AMEND CHAPTER 15.21 I-2/GENERAL INDUSTRIAL DISTRICT OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.21.020 "PRINCIPAL USES" TO INCLUDE TATTOO PARLOR AND CONSUMER SERVICE ESTABLISHMENT.

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

SECTION 1. That Chapter 15.21 I-2/General Industrial District of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.21.020 "Principal Uses" to read as follows:

15.21.020 Principal Uses

The following principal uses shall be permitted in an I-2 district:

- A. Agricultural sales and service;
- B. Auction;
- C. Auction indoor;
- D. Automobile repair, minor and major;
- E. Automobile sales and rental;
- F. Automobile service establishment;
- G. Building material, sale and storage;
- H. Business service establishment;
- I. Commercial storage;
- J. Consumer fireworks sales;
- K. Consumer service establishment (limited to the following):
 - 1. Appliance repair and rental;
 - 2. Arts and crafts studio;
 - 3. Locksmiths;
 - 4. Medical office or clinic for people;
 - 5. Musical instrument repair shop;
 - 6. Photographers' studios;
 - 7. Print shop;
 - 8. Shoe repair;
 - 9. Taxidermist shops;
 - 10. Upholstery shops;
 - 11. Watch repair.
- L. Contractor shop;
- M. Data center;
- N. Equipment repair;
- O. Equipment sales and rental;
- P. Governmental maintenance facility;
- Q. Greenhouse, commercial;
- R. Local utility service;

- S. Manufacturing, light and general;
- T. Private parking lot;
- U. Public parking lot;
- V. Public safety services;
- W. Railroad yard and intermodal facilities;
- X. Sign manufacturing;
- Y. Small alcohol production facility.
- Z. Tavern;
- AA. Tattoo parlor.
- BB. Truck service establishment;
- CC. Truck terminal;
- DD. Warehousing and distribution, limited and general.

(Ord. 5957 § 1, 2007)

(Ord. No. 6148, § 1, 2-13-2012; Ord. No. 6335, § 1, 6-11-2018; Ord. No. 6346, § 1, 8-13-2018)

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

June 13, 2022.


MATTHEW J. WALSH

Mayor

Attest:


JODI QUAKENBUSH

City Clerk

First Consideration: 5-23-22
Second Consideration: 6-13-22
Public Hearing: 6-13-22
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 Michael Medeiros and Kelley Healey to amend Chapter 15.21, I-2/General Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance), to allow tattoo parlor and consumer service establishment as principal uses in the I-2 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 13th day of June, 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.

Joell Quakenbush, City Clerk
2022 (6) 5-1 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 05th day of June, 2022,


Brenda Bruner
Billing Representative

Sworn to and subscribed before me this 5th day
of June, A.D. 2022.


Notary Public

State of Virginia
County of Hanover
My Commission expires _____

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

Publication Cost: \$15.74
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E-mail

[jqquakenbush@councilbluffs-ia.gov](mailto:jquakenbush@councilbluffs-ia.gov)

Proof Of Publication

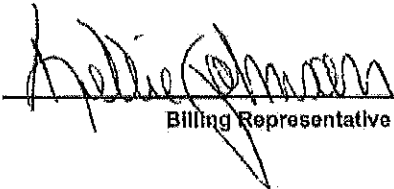
State of Iowa

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 21st day of June, 2022.


Billing Representative

Sworn to and subscribed before me this 21st day
of June, A.D. 2022.


Notary Public

State of Virginia
County of Hanover
My Commission expires

Richard A. Hundley
Notary Public
Commonwealth of Virginia
Notary Registration No. 7004041
Expires on 06/31/2024

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

Publication Cost: \$51.95
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E-mail

jquakenbush@councilbluffs-ia.gov

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BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 15.21 I-2/General Industrial District of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.21.020 "Principal Uses" to read as follows:

15.21.020 Principal Uses

The following principal uses shall be permitted in an I-2 district:

