



**Study Session Agenda
City of Council Bluffs, Iowa
August 22, 2022, 3:45 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

STUDY SESSION AGENDA

- A. Mark Eckman - CVB Annual Report
- B. Drew Kemp - Chamber Workforce Program
- C. Tim Carmody - Radio System Project Update
- D. Review Agenda
- E. 100 Block Landscaping



**Council Agenda, City of Council Bluffs, Iowa
Regular Meeting August 22, 2022, 7:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

AGENDA

REVISED: 08/18/2022 at 9:30 am to add Resolution 22-215

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

A. Approval of Agenda and tape recordings of these proceedings to be incorporated into the official minutes.

B. Reading, correction and approval of the August 8, 2022 City Council Meeting Minutes.

C. Ordinance 6515

Ordinance to amend Chapter 13.27, Uniform Swimming Pool, Spa, and Hot Tub Code and setting a public hearing for September 12, 2022 at 7:00 p.m., by retitling the chapter to International Swimming Pool and Spa Code, and by amending Section 13.27.010 "Adoption", by retitling and amending Section 13.27.015 "USPSHTC Chapter 1 Deleted-Administration"; by repealing and replacing Section 13.27.020 "Deleted Section 101.3-Scope"; Section 13.27.030 "Deleted Section 106.0-Violation And Penalties"; Section 13.27.040 "Deleted Section 118.0-Board Of Appeals Membership"; and by repealing Section 13.27.050 "Chapter 5 Deleted-Fuel Gas Piping".

D. Ordinance 6516

Ordinance to amend Chapter 13.23, Existing Building Code and setting a public hearing for September 12, 2022 at 7:00 p.m. by amending Section 13.23.010 "Adoption" and by enacting a new Section 13.23.020 "Administrative Provisions".

E. Ordinance 6517

Ordinance to amend Chapter 15.03, Zoning Definitions of the Municipal Code (Zoning Ordinance) and setting a Public Hearing for September 12, 2022 at 7:00 p.m. by amending Section 15.03.230 "Dwelling, Single-Family Detached"; Section 15.03.457 "Manufactured Home" and 15.03.486 "Modular Home". ZT-22-006

- F. Ordinances 6518, 6519, 6520, 6521 and 6522
Ordinances to amend sections of the municipal code within Title 15 (Zoning Ordinance) and setting a Public Hearing for September 12, 2022 at 7:00 p.m. to amend the code as follows: enact Section 15.03.048b, Automobile Sales and Rental, Indoor, to add and define the term 'indoor automobile sales and rental'; amend Section 15.15.030, Conditional Uses, and Section 15.18.030, Conditional Uses, to allow 'indoor automobile sales and rental' as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, Principal Uses, and Section 15.21.020, Principal Uses, to allow 'indoor automobile sales and rental' as principal uses in the I-1 and I-2 Districts. ZT-22-005
- G. Resolution 22-206
Resolution setting a public hearing for September 12, 2022 at 7:00 p.m., on the plans, specifications, form of contract, and cost estimate for the 21st Avenue Improvements. Project # CD23-03A
- H. Resolution 22-207
Resolution accepting the work of Carley Construction, LLC, for the Recycling Center Entrance Drainage and Paving Project Phase I B. Project # 2021-169
- I. Resolution 22-208
Resolution setting a public hearing for September 12, 2022 at 7:00 p.m. for the N. 28th Street Storm Sewer Rehab, Phase III. Project # PW23-11
- J. Claims

4. PUBLIC HEARINGS

- A. Resolution 22-198 (Continued from 8-8-22)
Resolution authorizing the disposal of a property right by entering into a five-year leasehold agreement for outdoor dining with Juon Investments LLC d/b/a Glory Days Sports Bar.

5. RESOLUTIONS

- A. Resolution 22-209
Resolution to award contract to Bluffs Paving and Utilities Co. Inc. for the Eastern Hills Trail Stop Park Parking Lot, Project R23-15
- B. Resolution 22-210
Resolution to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), specifically by updating Chapter 7-Parks, Recreation and Natural Features.

C. Resolutions 22-211 and 22-212

Resolution 22-211 approving the Request for Proposals for six lots (approximately 4.91 acres of land) in the Playland Park (River's Edge) Neighborhood.

Resolution 22-212 approving the minimum development requirements, competitive criteria, and procedures for disposition of certain property located within the Playland Park Urban Renewal Area; soliciting proposals in accordance with the request for proposals; and setting the date of the public hearing on the intent to accept specific proposals for October 24, 2022.

D. Resolution 22-213

Resolution approving the use of 2020 Community Development Block Grant COVID-19 funds and directing the mayor to submit the 2019 Amendment 4 to the Annual Action Plan to the City of Omaha and the US Department of Housing and Urban Development (HUD).

