City Council Communication

Department: Community Development CASE #ZT-23-005 Applicant: Community Development Department	Ordinance No. _____	1st Consideration: 10/23/2023 2nd Consideration: 11/13/2023 3rd Consideration: 11/27/2023 Planning Commission: 10/10/23

Subject/Title

Request: Repeal Chapter 3.31, *Rubble Dumps*, and amend Chapter 3.32, *Junk, Salvage, Scrap Processing and Storage Yards*, of the Council Bluffs Municipal Code by repealing Section 3.32.020, *License Required*, Section 3.32.030, *Application for License,* Section 3.32.040, *License Application Grant or Denial*, Section 3.32.050, *License Required for Each Separate Location*, Section 3.32.140, *Suspension and Revocation*, Section 3.32.150, *Effect of Revocation*, Section 3.32.170, *Fee, and* Section 3.32.180, *Duration and Renewal;* and to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Section 15.24.110, *Salvage and Storage Yard Regulations*, Section 15.24.120, *Rubble Dumps*, and Section 15.03.527, *Parking Lot*, and amending Section 15.03.609, *Storage Yard*, to bring consistency and clarity to the process of reviewing and approving salvage yards, storage yards, and rubble dumps.

Background

The City currently has two separate processes for reviewing and approving storage yards, salvage yards, and rubble dump uses. The Community Development Department, in coordination with the City Clerk, has drafted the subject text amendments to bring clarity to these application and review processes. The proposed amendments were prompted by an on-going City-wide effort to migrate existing permit and application processes to a new software, Enterprise Permitting and Licensing. The proposed text amendments ensures that a clear process for reviewing and approving storage yards, salvage yards, and rubble dump uses is established prior to implementation of the new software system.

The unique, and oftentimes, environmentally sensitive nature of these uses requires input and review of multiple City departments to ensure all applicable City, state, and Federal codes and requirements are met. Currently, storage yards, salvage yards, and rubble dumps are regulated in Title 3: Business Regulations and Licenses, which requires applicants to obtain an annual license from the City Clerk. Per the existing language in Section 3.31.035, rubble dump licenses are to be reviewed by the Public Works, Health, and Community Development Departments. Per Section 3.32.040, salvage yard and storage yard licenses are to be reviewed by the Fire, Building, and Health Departments. (*Note: The City no longer has a Health Department; Health Department responsibilities were absorbed by Pottawattamie County.)* In addition to the licensing requirement, salvage yards, storage yards, and rubble dumps are only allowed with a conditional use permit from the Zoning Board of Adjustment in the I-2/General Industrial District. Rubble dumps are also allowed as conditional uses in the A-2/Parks, Estates and Agricultural District and I-3/Heavy Industrial District.

These separate approval processes result in the potential of allowing licenses to be issued which have not received a conditional use permit or do not otherwise comply with applicable zoning regulations. The proposed text amendments eliminates the licensing requirement and regulates storage yards, salvage yards, and rubble dump uses entirely through the conditional use permit process. In order to accomplish this, the Community Development Department is requesting to repeal Chapter 3.31, *Rubble Dumps*, amend Chapter

3.32, *Junk, Salvage, Scrap Processing and Storage Yards*, and amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:

- Enacting Section 15.24.110, *Salvage and Storage Yards* – The purpose of this section, included as Attachment 'A,' is to establish a clear process for review and approval of new and expanding salvage and/or storage yards within the city. The included elements of the new Section 15.24.110 are outlined below:
    - *Required Approvals* - Any new and expanding salvage and/or storage yard shall be required to obtain a conditional use permit from the Zoning Board of Adjustment, in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Existing salvage and/or storage yards which were established prior to the adoption of the proposed ordinance and which did not receive a conditional use permit would be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC. Existing nonconforming salvage and/or storage yards which intensify their operation may be required to bring the operation into compliance with the proposed standards.
    - *Standards for New and Expanding Salvage and/or Storage Yards* –The purpose of the conditional use permit is to establish a set of conditions by which the salvage and/or storage yard shall abide by to ensure compatibility with surrounding development. In addition to these requirements, the proposed text amendment establishes a base line standard for regulating pavement, internal site circulation, screening, separation distances from certain uses, stacking, and environmental health for salvage and storage yards.

