Council Communication

Department: Community Development Case #ZT-18-002 Applicants: Marshall Redmond 111 S. 38th Street, Apt #240 Council Bluffs, IA 51501 Community Development Department 403 Willow Avenue Council Bluffs, IA 51503	Ordinance No.	City Council: 7/23/18 Public Hearing: 8/13/18 Planning Commission: 7/10/18

Subject/Title

Request: Public hearing on the request of Marshall Redmond and the Community Development Department to amend multiple sections of Title 15: Zoning of the Municipal Code relative to 'small alcohol production facility', as follows:

- Amend Chapter 15.03, *Definitions* by adding §15.03.601 'small alcohol production facility' definition; and
- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(32) 'small alcohol production facility' as a principle use in a C-2/Commercial District and to amend §15.15.060(02), *Additional regulations*, relative to a 'small alcohol production facility' in a C-2/Commercial District; and
- Amend Chapter 15.16.020, *Principal uses, C-3/Commercial District* by adding §15.16.020(27) 'small alcohol production facility' as a principle use in a C-3/Commercial District; and
- Amend Chapter 15.17.020, *Principal uses, C-4/Commercial District* by adding §15.17.020(21) 'small alcohol production facility' as a principle use in a C-4/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(19) 'small alcohol production facility' as a principle use in a P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District*, by adding §15.20.020(29) 'small alcohol production facility' as a permitted use in the I-1/Light Industrial District and to amend §15.20.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(28) 'small alcohol production facility' as a permitted use in the I-2/General Industrial District and to amend §15.21.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-2/General Industrial District.

Background

The applicant, Marshall Redmond, has been working with the Iowa West Foundation and Advance Southwest Iowa organizations to open a new business called, Fundamental Brewing Company, at 40 Arena Way, located in The Spine at the Mid-America Center. Under Title 15: Zoning of the Municipal Code the land use classification "brewery" is not specifically defined; however it would be allowed under the definition of Manufacturing (general or light) which allows food processing and bottling plants. The Mid-America Center area is zoned P-C/Planned Commercial District, which does not allow manufacturing or industrial type land uses. Generally, manufacturing uses are limited to the I-1/Light Industrial District, I-2/General Industrial District and I-3/Heavy Industrial District.

The applicant's initial proposal was to amend Chapter 15.03, *Definitions* and Chapter 15.18.020, *Principal Uses, P-C/ Planned Commercial District* of the Municipal Code (Zoning Ordinance) to allow a 'microbrewery' (as defined by the American Brewers Association) at their location in the Mid-America Center. The American Brewers Association defines a 'microbrewery' as a "brewery that produces less than 15,000 barrels of beer per year with 75 percent or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carry-outs/or on-site tap-room or restaurant sales". Section 123.3 of the Iowa Code (Alcoholic Beverage Control) does not classify or define breweries based on their production levels; however it does define a 'distillery', 'winery' and 'brewery' to "mean not only the premises where alcohol or spirits are distilled, wine is fermented, or beer is brewed, but in addition mean a person owning, representing, or in charge of such premises and the operations conducted there, including the blending and bottling or other handling and preparation of alcoholic liquor, wine, or beer in any form".

The Community Development Department met with the applicant to discuss their business operation in order to determine how best to define their use and if the use is appropriate for commercial zoning districts in the City. Through these discussions, it was evident that the operation has four primary components such as beer production, distribution/warehousing, retail/commercial (e.g., entertainment space and beer sales) and alcohol consumption (e.g. taproom). Through these discussions, it was mutually agreed upon that a new land use classification called "small alcohol production facility' should be created in Title 15: Zoning of the Municipal Code in order to allow limited-scale breweries, wineries, and distilleries in commercial and industrial zoned areas of the City. The proposed definition for a 'small alcohol production facility' is as follows:

15.03.601 Small alcohol production facility. *A combined manufacturing and commercial facility of alcoholic beverages for direct sale to wholesalers or customers that includes accessory uses such as a retail outlet, tasting room, event space, tavern, or restaurant. Twenty-five percent of the larger of the total gross square footage of the facility or licensed premises shall be dedicated to accessory uses. A small alcohol production facility shall include breweries, distilleries and wineries as defined in Section 123.3 of the Iowa Code. Production limitations for breweries shall not exceed 15,000 barrels (465,000 gallons) per year; distilleries and wineries shall not exceed 50,000 proof gallons per year. Alcohol production facilities exceeding the limitations stated above shall be classified as "Manufacturing, Light" as defined in this Title.*

In an effort to ensure that the 'small alcohol production facility' is not solely a production/warehousing operation and is compatible with commercial and planned commercial districts, the proposed definition includes a minimum percentage that the licensed premises must dedicate to an accessory use (e.g., beer garden, taproom, meeting/event space, dining, etc.).