- A. Agricultural sales and service;
- B. Auction;
- C. Auction indoor;
- D. Automobile repair, minor and major;
- E. Automobile sales and rental;
- F. Automobile service establishment;
- G. Building material, sale and storage;
- H. Business service establishment;
- I. Commercial storage;
- J. Consumer fireworks sales;
- K. Consumer service establishment (limited to the following):
 - 1. Appliance repair and rental;
 - 2. Arts and crafts studio;
 - 3. Locksmiths;
 - 4. Medical office or clinic for people;
 - 5. Musical instrument repair shop;
 - 6. Photographers' studios;
 - 7. Print shops;
 - 8. Shoe repair;
 - 9. Taxidermist shops;
 - 10. Upholstery shops;
 - 11. Watch repair.
- L. Contractor shop;
- M. Data center;
- N. Equipment repair;
- O. Equipment sales and rental;
- P. Governmental maintenance facility;
- Q. Greenhouse, commercial;
- R. Local utility service;
- S. Manufacturing, light and general;
- T. Private parking lot;
- U. Public parking lot;
- V. Public safety services;
- W. Railroad yard and intermodal facilities;
- X. Sign manufacturing;
- Y. Small alcohol production facility.
- Z. Tavern;
- AA. Tattoo parlor.
- BB. Truck service establishment;
- CC. Truck terminal;
- DD. Warehousing and distribution, limited and general.

(Ord. 5957 § 1, 2007)

(Ord. No. 6146, § 1, 2-13-2012; Ord. No. 6335, § 1, 6-11-2018; Ord. No. 6346, § 1, 8-13-2018)

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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 June 13, 2022.

MATTHEW J. WALSH, Mayor
Attest: JODI QUAKENBUSH, City Clerk
2022 (6) 21- 1 Tuesday

Council Communication

Department: City Clerk
Case/Project No.: ZT-22-003
Submitted by: Moises Monroy, Planner

Ordinance 6499
ITEM 5.C.

Council Action: 6/13/2022

Description

Ordinance to amend chapter 15.21 I-2/General Industrial District of the Municipal Code (Zoning Ordinance) by amending section 15.21.020 "Principal Uses" to include tattoo parlor and consumer service establishment. ZT-22-003

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	5/13/2022
Attachment A - Proposed Chapter 15.21	Code Section	5/13/2022
Attachment B - Letter of Intent	Letter	5/13/2022
Exhibit A - Proposed Renderings	Other	5/13/2022
Public Hearing Notice	Notice	5/13/2022
Ordinance 6499	Ordinance	5/17/2022

City Council Communication

<p>Department: Community Development</p> <p>CASE #ZT-22-003</p> <p>Applicant: Michael Medeiros and Kelley Healey 31 Lakewood Villa Council Bluffs, IA 51501</p>	<p>Ordinance No. _____</p>	<p><u>City Council</u></p> <p>1st Consideration: 5/23/2022</p> <p>2nd Consideration: 6/13/2022</p> <p>3rd Consideration: 6/27/2022</p> <p>Planning Commission: 5/10/2022</p>
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Subject/Title

Request: Public hearing on the request of the Michael Medeiros and Kelley Healey to amend Section 15.21.020, Principal Uses, I-2/General Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘tattoo parlor’ and ‘consumer service establishment’ as principal uses in the I-2 District.

Background

The Community Development Department has received an application from Michael Medeiros and Kelley Healey requesting to amend Chapter 15.21, I-2/General Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance) as follows:

- Amend Section 15.21.020, Principal Uses, I-2/General Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘tattoo parlor’ and ‘consumer service establishment’ as principal uses in the I-2 District.

A recent inquiry by the applicants to purchase property addressed at 321 16th Avenue, which is zoned I-2/General Industrial District, in order to operate a tattoo parlor/photography studio has necessitated the proposed text amendment.

As per Section 15.03.644 of the Council Bluffs Municipal Code (Zoning Ordinance), a ‘tattoo parlor’ refers to “an establishment engaged in the for-profit practice of tattooing.” Tattooing is defined in Section 15.03.643 of the Council Bluffs Municipal Code (Zoning Ordinance) as the “process of injecting dyes into the epidermal layer of skin of an individual, by one qualified to perform such acts as licensed by the state of Iowa.” Tattoo parlors are allowed as a principal use in the MCR/Mixed Commercial-Residential District, C-2/Commercial District, C-3/Commercial District, and C-4/Commercial District.

