ORDINANCE NO. 6581

AN ORDINANCE TO AMEND CHAPTER 15.24 SUPPLEMENTAL USE AND SITE DEVELOPMENT REGULATIONS OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY ENACTING NEW SECTION 15.24.110, "SALVAGE AND STORAGE YARD REGULATIONS" AND NEW SECTION 15.24.120, "RUBBLE DUMPS".

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

SECTION 1. That Chapter 15.24 Supplemental Use and Site Development Regulations of the 2020 Municipal Code of Council Bluffs, Iowa is hereby amended by enacting new Sections 15.24.110 and 15.24.120 to read as follows:

15.24.110 Salvage and Storage Yards

A. Required Approvals. Any new and expanding salvage and/or storage yards shall obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Any salvage and/or storage yards established prior to the adoption of this ordinance which do not have a conditional use permit shall be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC. Additionally, an intensification of an existing nonconforming salvage and/or storage operation may result in bringing the operation into compliance with all standards of this Section.

B. New and Expanding Salvage and/or Storage Yard Regulations. New and expanding salvage and storage yards are required to obtain a conditional use permit in accordance with Section 15.02.090, Conditional Uses, of the CBMC. In addition to the requirements of an approved conditional use permit, storage and salvage yards shall be subject to the following regulations:

1. Pavement. All driveways, parking lots and outdoor areas used for the storage of vehicles, materials, or equipment must be hard-surface paved in accordance with CBMC Section 15.23, *Off-Street Parking, Loading and Unloading.*
2. Internal Site Circulation. All storage and salvage yards shall have paved access aisles to allow for safe and efficient internal site circulation. Access aisles shall remain free and clear of any obstructions.
3. Screening. All outdoor storage areas shall be adequately screened by fencing, walls, landscaping, or a combination thereof in a manner that is compatible with the size, intensity, and type of materials being stored and surrounding properties. Specific screening requirements shall be established on a case-by-case basis through a conditional use permit.
4. Separation Distance. Any new salvage yard shall be a minimum of 600 feet away from any of the following uses, as measured from the property line: any residential use or district, daycare center, school, public park, master planned development, historic district, or historic landmark property. No minimum separation distance is required for new storage yards.
5. Stacking. Any unstructured stacking of items stored outdoors, including, but not limited to, raw materials, junk, vehicles, and containers shall be limited to a maximum height as established on a case-by-case basis through a conditional use permit. Stacking within 75 feet of all required fencing shall be limited to the height of the fence.

6. Environmental Health. Storage and salvage yards shall be conducted in compliance with all City, County and State requirements.

15.24.120 Rubble Dumps

A. Purpose. The purpose of this chapter is to provide for the controlled dumping of rubble within the city limits of Council Bluffs, Iowa.

B. Definitions. For the purpose(s) of this section, the following words, terms and phrases shall have the meanings set forth:
Rubble: Stone, brick or similar inorganic matter.
Rubble dump: Any land, premises or property used for the storage of rubble.
Storage of rubble: The placement or rubble on any parcel of ground for a period of fourteen days or more.

C. Storage of Rubble. It is unlawful to place or store rubble on any parcel of ground which is not licensed as a rubble dump.

D. 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 in accordance with Section 15.02.090, Conditional Uses, of the CBMC. Any active rubble dumps established prior to the adoption of this ordinance, which do not have a conditional use permit, shall be considered nonconforming and shall comply with Section 15.26.030, Nonconforming Uses, of the CBMC.

E. In addition to requirements of this chapter, all rubble dumps shall comply with all local, State, and Federal requirements.

F. This chapter shall not prohibit the storage, stockpiling, processing or sales of rock, stone, sand, gravel, coal, cement materials, dirt, soil or any other similar material produced by excavating, quarrying or mining of such materials for purposes of sale, provided that same be restricted to the A-1 and A-2 districts and not be so stored for a period greater than one hundred fifty (150) days.

G. Area Restrictions. This exception shall be further restricted in that it will not apply to locations:
1. Within one thousand (1,000) feet of the nearest edge of the right-of-way of Interstate 29, Interstate 80, North 16th Street, South 35th Street, 23rd Avenue, South 24th Street south of 23rd Avenue, the South Expressway, and Old Highway 375 from Tostevin Street south to the city limits; and
2. Within three hundred (300) feet of any lot in a residential district or a preexisting residential use.

H. Application for a Conditional Use Permit. The application for a conditional use permit required by this chapter shall be filed in accordance with Section 15.02.090, Conditional Uses, and shall contain an engineering plan that sets forth:
1. A description and plat of the land to be used for the rubble dump;
2. A description of the sequence and plan of operation;
3. The type and capacity of equipment to be used for operations;
4. Existing and proposed roadways and easements;
5. Existing topography and watercourses, together with a diagram and written statement explaining the proposed location and extent of earthwork and fill operations, including final elevations;
6. Proposed measures to control storm drainage;
7. Estimated volume of rubble to be placed in the rubble dump;
8. Approximate date of completion;
9. Types of materials to be placed in the rubble dump;

10. Whether it will be a private rubble dump used exclusively by the applicant for their materials or a public rubble dump, operated by the applicant and receiving materials from others;
11. Days and hours of the week the rubble dump will be in operation;
12. The names and addresses of the last-known owners of property within five hundred (500) feet of the location for which a conditional use permit is requested, as shown by the county real property tax records; and
13. The addresses of any occupied buildings on property within five hundred (500) feet of the location for which a conditional use permit is requested;
14. Proposed areas to be fenced, including fence type, height, and placement;
15. All existing utilities, including storm and sanitary sewers, which lead up to or cross the site shall be shown thereon;
16. Closure/post-closure plan, as required by the Iowa Department of Natural Resources.

