ORDINANCE NO. 6564

AN ORDINANCE TO AMEND CHAPTER 15.32A, WEST BROADWAY CORRIDOR DESIGN OVERLAY OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTIONS 15.32A.040 "APPLICABILITY OF THE WEST BROADWAY CORRIDOR DESIGN OVERLAY"; 15.32A.080 "ARCHITECTURE"; 15.32A.090 "LANDSCAPING AND STREETSCAPES"; AND 15.32A.120 "SCREENING AND BUFFERING" AND ENACTING NEW SECTION 15.32.145 "OTHER REGULATIONS".

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

SECTION 1. That Chapter 15.32A West Broadway Corridor Design Overlay, be and the same is hereby amended by amending the following sections and enacting a new section to read as follows:

15.32A.040 Applicability Of The West Broadway Corridor Design Overlay

For all properties located within the West Broadway CDO, compliance with the provisions of this Section are as follows:

A. New construction of commercial, mixed use, and multi-family structures and sites shall comply entirely with the standards of this Chapter.

B. New construction of townhomes shall not be subject to the full extent of the design standards within this Chapter, but shall be designed in a manner that is consistent with the spirit and intent of the West Broadway CDO, with particular emphasis on building placement, architectural materials and design, and pedestrian and vehicular access. Specific requirements shall be determined on a case-by-case basis based on the property's location within the West Broadway CDO.

C. Building modifications equal to fifty (50) percent or more of the assessed value of the structure in a twenty-four (24) month period of time shall be required to bring the entire structure into compliance with the applicable standards of this Chapter. The assessed value shall be as most recently established by the Pottawattamie County Assessor.

D. Building modifications equal to fifty (50) percent or more of the total assessed value of the property shall be required to bring the entire site into compliance with all standards of this Chapter, with the exception of the standards listed in CBMC Section 15.32A.070, Build-toZone for West Broadway and Major Streets. The assessed value shall be as most recently established by the Pottawattamie County Assessor.

E. Exceptions. Exceptions shall be provided in the following circumstances:
    1. Existing or expanding single family and two family uses are exempt from the regulations of this Chapter;
    2. New drive-through lanes added to existing sites shall meet the screening requirements of this Chapter; and
    3. Minor, equivalent deviations from the standards of this Chapter may be granted by the Community Development Director.

F. In the event of a conflict between the standards contained in this Section and standards identified in an adopted development plan, the latter shall apply.

(Ord. 5955 § 2 (part), 2007)

HISTORY
Repealed & Reenacted by Ord. 6427 on 10/12/2020

15.32A.080 Architecture

Statement of Intent: Buildings located within the West Broadway CDO shall be designed with coordinated, high-quality materials and architectural elements on all facades with design emphasis given towards West Broadway and major street facing facades.

A. Building Materials. Building facades within the West Broadway CDO shall use the following materials:
   1. Durable:
      a. Brick, tile and stone masonry;
      b. Glass (non-mirrored, non-tinted);
      c. Native stone or synthetic equivalent;
      d. Architectural metal (non-corrugated metal); and
      e. Other durable materials determined by the Community Development Director.
   2. Complementary:
      a. Wood-clapboard or shingles;
      b. Architectural Concrete Masonry Unit (CMU) block (no smooth or flat faced block);
      c. Stucco, Exterior Finish Installation System (EFIS), or like systems;
      d. Glass block;
      e. Vinyl siding and trim; and
      f. Other complementary materials determined by the Community Development Director.
   3. The minimum percentage of durable and complementary materials per façade shall be as follows:
      a. West Broadway and Major Streets—60% of the total square footage of the façade to which the material is being applied shall consist of durable materials.
      b. Minor Streets—40% of the total square footage of the façade to which the material is being applied shall consist of durable materials.
      c. All façade areas that do not utilize durable materials shall utilize complementary materials.
      d. All facades and portions thereof that are not clearly visible from street right-of-way may utilize complementary materials.
      e. When a major façade exceeds the minimum 60% of durable materials required, the excess square footage of durable materials may be utilized as a 1:1 credit towards the minimum required durable materials on another facade. Allocation of excess durable materials shall be based upon the visibility of facades and the West Broadway CDO street hierarchy. At minimum, each minor façade shall be comprised of 20% durable materials.