The applicant requested that a microbrewery be allowed in a P-C/Planned Commercial District so that he can operate Fundamental Brewing Company in The Spine at the Mid-America Center. A microbrewery would be considered a small-scale alcohol production facility, based on the proposed definition above, and would be allowed in a P-C District if the text amendment requests are approved by City Council. The Community Development Department expanded the applicant's request to allow 'small alcohol production facility' in all commercial and industrial zoning districts where taverns are allowed, due to the consumption of alcohol on premises associated with this use. The following is a list of proposed changes to Title 15: Zoning of the Municipal Code to allow a 'small alcohol production facility' in the C-2/Commercial District, C-3/Commercial District, C-4/Commercial District, P-C/Planned Commercial District, I-1/Light Industrial District and I-2/General Industrial District. The proposed amendments also include adding a 'small alcohol production facility' to the separation distance language that a tavern located in a C-2 District, I-1 District and I-2 District must be from any school, place of religious assembly, public park or any conforming residential use.

- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(32) 'small alcohol production facility' as a principal use in a C-2/Commercial District and to amend §15.15.060(02), *Additional regulations*, relative to a 'small alcohol production facility' in a C-2/Commercial District; and

- Amend Chapter 15.16.020, *Principal uses, C-3/Commercial District* by adding §15.16.020(27) 'small alcohol production facility' as a principal use in a C-3/Commercial District; and
- Amend Chapter 15.17.020, *Principal uses, C-4/Commercial District* by adding §15.17.020(21) 'small alcohol production facility' as a principal use in a C-4/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(19) 'small alcohol production facility' as a principal use in a P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District*, by adding §15.20.020(29) 'small alcohol production facility' as a principal use in the I-1/Light Industrial District and to amend §15.20.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(28) 'small alcohol production facility' as a principal use in the I-2/General Industrial District and to amend §15.21.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-2/General Industrial District.

Off-street parking for a 'small alcohol production facility' will be calculated on a case-by-case basis and will be determined on the specific components (e.g., production/warehouse, retail/commercial space, event space, and dining space) within the facility.

The proposed text amendments were forwarded to all City Departments and local utility providers. No adverse comments were received about this request as of the date of this report.

Paula Hazelwood, Executive Director, Advance Southwest Iowa Corporation submitted a letter of support for the proposed text amendment. A copy of this letter is included with this report as Attachment 'J'.

Recommendation

The Community Development Department recommends approval of the proposed text amendment as follows:

- Amend Chapter 15.03, *Definitions* by adding §15.03.601 'small alcohol production facility' definition; and
- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(32) 'small alcohol production facility' as a principal use in a C-2/Commercial District and to amend §15.15.060(02), *Additional regulations*, relative to a 'small alcohol production facility' in a C-2/Commercial District; and
- Amend Chapter 15.16.020, *Principal uses, C-3/Commercial District* by adding §15.16.020(27) 'small alcohol production facility' as a principal use in a C-3/Commercial District; and
- Amend Chapter 15.17.020, *Principal uses, C-4/Commercial District* by adding §15.17.020(21) 'small alcohol production facility' as a principal use in a C-4/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(19) 'small alcohol production facility' as a principal use in a P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District*, by adding §15.20.020(29) 'small alcohol production facility' as a principal use in the I-1/Light Industrial District and to amend §15.20.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(28) 'small alcohol production facility' as a principal use in the I-2/General Industrial District and to amend §15.21.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-2/General Industrial District.

Public Hearing

Speakers in favor:

1. Marshall Redmond, 111 South 38th Street, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval of the proposed text amendment as follows:

- Amend Chapter 15.03, *Definitions* by adding §15.03.601 'small alcohol production facility' definition; and
- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(32) 'small alcohol production facility' as a principal use in a C-2/Commercial District and to amend §15.15.060(02), *Additional regulations*, relative to a 'small alcohol production facility' in a C-2/Commercial District; and
- Amend Chapter 15.16.020, *Principal uses, C-3/Commercial District* by adding §15.16.020(27) 'small alcohol production facility' as a principal use in a C-3/Commercial District; and
- Amend Chapter 15.17.020, *Principal uses, C-4/Commercial District* by adding §15.17.020(21) 'small alcohol production facility' as a principal use in a C-4/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(19) 'small alcohol production facility' as a principal use in a P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District*, by adding §15.20.020(29) 'small alcohol production facility' as a principal use in the I-1/Light Industrial District and to amend §15.20.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(28) 'small alcohol production facility' as a principal use in the I-2/General Industrial District and to amend §15.21.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-2/General Industrial District.

VOTE: AYE 4 NAY 2 ABSTAIN 0 ABSENT 0 VACANT 5 Motion: Carried

Attachments

- **Attachment A**: Letter of intent from Marshall Redmond
- **Attachment B**: Copy of Section 123.3, Definitions, of the Iowa Alcoholic Beverage Control relative to "distillery", "winery", "brewery", and "micro-distillery".
- **Attachment C**: Proposed text amendment to add Section 15.03.601 'small alcohol production facility' definition to the Municipal Code (Zoning Ordinance).
- **Attachment D**: Proposed text amendment to Chapter 15.15, C-2 District relative to a 'small alcohol production facility'.
- **Attachment E**: Proposed text amendment to Chapter 15.16, C-3 District relative to a 'small alcohol production facility'.
- **Attachment F**: Proposed text amendment to Chapter 15.17, C-4 District relative to a 'small alcohol production facility'.
- **Attachment G**: Proposed text amendment to Chapter 15.18, P-C District relative to a 'small alcohol production facility'.
- **Attachment H**: Proposed text amendment to Chapter 15.20, I-1 District relative to a 'small alcohol production facility'.
- **Attachment I**: Proposed text amendment to Chapter 15.21, I-2 District relative to a 'small alcohol production facility'.
- **Attachment J**: Letter of support from Paula Hazelwood, Executive Director, Advance Southwest Iowa Corporation for proposed text amendment