As per Section 15.03.172 of the Council Bluffs Municipal Code (Zoning Ordinance), a ‘consumer service establishment’ refers to a store, shop or office providing personal, financial, professional, technical or repair service, and assistance or advice to individual customers, including but not limited to the following:

- A. Accountants;
- B. Appliance repair and rental;
- C. Architects;
- D. Arts and crafts studio;
- E. Attorneys;
- F. Banks, savings and loans, and credit unions;
- G. Barber shops and beauty shops;
- H. Dressmakers and tailors;
- I. Insurance agencies;

- J. Laundry and dry cleaning pick-up stations;
- K. Loan offices;
- L. Locksmiths;
- M. Management consultants;
- N. Medical office or clinic for people;
- O. Musical instrument repair shop;
- P. Pet shops;
- Q. Photographers' studios;
- R. Print shop;
- S. Real estate office;
- T. Self-service automatic dry cleaning establishment of not more than ten (10) cleaning units;
- U. Self-service automatic laundry of not more than thirty (30) washing units;
- V. Shoe repair;
- W. Taxidermist shops;
- X. Travel agencies;
- Y. Upholstery shops; and
- Z. Watch repair.

Consumer service establishments are allowed as a principal use in the R-4/High Density Multifamily Residential District, MCR/Mixed Commercial-Residential District, C-1/Commercial District, C-2/Commercial District, C-3/Commercial District, C-4/Commercial District, and I-1/Light Industrial District.

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

Discussion

1. The I-2/General Industrial District is intended to provide for the development of general manufacturing and industrial areas, and to accommodate industrial uses with moderate external effects.
2. Although 'tattoo parlor' is not a manufacturing/warehousing operation typically associated with industrial areas, it is not a land use that would be incompatible with the purpose and intent of the I-2 District.
3. 'Consumer service establishment' is a land use category that refers to several commercial operations intended to provide a wide variety of services to the general public. The proposed text amendment would allow all land uses listed in Section 15.03.172 of the Council Bluffs Municipal Code (Zoning Ordinance) in the I-2 District. While some of these land uses would be compatible with purpose and intent of the I-2 District, most 'consumer service establishment' uses are not suitable for industrial areas where general manufacturing is the predominant use. To ensure the proposed text amendment does not have an adverse impact on the integrity of the I-2 District, the Community Development Department recommends limiting 'consumer service establishment' uses in the I-2 District to the following:
 - a. Appliance repair and rental;
 - b. Arts and crafts studio;
 - c. Locksmiths;
 - d. Medical office or clinic for people;
 - e. Musical instrument repair shop;
 - f. Photographers' studios;
 - g. Print shop;
 - h. Shoe repair;
 - i. Taxidermist shops;
 - j. Upholstery shops; and
 - k. Watch repair

Recommendation

The Community Development Department recommends approval of the request of Michael Medeiros and Kelley Healey to amend Section 15.21.020, *Principal Uses, I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘tattoo parlor’ and ‘consumer service establishment’ as principal uses in the I-2 District, as shown in Attachment ‘A.’

Public Hearing

Staff speakers for the request:

1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Michael Medeiros, 31 Lakewood Villa, Council Bluffs, IA
2. Kelley Healey, 31 Lakewood Villa, Council Bluffs, IA

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval to amend Section 15.21.020, *Principal Uses, I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘tattoo parlor’ and ‘consumer service establishment’ as principal uses in the I-2 District, as shown in Attachment ‘A.’

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

Attachments

Attachment A: Proposed Chapter 15.21, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Letter of Intent

Exhibit A: Proposed renderings of tattoo parlor and consumer service establishment facility, as submitted by the applicants at the May 10, 2022 City Planning Commission meeting.

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment 'A'

Chapter 15.21 - I-2/GENERAL INDUSTRIAL DISTRICT

15.21.010 Statement Of Intent

15.21.020 Principal Uses

15.21.030 Conditional Uses

15.21.040 Accessory Uses

15.21.050 Site Development Regulations

15.21.060 Additional Regulations

15.21.070 Signs

15.21.010 Statement Of Intent

This district is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects.