E. Resolution 22-214

Resolution to adopt the current Schedule of Fees for 2022, Version 3, dated August 22, 2022.

F. Resolution 22-215

Resolution authorizing the Mayor to make an annual allocation of \$100,000 to the Historic General Dodge House.

6. APPLICATIONS FOR PERMITS AND CANCELLATIONS

A. Liquor Licenses

1. Applebee's Neighborhood Bar & Grill, 3000 Dial Drive
2. D&S Xpress, 1220 N 25th Street
3. D&S Xpress, 2924 North Broadway
4. Horseshoe Casino, 2701 23rd Avenue
5. Huhot Mongolian Grill, 3120 Manawa Centre Drive
6. Hy-Vee Fast and Fresh #1, 21 S 25th Street
7. Mega Saver, 3607 9th Avenue
8. Quaker Steak and Lube, 3320 Mid America Drive
9. Maloney's CB (NEW), 162 W Broadway

B. Fireworks

7. OTHER BUSINESS

8. CITIZENS REQUEST TO BE HEARD

9. ADJOURNMENT

DISCLAIMER:

If you plan on attending this meeting and require assistance please notify the City Clerk's office at (712) 890-5261, by 5:00 p.m., three days prior to the meeting.



City Council Meeting Minutes August 8, 2022

CALL TO ORDER

Mayor Walsh called the meeting to order at 7:00 p.m. on Monday August 8, 2022.

Council Members present: Joe Disalvo, Steve Gorman, Chad Hannan and Roger Sandau.

Council Members absent: Chris Peterson

Staff present: Brandon Garrett, Jodi Quakenbush and Richard Wade.

CONSENT AGENDA

Approval of Agenda and tape recordings of these proceedings to be incorporated into the official minutes.

Reading, correction and approval of the July 25, 2022 City Council Meeting Minutes.

Resolution 22-196

Resolution to accept work and release remaining funds for the City Wide Parking Lot Project - Pirate Cove Water Park and Big Lake Park, South Parking Lots, Project R22-01 by authorizing the finance director to issue a city check in the amount of \$11,169.32.

Resolution 22-197

Resolution of necessity and intent and setting a Public Hearing for September 12, 2022 at 7:00 p.m. to amend the South Pointe Urban Revitalization Area. Location: Properties addressed as 2101 42nd Avenue, 2601 Veterans Memorial Highway, 4220, 4325, 4441, and 4500 Gifford Road, and undeveloped land lying amid and west of said addresses. URV-22-007

Voluntary Settlement Notice by Pottawattamie County (R&F), May 2022
Financial Reports and Claims

Chad Hannan and Joe Disalvo moved and seconded approval of Consent Agenda. Unanimous, 4-0 vote. (Absent: Peterson)

PUBLIC HEARINGS

Resolution 22-198

Resolution authorizing the disposal of a property right by entering into a five-year leasehold agreement for outdoor dining with Juon Investments LLC d/b/a Glory Days Sports Bar.

Roger Sandau and Joe Disalvo moved and seconded approval of Motion to continue Resolution 22-198 to August 22, 2022. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-199

Resolution granting final plat approval for a four-lot subdivision to be known as Black Squirrel Flats Subdivision, legally described as being a replat of part of Brown's Subdivision, more specifically described in the Council packet. Location: 1115 S. 35th Street, 1207 S. 35th Street, 3401 12th Avenue, and the undeveloped property located at the northwest corner of S. 34th Street and 12th Avenue. SUB-22-008

Chad Hannan and Steve Gorman moved and seconded approval of Resolution 22-199. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-200

Resolution to release a permanent and perpetual utility easement over the previously vacated 12th Avenue right-of-way lying between South 34th and South 35th Streets, more specifically described in the Council packet. MIS-22-004

Chad Hannan and Steve Gorman moved and seconded approval of Resolution 22-200. Unanimous, 4-0 vote. (Absent: Peterson)

RESOLUTIONS

Resolution 22-201

Resolution to accept property donated by Andersen Construction Company, legally described as: part of the Northeast quarter of the Northeast quarter of Section 15, Township 74 North, Range 44 West more specially described in the Council Packet, said property is subject to any and all easements of record.

Chad Hannan and Steve Gorman moved and seconded approval of Resolution 22-201. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-202

Resolution authorizing the Mayor to execute IDOT Agreement No. 4-22-HBP-012 for a City Highway Bridge Program project for the Benton Street Bridge over Indian Creek, IDOT Project No. BROS-1642(687)--8J-78.

Steve Gorman and Joe Disalvo moved and seconded approval of Resolution 22-202. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-203

Resolution accepting the bid of Carley Construction, LLC for the Trail Ridge Street Reconstruction. Project # PW23-12

Chad Hannan and Steve Gorman moved and seconded approval of Resolution 22-203. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-204

Resolution accepting the bid of Waste Connections and authorizing the Mayor to execute a contract between the City of Council Bluffs and Waste Connections for the Council Bluffs Solid Waste Collections Contract.