Prepared by: Christopher N. Gibbons, AICP, Planning Coordinator

June 11, 2018

Mr. Brandon Garrett
Community Development Director
City of Council Bluffs
1020 Railroad Ave, Suite B
Council Bluffs, IA 51503

Dear Planning Commissioners and City Councilmembers-

My name is Marshall Redmond and I am asking for your consideration for approval for a proposed text amendment to include brewery as a definition and land use in the City's Zoning Ordinance. I have been pursuing opening Council Bluffs first craft brewery for the past few months and after significant research and working with local entities such as the Iowa West Foundation and Advanced Southwest Iowa Corporation I am ready to open Fundamental Brewery Company located at 40 Arena Way in The Spine at the Mid-America Center.

My proposal is based on over 15 years of professional brewing experience including brewing on all difference size of brewhouse systems. I am also a graduate from the America's Brewer Guild and am current on practices of the Brewer's Association, which is the country's leading organization for craft brewing, compiling statistics, and promoting and lobbying for the industry.

I am specifically proposing Fundamental Brewing Company be best classified as a microbrewery. I have been working with the Planning Department to define brewery, which mirrors the state of Iowa's brewery definition and also classifications of breweries based on how the city envisions these regulations be implemented.

I greatly appreciate your considerations for my request and look forward to opening a new local business within the City of Council Bluffs.

Sincerely,

Marshall Redmond
Fundamental Brewing Company

ATTACHMENT A

Text Amendment Application Submittals
Marshall Redmond
June 11, 2018

Proposed Text Amendment to Sections: 15.03 and 15.18

Chapter 15.03 - DEFINITIONS
Small alcohol production facility
This includes breweries, distilleries, and wineries. A combined manufacturing and commercial facility of alcoholic beverages for direct sale to wholesale or customers that includes accessory uses such as a retail outlet, tasting room, event space, tavern, or restaurant. Twenty-five percent of the larger of the total gross square footage of the facility or licensed premises shall be dedicated to accessory uses. Production limitations are as follows: breweries shall not exceed 15,000 barrels (465,000 gallons) per year; distilleries shall not exceed __ units (__ gallons) per year, and wineries shall not exceed __ units (__ gallons) per year. Alcohol production facilities exceeding the limitations above shall be classified as "Manufacturing, Light" as defined in this Title.

Chapter 15.18 - P-C/PLANNED COMMERCIAL DISTRICT
15.18.020 - Principal uses.
The following principal uses shall be permitted outright in a PC district:
(18) Small alcohol production facility

Reason for the Request:

Currently, the City's Zoning Ordinance does not call out brewery as a specific use or within the definitions section of the code. I am proposing to include a definition for brewery as a small alcohol production facility and have it included as a principal use in the Planned Commercial District.

123.3 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Administrator"* means the administrator of the division, appointed pursuant to the provisions of this chapter, or the administrator's designee.

2. *"Air common carrier"* means a person engaged in transporting passengers for hire in interstate or foreign commerce by aircraft and operating regularly scheduled flights under a certificate of public convenience issued by the civil aeronautics board.

3. *"Alcohol"* means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

4. *"Alcoholic beverage"* means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.

5. *"Alcoholic liquor"* or *"intoxicating liquor"* means the varieties of liquor defined in subsections 3 and 43 which contain more than five percent of alcohol by weight, beverages made as described in subsection 7 which beverages contain more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume but which are not wine as defined in subsection 47 or high alcoholic content beer as defined in subsection 19, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 47 containing more than seventeen percent alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an *"alcoholic liquor"*.

6. *"Application"* means a written request for the issuance of a permit or license that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the administrator.

7. *"Beer"* means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume but not including mixed drinks or cocktails mixed on the premises.

8. *"Brewer"* means any person who manufactures beer for the purpose of sale, barter, exchange, or transportation.

9. *"Broker"* means a person who represents or promotes alcoholic liquor within the state on behalf of the holder of a distiller's certificate of compliance through an agreement with the distiller, and whose name is disclosed on a distiller's current certificate of compliance as its representative in the state. An employee of the holder of a distiller's certificate of compliance is not a broker.

10. *"City"* means a municipal corporation but not including a county, township, school district, or any special purpose district or authority.

11. *"Club"* means any nonprofit corporation or association of individuals, which is the owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.

12. *"Commercial establishment"* means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five persons at one time, and the licensed premises of which conform to the standards and specifications of the division.

13. *"Commission"* means the alcoholic beverages commission established by this chapter.