B. Articulation
   1. Building facades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines, colonnades, and upper floor step backs to articulate building elevations.
   2. The base of all facades shall be comprised of one of the following base materials:
      a. Architectural Concrete Masonry Unit (CMU) block (no smooth or flat faced block);
      b. Brick masonry;
      c. Stone masonry, or

d. Tile masonry.

The base shall be comprised of a different material than the rest of the façade and shall be minimum of two (2) feet in height from the established grade and span the entire width of the façade.

3. Building facades that are blank and/or void of architectural detailing shall not be permitted.
4. Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls, cornices or other architectural methods.
5. All facades and portions thereof that are not visible from street right-of-way do not require articulation.

C. Transparency.

1. The minimum percentage of transparent windows and doors that shall cover a façade measured between two (2) and ten (10) feet above grade shall be as follows:
   a. West Broadway and Major Streets—40 percent ground floor, 20 percent upper stories; and
   b. Minor Streets—30 percent ground floor, 15 percent upper stories.
2. Glass that counts towards the minimum transparency requirements shall be nonmirrored, non-tinted, unobstructed and shall have a visible light transmittance of 60 percent or more and an external reflectance of 20 percent or less.

D. Murals.

The purpose of this section is not to hinder free speech, but to provide an alternate design option for retrofitting and/or additions to existing buildings that meets the spirit and intent of the West Broadway CDO. Murals may be utilized in lieu of meeting the minimum transparency and/or articulation requirements for existing buildings when it is demonstrated that meeting said requirements is not feasible due to building placement and/or internal building layout. Qualification for utilization of murals in lieu of meeting transparency and/or articulation requirements shall be determined on a case-by-case basis by the Community Development Director or their designee. All murals utilized in lieu of other requirements of this Section shall be subject to the following:

1. Murals used in lieu of transparency requirements shall be at minimum double the square footage of the minimum required transparent area. Sizing of murals used in lieu of articulation requirements shall be determined on a case-by-case basis.
2. Mural design and placement shall be approved by the Community Development Director or their designee and shall be designed in accordance with the following:
   a. Murals shall be compatible with the scale, color, materials and proportion of the building and integrate aspects of special architectural and design features of the building when possible.
   b. Murals shall be designed to engage and encourage pedestrian interaction, when possible.
   c. Murals shall not contain words, symbols or representations that are obscene, offensive, or derogatory in nature.
3. Size and placement of murals shall be finalized during the plan review and permitting process. Final mural design shall be approved by the Community Development Director or their designee. A temporary Certificate of Occupancy shall be issued until such time the mural is completed. A final Certificate of Occupancy shall be issued upon mural completion.
4. Murals shall be maintained in good repair, free from peeling paint or damage to due age,

weather, vandalism or the like at all times. Repairs or replacements shall be completed in a timely manner, as negotiated between the City and property owner.

5. Any portion of a mural containing logos, symbols, or text for commercial advertising purposes shall be considered signage. The area of the mural containing said advertising shall be deducted from the overall minimum mural square footage requirements. All murals containing any signage elements shall be required to obtain a sign permit from the City.

(Ord. 5955 § 2 (part), 2007)

HISTORY
Repealed & Reenacted by Ord. 6427 on 10/12/2020

15.32A.090 Landscaping And Streetscapes

Statement of Intent: Landscape design in the West Broadway CDO shall aid in softening the appearance of buildings and paved areas while creating visual interest for people in the corridor.

A. Required Frontage Landscaping.
   1. A minimum five (5) feet wide landscape frontage strip shall be installed on all frontages as measured from the back of sidewalk or property line, whichever is a greater distance from the curb.
   2. Foundation plantings shall be placed along the perimeter of all façades visible from adjacent street right-of-way at a rate of one planting per lineal foot of facade, not inclusive of entrances.
   3. A minimum of one (1) deciduous, shade tree and ten (10) shrubs shall be planted every twenty (20) linear feet along frontage strips and shall be generally evenly spaced apart along the entire length of the frontage strip. Shrub plantings shall be as designated in the approved shrub list. Frontage adjacent to buildings shall only be required to install foundation plantings and shall not be included in the required number of tree plantings.
   4. Trees planted in frontage strips shall be as designated in the Council Bluffs Street Tree Species Guide, which is made part thereof as Exhibit C.

