ORDINANCE NO. 6548

AN ORDINANCE TO AMEND CHAPTER 15.24 SUPPLEMENTAL USE AND SITE DEVELOPMENT REGULATIONS OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.24.020 "ACCESSORY USES" AND BY AMENDING AND RETITLING SECTION 15.24.030 "HOME OCCUPATION".

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 be and the same is hereby amended by amending Section 15.24.020 "Accessory Uses" and by amending and retitling Section 15.24.030 to be known as "Home-Based Businesses" and to read as follows:

15.24.020 Accessory Uses

Unless otherwise permitted, only one principal structure or use is permitted per lot. Unless otherwise prohibited or restricted, a permitted principal use also allows uses, buildings and structures incidental to the permitted use, if located on the same site or building lot. The accessory use and/or structures or buildings shall not be established or erected prior to the establishment or construction of the principal permitted use of the building, structure or land and shall be subordinate, incidental to and compatible with the character of the principal permitted use. The following types of accessory uses shall be permitted in residential districts, subject to the site development regulations for the zoning district in which it is located, unless otherwise provided in these regulations:

A. Fencing, subject to CBMC 15.24.040;
B. Garage sales, limited to six days during any calendar year;
C. Garage, and off-street parking for personal vehicles, subject to CBMC 15.23;
D. Greenhouse, for personal, noncommercial use only;
E. Home –based business, subject to CBMC 15.24.030 and Iowa Code, Section 414.33;
F. Radio and communications receiving antenna and tower, subject to CBMC 15.24.080;
G. Swimming pool, including a bath house, tennis court or other recreational facilities commonly accessory to a dwelling and used only by the residents and nonpaying guests;
H. Tool, storage shed, gazebo, patio, and similar building and structures for personal noncommercial use only;
I. Structures for the shelter of household pets, for personal noncommercial use;
J. Garden, residential household and garden, institutional/organizational.

15.24.030 Home-Based Businesses

A home-based business shall be subject to the following requirements:

A. A home-based business shall be conducted entirely within the residential dwelling, or the yard of the residential property, with the total number of on-site employees and clients not to exceed the legal occupancy limit for the residential property.

B. A home-based business is limited to the sale of lawful goods and services, does not generate on-street parking or a substantial increase in traffic through the residential area, and is not visible from an adjacent property or street.
C. Such use shall be incidental and secondary to the residential use of the dwelling, shall not change the residential character nor interfere with the surrounding residential use;
D. The use of a residential property for a home-based business does not supersede any of the following:
    1. A deed restriction, covenant, or agreement restricting the use of land
    2. A master deed, bylaw, or other document applicable to a common interest ownership community.
E. No signs, radio, television, newspaper, handbill or other similar types of advertising are permitted linking the address of the premises with the home-based business;
F. The operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business is strictly prohibited.
G. There shall be no exterior storage of equipment, vehicles, trailers, goods or materials used in a home-based business that is visible from an adjacent property or street.;
H. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line;
I. Adequate off-street parking for all vehicles, including the residents, customer, client or other business-related visitor vehicles shall be provided at the location where the home-based business is being conducted;
J. The following businesses are not compatible with residential use and shall not be considered home-based businesses:
    1. Repair of any internal combustion engine or vehicle repair, including detailing, painting, body or mechanical or upholstery, vehicle towing and/or wrecking service, storage of motorized vehicles and equipment, including but not limited to automobiles, trucks, recreational vehicles and boats, or any other business deemed to be a commercial use under this chapter.;
    2. The storage of any solid waste, toxic chemicals, hazardous waste, oils, solvents or any other substance that violates any chapter regulating the health and safety of the public.
    3. Any business that violates any chapter regulating nuisance, noise, pollution, health and/or sanitation.
K. Home occupations shall comply with all applicable municipal, state and federal regulations and shall submit all applicable taxes to any applicable authority.

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 March 13, 2023.
APPROVED

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MATTHEW J. WALSH Mayor

Attest: _____

JODI QUAKENBUSH City Clerk

First Consideration: 2-27-23
Second Consideration: 3-13-23
Public Hearing: 3-13-23
Third Consideration: _____