14. *"Designated security employee"* means an agent, contract employee, independent contractor, servant, or employee of a licensee or permittee who works in a security position in any capacity at a commercial establishment licensed or permitted under this chapter.

15. *"Distillery"*, *"winery"*, and *"brewery"* mean not only the premises where alcohol or spirits are distilled, wine is fermented, or beer is brewed, but in addition mean a person owning, representing, or in charge of such premises and the operations conducted there,

ATTACHMENT B

including the blending and bottling or other handling and preparation of alcoholic liquor, wine, or beer in any form.

16. *"Division"* means the alcoholic beverages division of the department of commerce established by this chapter.

17. *"Grape brandy"* means brandy produced by the distillation of fermented grapes or grape juice.

18. *"Grocery store"* means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

19. *"High alcoholic content beer"* means beer which contains more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume, but not more than twelve percent of alcohol by weight or fifteen percent of alcohol by volume, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than one and five-tenths percent of the volume of a *"high alcoholic content beer"* may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine.

20. *"Hotel"* or *"motel"* means premises licensed by the department of inspections and appeals and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

21. *"Import"* means the transporting or ordering or arranging the transportation of alcoholic liquor, wine, or beer into this state whether by a resident of this state or not.

22. *"Importer"* means the person who transports or orders, authorizes, or arranges the transportation of alcoholic liquor, wine, or beer into this state whether the person is a resident of this state or not.

23. The terms *"in accordance with the provisions of this chapter"*, *"pursuant to the provisions of this title"*, or similar terms shall include all rules and regulations of the division adopted to aid in the administration or enforcement of those provisions.

24. *"Legal age"* means twenty-one years of age or more.

25. *"Licensed premises"* or *"premises"* means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the administrator where alcoholic beverages, wine, or beer is sold or consumed under authority of a liquor control license, wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds, or areas or places susceptible of precise description satisfactory to the administrator.

26. *"Local authority"* means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by this chapter to approve or deny applications for retail beer or wine permits and liquor control licenses; empowered to recommend that such permits or licenses be granted and issued by the division; and empowered to take other actions reserved to them by this chapter.

27. *"Manufacture"* means to distill, rectify, ferment, brew, make, mix, concoct, or process any substance capable of producing a beverage containing more than one-half of one percent of alcohol by volume and includes blending, bottling, or the preparation for sale.

28. *"Native distilled spirits"* means spirits fermented, distilled, or, for a period of two years, barrel matured on the licensed premises of the native distillery where fermented, distilled, or matured. *"Native distilled spirits"* also includes blended or mixed spirits comprised solely of spirits fermented, distilled, or, for a period of two years, barrel matured at a native distillery.

29. *"Native distillery"* means a business with an operating still which produces and manufactures native distilled spirits.

30. *"Native wine"* means wine manufactured pursuant to section 123.56 by a manufacturer of native wine.

31. *"Package"* means any container or receptacle used for holding alcoholic liquor.

32. *"Permit"* or *"license"* means an express written authorization issued by the division for the manufacture or sale, or both, of alcoholic liquor, wine, or beer.

33. *"Person"* means any individual, association, partnership, corporation, club, hotel or motel, or municipal corporation owning or operating a bona fide airport, marina, park,

15.03.591	Restaurant
15.03.592	Retail shopping establishment
15.03.593	Rubble dump
15.03.594	Salvage operation
15.03.595	School
15.03.597	Semi-truck trailer
15.03.598	Sexual or genital body parts
15.03.600	Sign
15.03.601	Small alcohol production facility
15.03.605	Specified anatomical areas
15.03.606	Specified sexual activities
15.03.608	Stoop, enclosed
15.03.608a	Storage
15.03.609	Storage yard
15.03.610	Story
15.03.620	Street
15.03.630	Structure
15.03.640	Structural alteration
15.03.643	Tattooing
15.03.644	Tattoo parlor
15.03.645	Tavern
15.03.646	Tool or storage shed
15.03.647	Transfer of interest
15.03.650	Travel trailers
15.03.651	Truck service establishment
15.03.652	Truck terminal
15.03.660	Use
15.03.670	Variance
15.03.675	Vehicle or vessel
15.03.677	Veterinary service
15.03.681	Warehousing and distribution, general
15.03.682	Warehousing and distribution, limited
15.03.685	Wind energy conversion system (WECS)
15.03.690	Yard
15.03.700	Yard, front
15.03.710	Yard, rear
15.03.720	Yard, side
15.03.730	Yard setbacks
15.03.740	Lot definitions

15.03.010 Definitions. For the purpose of interpreting this title, the following words and terms are defined as set forth in this chapter. Some chapters contain definitions in addition to those listed here. Words and terms that are not specifically defined shall be interpreted to give them the meaning they have in common usage as implied by their context and to give this title its most reasonable application. Words used in the present tense shall include the future. The singular number includes the plural and the plural includes the singular. The word "shall" is mandatory. The word "may" is permissive. (Ord. 5222, Sec. 1, 6/12/95)

15.03.598 Sexual or genital body parts. "Sexual or genital body parts" means the genitals, pubic area, buttocks, anus, or perineum of any person or that part of the human female breast which includes the nipple or any portion below the nipple. (Ord. 4232, Sec. 1, 1978)