- Enacting Section 15.24.120, *Rubble Dumps* – The purpose of this section, included as Attachment 'B,' is to establish a clear process for review and approval of new and existing rubble dumps within the city. Due to the unique nature of rubble dumps and the need to ensure the inclusion of specific safety and environmental regulations, much of the language included in this section was carried over from Chapter 3.31, *Rubble Dump.* Language was added and/or modified in certain sections to replace the licensing requirements with the relevant conditional use permit language. Significant elements of proposed Section 15.24.120 are outlined below:
    - *Conditional Use Approval* – Any new, expanding, and/or dormant rubble dumps that wish to commence or re-commence such services shall obtain a conditional use permit from the Zoning Board of Adjustment, in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Existing rubble dumps which were established prior to the adoption of the proposed ordinance and which did not receive a conditional use permit would be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC.
    - *Notice of Hearing* – Per Section 15.02.090(D)(b) of the CBMC, written public notices are mailed out to all property owners within 200 feet of the exterior boundaries of the subject property for all conditional use permit requests. Proposed Section 15.24.120 increases this notification distance to 500 feet for rubble dump conditional use requests due to the unique nature of rubble dump operations and their potential to have significant long-term impacts on the site and surrounding area. The 500 foot notification boundary is included in the existing Chapter 3.31, but is a notable difference from the existing notification process for all other conditional use requests.
    - *Recordation of Conditional Use Permit* – Upon approval of a conditional use permit to operate a rubble dump, the applicant shall record a copy of the approved permit with the Pottawattamie County Recorder. This would ensure that relevant site information, including the location and size of rubble dump cells and the site close out plan, as required by the Iowa Department of Natural Resources, is on record and available to future property

owners/operators. The current Chapter 3.31 requires all rubble dump licenses to be recorded with the County.

- *Bond* – Rubble dump applicants shall provide a bond, not less than ten thousand dollars, to the City in order to secure the City against damages and expenses, which may be incurred in the correction of site conditions. The specific bond amount shall be approved by the Zoning Board of Adjustment as part of the conditional use permit approval. This amount may be revised on an annual basis by the Community Development Department to reflect any estimated changes in the cost of closing the site.
- *Regulations* – In addition to any specific conditions of an approved conditional use permit, all rubble dumps shall comply with the sixteen (16) regulations outlined in the proposed Section. These regulations were carried over from the current Chapter 3.31, with minor edits. The primary intent of these regulations is to ensure the environmental safety of rubble dump operations.

- Enacting Section 15.03.527, *Parking Lot*, included as Attachment 'C,' to create a definition for parking lots which clearly distinguishes a surface parking lot from a storage yard;

- Amending Section 15.03.609, included as Attachment 'D,' by removing the health director reference from the definition of 'storage yard' and clarifying what constitutes a storage yard.

All City Departments and local utilities were notified of the proposed text amendment. Only one substantive comment was received:

- The Council Bluffs Public Works Department stated that applicants shall be made aware that stormwater management will be required as a part of the conditional use permit.

Recommendation

The Community Development Department recommends approval to repeal Chapter 3.31, *Rubble Dumps*, and to amend Chapter 3.32 *Junk, Salvage, Scrap Processing and Storage Yards*, of the Council Bluffs Municipal Code by repealing Section 3.32.020, *License Required*, Section 3.32.030, *Application for License*, Section 3.32.040, *License Application Grant or Denial*, Section 3.32.050, *License Required for Each Separate Location*, Section 3.32.140, *Suspension and Revocation*, Section 3.32.150, *Effect of Revocation*, Section 3.32.170, *Fee, and* Section 3.32.180, *Duration and Renewal;* and to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Section 15.24.110, *Salvage and Storage Yard Regulations*, Section 15.24.120, *Rubble Dumps*, and Section 15.03.527, *Parking Lot*, and amending Section 15.03.609, *Storage Yard*, to bring consistency and clarity to the process of reviewing and approving salvage yards, storage yards, and rubble dumps.

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 repeal Chapter 3.31, *Rubble Dumps*, and to amend Chapter 3.32, *Junk, Salvage, Scrap Processing and Storage Yards*, of the Council Bluffs Municipal Code

by repealing Section 3.32.020, *License Required*, Section 3.32.030, *Application for License*, Section 3.32.040, *License Application Grant or Denial*, Section 3.32.050, *License Required for Each Separate Location*, Section 3.32.140, *Suspension and Revocation*, Section 3.32.150, *Effect of Revocation*, Section 3.32.170, *Fee, and* Section 3.32.180, *Duration and Renewal;* and to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Section 15.24.110, *Salvage and Storage Yard Regulations*, Section 15.24.120, *Rubble Dumps*, and Section 15.03.527, *Parking Lot*, and amending Section 15.03.609, *Storage Yard*, to bring consistency and clarity to the process of reviewing and approving salvage yards, storage yards, and rubble dumps.

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

Attachments

Attachment A: Proposed Section 15.24.110, *Salvage and Storage Yards*
Attachment B: Proposed Section 15.24.120, *Rubble Dumps*
Attachment C: Proposed Section 15.03.527, *Parking Lot*
Attachment D: Proposed Section 15.03.609, *Storage Yard*
Attachment E: Proposed Chapter 3.32, *Junk, Salvage, Scrap Processing and Storage Yards*

Prepared by: Haley Weber, Planner, Community Development Department