(Ord. 5366 § 4 (part), 1998)

15.21.020 Principal Uses

The following principal uses shall be permitted in an I-2 district:

- A. Agricultural sales and service;
- B. Auction;
- C. Auction indoor;
- D. Automobile repair, minor and major;
- E. Automobile sales and rental;
- F. Automobile service establishment;
- G. Building material, sale and storage;
- H. Business service establishment;
- I. Commercial storage;
- J. Consumer service establishment (limited to the following):
 1. Accountants;
 2. Appliance repair and rental;
 3. Architects;
 4. Arts and crafts studio;
 5. Attorneys;
 6. Banks, savings and loans, and credit unions;
 7. Barber shops and beauty shops;
 8. Dressmakers and tailors;
 9. Insurance agencies;
 10. Laundry and dry cleaning pick-up stations;

- ~~11. Loan offices;~~
12. Locksmiths;
- ~~13. Management consultants;~~
14. Medical office or clinic for people;
15. Musical instrument repair shop;
- ~~16. Pet shops;~~
17. Photographers' studios;
18. Print shop;
- ~~19. Real estate office;~~
- ~~20. Self-service automatic dry cleaning establishment of not more than ten (10) cleaning units;~~
- ~~21. Self-service automatic laundry of not more than thirty (30) washing units;~~
22. Shoe repair;
23. Taxidermist shops;
- ~~24. Travel agencies;~~
25. Upholstery shops; and
26. Watch repair;

- K. Contractor shop;
- L. Data center;
- M. Equipment repair;
- N. Equipment sales and rental;
- O. Governmental maintenance facility;
- P. Greenhouse, commercial;
- Q. Local utility service;
- R. Manufacturing, light and general;
- S. Private parking lot;
- T. Public parking lot;
- U. Public safety services;
- V. Railroad yard and intermodal facilities;
- W. Sign manufacturing;
- X. Tattoo parlor;
- Y. Tavern;
- Z. Truck service establishment;
- AA. Truck terminal;

AB. Warehousing and distribution, limited and general.

AB. Consumer fireworks sales;

AC. Small alcohol production facility.

(Ord. 5957 § 1, 2007)

(Ord. No. 6148, § 1, 2-13-2012; Ord. No. 6335, § 1, 6-11-2018; Ord. No. 6346, § 1, 8-13-2018)

15.21.030 Conditional Uses

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

- A. Contractor yard;
- B. Correctional placement residences;
- C. Day care services;
- D. Detention facility;
- E. Grain storage and distribution;
- F. Rubble dump;
- G. Salvage operations;
- H. Storage yard;
- I. Emergency shelter and homeless service center;
- J. Commercial recreation (indoor);
- K. Meat packing and processing;
- L. Solar energy conversion systems.

(Ord. 5957 § 2, 2007)

HISTORY

Amended by Ord. 6444 on 3/8/2021

15.21.040 Accessory Uses

The following accessory uses shall be permitted in an I-2 district:

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

(Ord. 5366 § 4 (part), 1998)

15.21.050 Site Development Regulations

Minimum Lot Size

Lot area	15,000 square feet
Lot width	75 feet
Lot depth	150 feet

Minimum Setbacks	All Structures
Front yard	15 feet
Interior yard	10 feet
Street side yard	10 feet
Rear yard	10 feet
Maximum height	75 feet*
Lot coverage, all structures	70% maximum

*Maximum Height: Seventy-five (75) feet; provided, however, that on parcels of land which in the aggregate are more than fifty (50) acres in size the maximum height shall be increased up to one hundred sixty (160) feet if the following requirements are met at the time of construction: (i) title to the land shall be consolidated in one person or entity or controlled through affiliates or subsidiaries by one person or entity; and (ii) for every one foot in height in excess of seventy-five (75) feet, the minimum yard setbacks shall be increased by one foot.

(Ord. 5957 § 3, 2007; Ord. No. 6206, § 1, 4-7-14)

15.21.060 Additional Regulations

- A. No tavern or small alcohol production facility shall be located within two hundred (200) feet of any school or religious building, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.
- B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5366 § 4 (part), 1998)

(Ord. No. 6335, § 1, 6-11-2018; Ord. No. 6346, § 1, 8-13-2018)

15.21.070 Signs

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

(Ord. 5366 § 4 (part), 1998)