15.03.600 Sign. "Sign" means a presentation or representation by words, letters, figures, designs, pictures, or color (including its board, metal, or other supporting surface), publicly displayed upon a building, vehicle, structure, person or parcel of land, so as to convey information or give notice about a person, business, merchandise, service, place, activity, assemblage, solicitation or request for air, or a political idea. (Ord. 4690, Sec. 1, 1986)

15.03.601 Small alcohol production facility. A combined manufacturing and commercial facility of alcoholic beverages for direct sale to wholesalers or customers that includes accessory uses such as a retail outlet, tasting room, event space, tavern, or restaurant. Twenty-five percent of the larger of the total gross square footage of the facility or licensed premises shall be dedicated to accessory uses. A small alcohol production facility shall include breweries, distilleries and wineries as defined in Section 123.3 of the Iowa Code. Production limitations for breweries shall not exceed 15,000 barrels (465,000 gallons) per year; distilleries and wineries shall not exceed 50,000 proof gallons per year. Alcohol production facilities exceeding the limitations stated above shall be classified as "Manufacturing, Light" as defined in this Title.

15.03.605 Specified anatomical areas. "Specified anatomical areas" means less than completely or opaquely covered (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola; also, human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 4179, Sec. 1, 1976)

15.03.606 Specified sexual activities. "Specified sexual activities" means human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Ord. 4179, Sec. 1, 1976)

15.03.608 Stoop, enclosed. "Enclosed stoop" means a roofed projection which is principally designed and used as an entrance to a dwelling(s), and which roofed projection has exterior dimensions no greater than five feet by five feet, and which roofed projection has no more than the upper fifty percent of each outside wall, other than the principal building wall, enclosed by a material other than mesh screen or glass. (Ord. 4391, Sec. 2, 1981)

15.03.608a Storage. Non-transitory, semi-permanent or long-term containment, holding, leaving or placement of goods or materials, with the intention of retrieving them at a later time. It does not include the interim accumulation of a limited amount during processing, maintenance or repair. (Ord. 6131, Section 1, 6/27/11)

15.03.609 Storage yard. A facility engaged in the surface storage of operating or non-operating vehicles, other large items and containers for storing or collecting goods or

Chapter 15.15

C-2 COMMERCIAL DISTRICT

Sections:

15.15.010 Statement of intent
15.15.020 Principal uses
15.15.030 Conditional uses
15.15.040 Accessory uses
15.15.050 Site development regulations
15.15.060 Additional regulations
15.15.070 Signs

15.15.010 Statement of intent. The C-2 district is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods.

15.15.020 Principal uses. The following principal uses shall be permitted outright in a C-2 district:

1. Automobile repair, minor;
2. Automobile service establishment;
3. Building material, retail sales only;
4. Business, professional office;
5. Business service establishment;
6. Club or lodge;
7. Commercial recreation (indoor and outdoor);
8. Consumer service establishment;
9. Contractor shop;
10. Cultural service;
11. Financial service;
12. General government use;
13. Hotel/motel;

14. Kennel, commercial;

15. Local utility service;

16. Park and recreation services;

17. Pawn shops;

18. Printing, binding, and mail operations (fifty thousand (50,000) square feet or less);

19. Private and public parking lots;

20. Public safety services;

21. Religious assembly;

22. Restaurant (drive-in/fast food, limited and general);

23. Retail shopping establishment;

24. School;

25. Secondhand store;

26. Tattoo parlor;

27. Tavern, as limited by Section 15.15.060;

28. Veterinary service;

29. Warehousing and distribution, limited (fifty thousand (50,000) square feet or less); (Ord. #6026, Sec.1, 2/23/09)

30. Funeral service. (Ord. #6085, Sec. 1, 6/14/10)

31. Consumer fireworks sales (Ord. #6332, Sec. 1, 6/11/18)

32. Small alcohol production facility

15.15.030 Conditional uses. The following conditional uses shall be permitted in a C-2 district, in accordance with the requirements set forth in Chapter 15.27:

1. Adult entertainment, as further limited by Section 15.15.060;

2. Automobile repair, major;

3. Automobile sales and rental, as further limited by Section 15.15.060;

4. Commercial storage;

5. Communication tower;

6. Day care services;

7. Manufacturing, light (fifty thousand (50,000) square feet or less). (Ord. #6026, Sec 2, 2/23/09)

8. Warehousing and Distribution (Limited). (Ord. #6306, Sec 2, 10/9/17)

15.15.040 Accessory uses. The following accessory uses shall be permitted in a C-2 district:

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

15.15.050 Site development regulations.

Minimum Lot size

Lot area:	5,000 square feet
Lot width:	50 feet
Lot depth:	100 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	15 feet	15 feet
Interior side yard:	5 feet	5 feet
Street side yard:	10 feet	10 feet
Rear yard:	10 feet	10 feet
Maximum height:	50 feet	18 feet
Lot coverage-all structures:	60% maximum	

15.15.060 Additional regulations.

1. None of the adult entertainment activities as defined in Chapter 15.03 shall be located within one thousand (1,000) feet of any other such use, nor shall any such use be located within three hundred (300) feet of any school, place of religious assembly, public park, or residential district.