I. Notice of Hearing. A public hearing shall be held in accordance with Section 15.02.090, *Conditional Uses*, except that written notice shall by mailed by ordinary mail to the owners of all properties located within five hundred (500) feet of the exterior boundaries of the subject property.

J. Recordation of Conditional Use Permit. Upon approval of a conditional use permit, the applicant shall record a copy of the approved decision letter with the Pottawattamie County recorder's office.

K. Fee. The fee for a conditional use permit requested pursuant to this chapter shall be as set forth in the prevailing schedule of fees as most recently adopted by the city council.

L. Bond. No conditional use permit requested pursuant to this chapter shall be issued until the applicant delivers to the city a cash or corporate surety bond in an amount of not less than ten thousand dollars ($10,000.00), to secure the City against damages and expenses which it may incur in the correction of conditions in said applicant's operations as follows:

1. The bond amount shall be approved by the Zoning Board of Adjustment as part of the conditional use permit approval.
2. That the applicant shall operate the rubble dump for which the conditional use permit is issued in accordance with the provisions of this chapter:
3. That the applicant will comply with all the terms, conditions, provisions and regulations contained in this chapter:
4. That the applicant will save harmless the city from any expense incurred through the failure to operate and maintain the rubble dump as required by this chapter, including any expense the city may be put to for correcting any condition or violation of this chapter by the city's own labor and equipment whenever the city council determines it is necessary for the city to correct any unsanitary condition or conditions violative of this chapter or from any damages growing out of the negligence of the applicant;
5. That the applicant shall pay for damages done to curbs, sidewalks or sewers on the premises of the rubble dump from trucks, equipment or over-burden placed on them when found to be broken from these causes;
6. Bond shall run for a period of three years after the rubble dump site has been finished and brought to final grade.
7. The amount of the bond required may be revised annually by the Community Development Director or their designee to reflect any estimated change in costs of closing the site.

M. Regulations. The following regulations shall be followed by any applicant to whom a conditional use permit is granted by the city council for operation of a rubble dump, and it shall be unlawful not to follow these regulations:

1. When rubble exists on the site at the time the conditional use permit is issued, such rubble shall be collected, compacted and covered with dirt or other cover material at least three feet in depth at the finished grade;
2. No refuse other than rubble or earth may be put in a rubble dump. All burning is prohibited. The Community Development Director may, at their discretion, allow materials other than rubble to be placed in the rubble dump. However, the primary purpose and intent of the rubble dump site shall be for the storage of rubble as defined in this Section. Improper materials placed on site without approval shall be immediately removed at the direction of the Community Development Director;
3. No rubble dump operation shall be conducted so the fill will be placed in streambeds or other areas where watercourses would be obstructed or where erosion by the stream would remove cover material;
4. The applicant shall provide for surface drainage on the rubble dump site which will permit the drainage of storm water within six hours after the last precipitation in accordance with all local, State, and Federal requirements;
5. The applicant shall take the necessary measures to eliminate dust on the rubble dump site. Access to the rubble dump site shall be controlled by proper fencing, gates, locks and other measures necessary to control access;
6. Routes used by trucks to and from the rubble dump site shall meet all applicable City standards;
7. When mud, dirt or spilled debris accumulates on streets from trucks or from rubble dump equipment, it shall be removed by the applicant immediately;
8. The compacting and leveling equipment must traverse all of the area where rubble is deposited. When the slope of a bank is too steep to traverse, then the fill must proceed from the base of the slope;
9. Rubble shall be covered with dirt or sand all times;
10. Only earth shall be placed over utility lines in the fill area as specified by the public works director;
11. When rubble has been brought up to three feet of the desired grade, it shall be covered with at least thirty-six (36) inches of compacted dirt and seeded in such a manner to prevent erosion. The finally graded and seeded surface shall be maintained at final grade free from erosion and in a well-seeded manner for a period of three years after filling operations have been completed. Final slopes shall not exceed a ratio of one foot vertical to three feet horizontal;
12. Existing topsoil shall be used for cover material, when possible, by removing the dirt prior to filling and by placing this dirt directly over the completed section of the rubble dump, or by stockpiling this dirt until needed. Otherwise, the source of cover material shall be designated when application for a conditional use permit is made;
13. Materials shall not be placed on land without using the proper bank stabilization and filling methods. Materials placed in the proper manner and conforming to this chapter will not be in violation of any antidumping prohibitions of this chapter or any other ordinance;
14. The licensee shall not excavate down to the water table or create a sump that will not drain;
15. The licensee shall not violate the terms of their application and license;
16. The entire area of the property to be utilized for a rubble dump shall be screened with a minimum six-foot tall opaque fencing and shall be installed prior to commencement of any rubble dump operations. Any unfenced area shall remain free of rubble;

17. The Community Development Director may allow variations from the regulation of this section; provided they find that the proposed variation is satisfactory in that it addresses the problem sought to be alleviated by the regulation from which the variance is requested.

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 publication, as by law provided.

PASSED
AND November 13, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 10-23-23
Second Consideration: 11-13-23
Public Hearing: 11-13-23
Third Consideration: _____