Roger Sandau and Steve Gorman moved and seconded approval of Resolution 22-204. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-205

Resolution authorizing the City IT department to purchase new Enterprise Permitting & Licensing software to automate, connect, and streamline permits and inspections processes for the sum of \$350,756 from Tyler Technologies.

Joe Disalvo and Steve Gorman moved and seconded approval of Resolution 22-205. Unanimous, 4-0 vote. (Absent: Peterson)

APPLICATIONS FOR PERMITS AND CANCELLATIONS

Liquor Licenses; 1) CB Quick Stop, 3500 Avenue A; 2) Council Bluffs TravelCenter, 3210 S 7th Street; 3) Kwik Shop #595, 1749 W Broadway; 4) La Mesa Mexican Restaurant, 3036 S Expressway; 5) Lipstix, 1501 N 16th Street; 6) Quaker Steak and Lube, 3320 Mid America Drive; 7) Sams Club #6472, 3221 Manawa Centre Drive; 8) Super Quik Stop, 2800 Twin City Drive, Ste 10

Roger Sandau and Joe Disalvo moved and seconded approval of Applications for permits and cancellations, Liquors Licenses 6A 1-8. Unanimous, 4-0 vote. (Absent: Peterson)

CITIZENS REQUEST TO BE HEARD

Heard from Don Angeroth, 10 Stubblefield Drive, regarding recently approved vacancy ordinance.

ADJOURNMENT

Mayor Walsh adjourned the meeting at 7:24 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk

Council Communication

Department: Legal
Case/Project No.:
Submitted by: Legal on behalf of
Jim Sherman in Bldg.

Ordinance 6515
ITEM 3.C.

Council Action: 8/22/2022

Description

Ordinance to amend Chapter 13.27, Uniform Swimming Pool, Spa, and Hot Tub Code and setting a public hearing for September 12, 2022 at 7:00 p.m., by retitling the chapter to International Swimming Pool and Spa Code, and by amending Section 13.27.010 "Adoption", by retitling and amending Section 13.27.015 "USPSHTC Chapter 1 Deleted-Administration"; by repealing and replacing Section 13.27.020 "Deleted Section 101.3-Scope"; Section 13.27.030 "Deleted Section 106.0-Violation And Penalties"; Section 13.27.040 "Deleted Section 118.0-Board Of Appeals Membership"; and by repealing Section 13.27.050 "Chapter 5 Deleted-Fuel Gas Piping".

Background/Discussion

The standard used for pool installation and construction has been the Uniform Swimming Pool and Spa code, the 2009 edition. While this document is sufficient for the actual plumbing systems related to pools the Uniform Swimming Pool Code does not address all the ancillary areas related to pool installation including the safety features associated to pool construction whereas the 2018 International Pool Code addresses plumbing along with all the safety features. With concerns over the lack of addressing these safety areas the 2018 International Swimming Pool and Spa Code is proposed to replace the previous 2009 Uniform Swimming Pool Code as the standard used for pool installation and construction. The following are new areas the 2018 International Code will address:

1. Safety barriers around pools are now defined in depth including height and how the barriers are installed. With this, automatic pool covers for in-ground swimming pools will now be permitted in place of a vertical barrier.
2. When the occupied structure is used as part of the barrier to the pool, any opening from the structure into the pool area will have an alarm to signal when the door or window is opened.
3. Suction entrapment is now covered with the 2018 International Swimming Code.
4. The ability to have safety handholds along the pool edge is now addressed.
5. Equipment associated with the pool is now addressed such as filters, pumps, diving boards and steps.
6. A section of the 2018 International Swimming Code now addresses above ground pools with how entry to the above ground pool is achieved safely.

There are other safety elements along with the basic pool plumbing systems addressed with the new 2018 International Swimming Pool and Spa Code that will not only assist the public when installing pools but provide Staff with a more concise document to use.

Recommendation

Approval is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance-red line version	Other	8/9/2022
Public Hearing Notice	Notice	8/9/2022
Ordinance 6515	Ordinance	8/16/2022

Chapter 13.27 - ~~UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE~~
INTERNATIONAL SWIMMING POOL AND SPA CODE

13.27.010 Adoption

13.27.015 USPSHTC Chapter 1 Deleted - Administration

13.27.020 Deleted Section 101.3 - Scope

13.27.030 Deleted Section 106.0 - Violation And Penalties

13.27.040 Deleted Section 118.0 - Board Of Appeals Membership

13.27.050 Chapter 5 Deleted - Fuel Gas Piping

13.27.010 Adoption

That a certain document being marked and designated as the "~~Uniform Swimming Pool, Spa, and Hot Tub Code~~", 2009 "International Swimming Pool and Spa Code", 2018 edition, as approved and published by the International Code Council, as adopted as the International Swimming Pool and Spa Code, also known as the ~~ISPSC International Association of Plumbing and Mechanical Officials of Ontario, CA, including the recognized code Referenced Standards contained in USPSHTC Chapter 6 all as modified or amended therein; be and the same are adopted as the Uniform Swimming Pool, Spa, and Hot Tub Code~~ of the city of Council Bluffs, Iowa, one copy of which is on file in the office of the building official of Council Bluffs.