2. No tavern or small alcohol production facility shall be located within two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.

   Exception: The two hundred (200) foot distance limitation from conforming multifamily residential uses as noted above shall not apply to taverns which do not exceed three thousand (3,000) square feet in gross floor area if located within a commercial development with one hundred twenty-five thousand square feet or more of leasable retail/commercial space.

3. Parking for automobile sales and rental facilities shall include space for both visitor parking and sale display area. One space is required for each vehicle available for sale, lease or rental at one time with additional parking based on the size of the building used for sales and accessory repairs and service. (Ord. #6026, Sec. 3, 2/23/09)

4. Consumer fireworks sales from a temporary structure shall not be located within 300 feet of a residential structure. (Ord. #6332, Sec. 1, 6/11/18)

15.15.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. 5458, Sec. 2, 7/99)

Chapter 15.16

C-3 COMMERCIAL DISTRICT

Sections:

15.16.010 Statement of intent
15.16.020 Principal uses
15.16.030 Conditional uses
15.16.040 Accessory uses
15.16.050 Site development regulations
15.16.060 Additional regulations
15.16.070 Signs

15.16.010 Statement of intent. The C-3 district is intended to accommodate office, retail and related activities in the traditional commercial center of the city as well as other appropriate commercial sites.

15.16.020 Principal uses. The following principal uses shall be permitted outright in a C-3 district:

1. Automobile service establishment
2. Business, professional office
3. Business goods and service establishment
4. Club or lodge
5. College or university
6. Commercial recreation (indoor)
7. Consumer service establishment
8. Cultural service
9. Financial service
10. Funeral service
11. General government use
12. Hospital
13. Hotel/motel

14. Mixed commercial/residential structure

15. Newspaper printing

16. Park and recreation service

17. Pawn shop

18. Private parking lot

19. Public parking lot

20. Religious assembly

21. Restaurant (drive-in, limited and general)

22. Retail shopping establishment

23. School

24. Second hand store

25. Tattoo parlor (Ord. 6292, Sec. 1, 5/8/17)

26. Tavern (Ord. 6027, Sec. 1, 2/23/09)

27. Small alcohol production facility

15.16.030 Conditional uses. The following conditional uses shall be permitted in a C-3 district in accordance with the requirements set forth in Chapter 15.27:

1. Communication towers

2. Day care services

15.16.040 Accessory uses. The following accessory uses shall be permitted in a C-3 district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-3 district, unless otherwise excluded.

15.16.050 Site development regulations.

1. Lots or parcels of land zoned C-3 on or before the effective date of this ordinance and lots or parcels of land in areas less than 2 acres rezoned to C-3 after the effective date of this ordinance shall not be subject to minimum lot size, set back or lot coverage requirements. Maximum height is limited to 100 feet for principal structures and 24 feet for accessory structures.

2. Lots or parcels of land more than 2 acres in area rezoned to C-3 after the effective date of this ordinance shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in Chapter 15.18 of this title.

15.16.060 Additional regulations.

1. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.

15.16.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. #5469, Sec. 1, 8/99)

Chapter 15.17

C-4 COMMERCIAL DISTRICT

Sections:

15.17.010 Statement of intent
15.17.020 Principal uses
15.17.030 Conditional uses
15.17.040 Accessory uses
15.17.050 Site development regulations
15.17.060 Additional regulations
15.17.070 Signs

15.17.010 Statement of intent. The C-4 district is intended to provide an intensive business zone which will accommodate large office concentrations and other similar uses.

15.17.020 Principal uses. The following principal uses shall be permitted outright in the C-4 district:

1. Business, professional office
2. Business goods and service establishment
3. Club or lodge
4. College or university
5. Commercial recreation (indoor)
6. Consumer service establishment
7. Cultural service
8. Financial service
9. Funeral service
10. General government use
11. Hotel/motel
12. Mixed commercial/residential structure
13. Park and recreation service
14. Private parking lot

15. Public parking lot

16. Religious assembly

17. Restaurant (limited and general)

18. Retail shopping establishment

19. Tattoo parlor (Ord. 6293, Sec. 1, 5/8/17)

20. Tavern

21. Small alcohol production facility

15.17.030 Conditional uses. The following conditional uses shall be permitted in a C-4 district in accordance with the requirements set forth in Chapter 15.27:

1. Communication tower

2. Day care service

15.17.040 Accessory uses. The following accessory uses shall be permitted in the C-4 district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-4 district, unless otherwise restricted herein or unless otherwise permitted as a principal use herein.

15.17.050 Site development regulations.

1. Lots or parcels of land zoned C-4 on or before the effective date of this ordinance and lots or parcels of land in areas less than 2 acres rezoned to C-4 after the effective date of this ordinance shall not be subject to minimum lot size, set back or lot coverage requirements. Maximum height is limited to 100 feet for principal structures and 24 feet for accessory structures.

2. Lots or parcels of land more than 2 acres in area rezoned to C-4 after the effective date of this ordinance shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in Chapter 15.18 of this title.