B. Required Parking Lot Landscaping.
   1. Minimum parking lot landscaped area.
      a. One large, deciduous shade tree shall be planted per 3,000 square feet of paved parking area not covered by buildings or canopies, such as parking stalls, driveways, drive aisles, drive through lanes, and loading areas. Shade trees shall have a minimum two (2) inch caliper at the time of planting and a minimum mature height of at least twenty-five (25) feet with a mature canopy spread of at least twenty (20) feet.
      b. Planting areas shall be a minimum of fifty (50) square feet of unpaved surface per tree in the form of interior landscape islands, endcap islands/peninsulas, or perimeter planting areas.
      c. Landscape islands shall be evenly distributed throughout the parking lot in order to maximize shade.
      d. Trees planted in perimeter planting areas as opposed to landscape islands or endcap islands/peninsulas shall be counted as ½ tree for the purpose of this requirement.
      e. Trees in frontage strips may also be counted as perimeter planting areas.

C. Maintenance. All plant materials shall be maintained at all times. All deceased plantings shall be replaced with plant material(s) of the same or like species of equal size within six months of the plant's demise. Failure to replace said plant materials within the specified time period shall result

in enforcement action pursuant with CBMC Section 15.02.130, Violation and Penalty. All planting shall respect City codes for sight lines at intersections and electric line restrictions.

D. Streetscapes:
    1. On-street parking is encouraged on all new development and redevelopment projects, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.
    2. Street tree plantings shall be planted along major streets. Species type and spacing of street tree plantings shall be as designated in the Council Bluffs Street Tree Species Guide, which is made part thereof as Exhibit C.

(Ord. 5955 § 2 (part), 2007)

HISTORY
Repealed & Reenacted by Ord. 6427 on 10/12/2020

15.32A.120 Screening And Buffering

Statement of Intent. Screening shall be integrated into the overall design of the site and shall fully contain the visual impact of service equipment and functions from public view.

A. Planting shall be accepted in lieu of the required fencing for buffering the back of commercial buildings abutting residential zones.
    1. Screening planting shall include a six feet minimum width planting strip with a tall hedge as defined in the attached plant list. The hedge shall include deciduous or evergreen shrubs in a double row planted in a triangular spacing. Shrub species shall be selected from the approved shrub list and confirm to the minimum sizes and spacing specified therein.
B. Roof-mounted mechanical equipment shall be integrated into the design of the building so that the equipment is screened from public view in the adjacent street rights-of-way.
C. Wall-mounted mechanical equipment shall not be located on any surface within the build-to-zone.
D. Wall-mounted mechanical equipment located on any surface that is visible from an adjacent public street right-of-way shall be fully screened by architectural design features, landscaping, or a combination thereof.
E. Ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.
F. Loading and service areas shall be located to the side or rear of the principal building and shall be screened from view from adjacent property or public street right-of-way by architectural design features, landscaping, fencing, masonry wall, or a combination thereof.
G. All dumpsters and exterior trash storage shall be screened using walls or fences that are a minimum of six feet in height and shall include a lockable gate that when closed completely eliminates the view of the trash area and its contents. All walls and fences used to screen dumpsters and exterior trash storage areas shall be constructed and installed in accordance with CBMC Section 15.32A.130, *Fences and Walls.*

(Ord. 6427 § 1, 2020)

HISTORY
Approved by Ord. 6427 on 10/12/2020

15.32A.145 Other Regulations

A. Elevated vehicle display. All vehicles shall be parked at natural grade, unless located within structured parking, such as a parking garage. The use of ramps, earthen berms, rooftops, or other types of suspension for the purpose of displaying vehicles shall be prohibited

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 August 14, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 7-24-23
Second Consideration: 8-14-23
Public Hearing: 8-14-23
Third Consideration: _____