15.17.060 Additional regulations.

1. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, minor service for motor vehicles, and display of merchandise along the wall of

the building, which merchandise shall not extend more than three feet from the wall of such building.

2. Parking and loading requirements:

   a. Off street parking is not required for any use established or existing in this district, except for a residential use in a mixed commercial/residential structure;

   b. Off street loading for all uses established or existing in this district shall comply with the applicable requirements in Chapter 15.23.

15.17.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs" (Ord. #5469, Sec. 3, 8/99)

Chapter 15.18

P-C PLANNED COMMERCIAL DISTRICT

Sections:

15.18.010 Statement of intent
15.18.020 Principal uses
15.18.030 Conditional uses
15.18.040 Accessory uses
15.18.050 Site development regulations
15.18.060 Development plan review procedure
15.18.070 Signs

15.18.010 Statement of intent. The PC district is intended to provide for the development of retail shopping centers, hotel/motel services, destination resorts, and office parks. Facilities in planned commercial districts are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, proper relations to traffic arteries, and compatibility with surrounding uses. Because large retail/service centers have significant impact upon the development of the city, final authority over their development shall be retained by the city council, with extensive review by the planning commission.

15.18.020 Principal uses. The following principal uses shall be permitted outright in a PC district:

1. Automobile service establishment
2. Business, professional office
3. Business goods and service establishment
4. Commercial recreation (indoor)
5. Consumer service establishment
6. Cultural service
7. Financial service
8. General government use
9. Hotel/motel
10. Local utility service
11. Places of public assembly, entertainment or recreation

12. Private parking lot

13. Public parking lot

14. Public safety service

15. Retail shopping establishment

16. Restaurant (drive-in, limited and general)

17. Tavern (Ord. #5634, Sec. 1, 6/25/01)

18. Consumer fireworks sales (Ord. #6333, Sec. 1, 6/11/18)

19. Small alcohol production facility

15.18.030 Conditional uses. The following conditional uses shall be permitted in a PC district in accordance with the requirements set forth in Chapter 15.02:

1. Communication tower

2. Day care services (Ord. #6116, Sec. 1, 1/10/11)

3. Auction, Indoor (Ord. #6142, Sec. 3, 12/12/11)

15.18.040 Accessory uses. The following accessory uses shall be permitted in a PC district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the PC district, unless otherwise excluded.

15.18.050 Site development regulations. Minimum tract size, lot size, setback requirements, height, lot coverage, signage and landscaping shall be determined through the development plan review procedure described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title.

15.18.055 Additional regulations.

1. Consumer fireworks sales from a temporary structure shall not be located within 300 feet of a residential structure. (Ord. #6333, Sec. 1, 6/11/18)

15.18.060 Development plan review procedure.

1. Application. A completed application form, ten copies of the development plan along with the required fee shall be submitted to the community development department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the community development department:

Chapter 15.20

I-1/LIGHT INDUSTRIAL DISTRICT

Sections:

15.20.010 Statement of intent
15.20.020 Principal uses
15.20.030 Conditional uses
15.20.040 Accessory uses
15.20.050 Site development regulations
15.20.060 Additional regulations
15.20.070 Signs

15.20.010 Statement of intent. The I-1 district is intended to provide for the development of light manufacturing and industrial areas. This district also accommodates a mixture of commercial services and light industrial uses with relatively limited external effects.

15.20.020 Principal uses. The following principal uses shall be permitted in an I-1 district:

1. Agricultural sales and service
2. Auction (Ord. 6147, Sec. 1, 2/13/12)
3. Auction indoor
4. Automobile repair, minor and major
5. Automobile sales and rental
6. Automobile service establishment
7. Building material, sale and storage
8. Business, professional office
9. Business service establishment
10. Commercial storage
11. Consumer service establishment
12. Contractor shop
13. Equipment sales and rental

14. Financial services

15. General government use

16. Governmental maintenance facility

17. Greenhouse, commercial

18. Hotel/motel

19. Kennel, commercial

20. Local utility service

21. Manufacturing, light

22. Private parking lot

23. Public parking lot

24. Public safety services

25. Retail shopping establishment

26. Tavern

27. Warehousing and distribution, limited (Ord. 5557, Sec. 1, 3/26/01)

28. Consumer fireworks sales (Ord. 6334, Sec. 1, 6/11/18)

29. Small alcohol production facility

15.20.030 Conditional uses. The following conditional uses shall be permitted in an I-1 district in accordance with the requirements set forth in Chapter 15.27:

1. Correctional placement residences

2. Day care services

3. Detention facility

4. Equipment repair

5. Truck service establishment

6. Truck terminal (Ord. 5557, Sec. 2, 3/26/01)

15.20.040 Accessory uses. The following accessory uses shall be permitted in an I-1 district:

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

15.20.050 Site development regulations.

Minimum Lot Size

Lot area:	10,000 square feet
Lot width:	75 feet
Lot depth:	100 feet

Minimum Setbacks	All Structures
Front yard:	25 feet
Interior yard:	10 feet
Street side yard:	15 feet
Rear yard:	10 feet
Maximum height:	50 feet (150 feet*) (Ord. #6223, Sec 1, 1/12/15) (Od. #6223, Sec 1, Corrected 4/7/17)
Lot coverage – all structures:	60% maximum

*Maximum Height: 150 feet, including any and all items, fixtures, mechanicals, etc. that may be attached to the structure roof; provided, however, that on parcels of land which in the aggregate are more than 50 acres in size and that immediately abut an I-2 General Industrial District, and are not adjacent to residentially zoned property, (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 50 feet, the minimum yard setbacks shall be increased by one foot.

15.20.060 Additional regulations.

1. No tavern or small alcohol production facility shall be located within two hundred 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.

2. Consumer fireworks sales from a temporary structure shall not be located within 300 feet of a residential structure. (Ord. 6334, Sec. 2, 6/11/18)

15.20.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. #5366, Sec. 3, 2/23/98)

Chapter 15.21

I-2/GENERAL INDUSTRIAL DISTRICT

Sections:

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.

15.21.020 Principal uses. The following principal uses shall be permitted in the I-2 district:

1. Agricultural sales and service
2. Auction
3. Auction indoor (Ord. 6148, Sec. 1, 2/13/12)
4. Automobile repair, minor and major
5. Automobile sales and rental
6. Automobile service establishment
7. Building material, sale and storage
8. Business service establishment
9. Commercial storage
10. Contractor shop
11. Data center
12. Equipment repair
13. Equipment sales and rental

14. Governmental maintenance facility

15. Greenhouse, commercial

16. Local utility service

17. Manufacturing, light and general

18. Private parking lot

19. Public parking lot

20. Public safety services

21. Railroad yard and intermodal facilities

22. Sign manufacturing

23. Tavern

24. Truck service establishment

25. Truck terminal

26. Warehousing and distribution, limited and general (Ord. 5957, Sec. 1, 12/10/07)

27. Consumer fireworks sales (Ord. 6335, Sec. 1, 6/11/18)

28. Small alcohol production facility

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 Chapter 15.27:

1. Contractor yard

2. Correctional placement residences

3. Day care services

4. Detention facility

5. Grain storage and distribution

6. Rubble dump

7. Salvage operations

8. Storage yard

9. Emergency shelter and homeless service center

10. Commercial recreation (indoor)

11. Meat packing and processing (Ord. 5957, Sec. 2, 12/10/07)

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

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

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* (Ord.6206, Sec 1, 4/7/14)
Lot coverage – all structures:	70% maximum (Ord. 5957, Sec. 3, 12/10/07)

* Parcels of land which in the aggregate are more than 50 acres in size the maximum height shall be increased up to 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 75 feet, the minimum yard setbacks shall be increased by one foot.

15.21.060 Additional regulations.

1. No tavern or small alcohol production facility shall be located within two hundred 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.

2. Consumer fireworks sales from a temporary structure shall not be located within 300 feet of a residential structure. (Ord. 6335, Sec. 1, 6/11/18)

15.21.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs" (Ord. #5366, Sec. 4, 2/23/98)

ADVANCE SOUTHWEST IOWA CORPORATION

149 W. Broadway,
Council Bluffs, IA 51503

July 10, 2018

Council Bluffs Planning Commission
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Dear Planning Commission Members:

Please accept this letter of support for the Fundamental Brewing Company project which intends to bring a micro-brewery to 40 Arena Way in the City of Council Bluffs Entertainment District.

Advance Southwest Iowa Corporation has been working with Dessie and Marshall Redmond from Fundamental Brewing since July 2017 to bring their dream of opening a brewery in Council Bluffs to reality. I've continued to be impressed by the Redmond's knowledge of the industry, business plan, financials and market projections but most importantly I've been impressed by their desire to create a destination location within Council Bluffs where they can immerse themselves and their business into the fabric of our community.

The City of Council Bluffs has so much to be proud of with the River's Edge Development, the redevelopment of W. Broadway, the continued improvements to the 100-Block and the momentum at the Entertainment District with the opening of the Iowa West Fieldhouse and the Courtyard by Marriott. While the Entertainment District's momentum is strong with great anchors such as the Horseshoe Casino and Bass Pro Shops, we still need to create a destination environment for citizens and visitors alike and that's where Fundamental can play a significant role.

The City of Council Bluffs is currently without a micro-brewery and it is my opinion that Fundamental will not only thrive in the Entertainment District but their location will be a destination location that will launch a renewed awareness for the district that will generate other retail and service providers to stand up and take notice. With that said, I respectfully request that you support the text amendment that will allow Fundamental to open and operate their micro-brewery in the Entertainment District.

Thank you for allowing Advance Southwest Iowa Corporation to express our support for the Fundamental Brewing Company's project. Advance thanks the Planning Commission for their commitment to growing the city and we look forward to being able to further promote the Entertainment District as a destination location. Please feel free to contact me directly at (402) 960-8505 should you have any questions regarding the content of this letter.

Regards,

Paula D. Hazlewood

Paula D. Hazlewood
Executive Director
Advance Southwest Iowa Corporation

ATTACHMENT J