This adopted code regulates and governs the erection, installation, alteration, repair, relocation, replacement, addition to, use, and maintenance of swimming pool, spa, and hot tub systems within this jurisdiction.

Each and all of these regulations, provisions, penalties, conditions and terms of this swimming pool, and spa ~~code and hot tub code~~ are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, along with certain additions, insertions, deletions, and changes.

(Ord. 5583 § 1 (part), 2001; Ord. No. 6107, § 1, 11-8-2010)

13.27.015 USPSHTC ISPSC Chapter 1 Deleted - Administration

~~USPSHTC ISPSC Chapter 1 shall be deleted in its entirety and be replaced by CBMC 13.01.~~

(Ord. No. 6107, § 2, 11-8-2010)

13.27.020 Deleted Section 101.3 -- Scope 13.27.020 Water Service and Drainage

~~USPSHTC Section 101.3 is to be deleted in its entirety and be replaced by CBMC 13.01. ISPSC Section 302.2 Piping and fittings used for water service, makeup and drainage piping for pools and spas shall comply with the adopted plumbing code. Fittings shall be approved for installation with the piping installed.~~

(Ord. 5583 § 1 (part), 2001; Ord. No. 6107, § 2, 11-8-2010)

13.27.030 Deleted Section 106.0 -- Violation And Penalties 13.27.030 Backflow Protection

~~USPSHTC Section 106.0 is to be deleted in its entirety and be replaced by CBMC 13.01. Section 302.5. Water supplies for pools and spas shall be protected against backflow in accordance with the adopted plumbing code.~~

(Ord. 5583 § 1 (part), 2001; Ord. No. 6107, § 1, 11-8-2010)

13.27.040 Deleted Section 118.0 -- Board Of Appeals Membership 13.27.040 Wastewater Discharge

~~USPSHTC Section 118.0 is to be deleted in its entirety and be replaced by CBMC 13.01. Section 302.6. Where wastewater from pools or spas, such as backwash water from filters and water from deck drains discharge to a building drainage system, the connection shall be through an air gap in accordance with the adopted code. Discharge for in-ground pools to the yard or public way must be through a minimum 3” discharge line.~~

(Ord. 5583 § 1 (part), 2001; Ord. No. 6107, § 1, 11-8-2010)

~~**13.27.050 Chapter 5 Deleted – Fuel Gas Piping**~~

~~For fuel gas piping, see the requirements sets out in CBMC 13.12, Plumbing Code.~~

(Ord. 5583 § 1 (part), 2001)

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on ordinances amending Title 13-Building and Construction of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Chapter 13.27 “Uniform Swimming Pool, Spa, and Hot Tub Code”.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 22nd day of August, 2022, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush

City Clerk

ORDINANCE NO. 6515

AN ORDINANCE TO AMEND CHAPTER 13.27, UNIFORM SWIMMING POOL, SPA, AND HOT TUB CODE OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY RETITLING THE CHAPTER TO INTERNATIONAL SWIMMING POOL AND SPA CODE, AND BY AMENDING SECTION 13.27.010 “ADOPTION”; BY RETITLING AND AMENDING SECTION 13.27.015 “USPSHTC CHAPTER 1 DELETED-ADMINISTRATION”; BY REPEALING AND REPLACING SECTION 13.27.020 “DELETED SECTION 101.3-SCOPE”; SECTION 13.27.030 “DELETED SECTION 106.0-VIOLATION AND PENALTIES”; SECTION 13.27.040 “DELETED SECTION 118.0-BOARD OF APPEALS-MEMBERSHIP”; AND BY REPEALING SECTION 13.27.050 “CHAPTER 5 DELETED-FUEL GAS PIPING”.

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

SECTION 1. That Chapter 13.27, Uniform Swimming Pool, Spa, and Hot Tub Code of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby retitled to International Swimming Pool and Spa Code and is amended to read as follows:

Chapter 13.27 - INTERNATIONAL SWIMMING POOL AND SPA CODE

- 13.27.010 Adoption
- 13.27.015 ISPSC Chapter 1 Deleted - Administration
- 13.27.020 Water Service and Drainage
- 13.27.030 Backflow Protection
- 13.27.040 Wastewater Discharge

13.27.010 Adoption

That a certain document being marked and designated as the “International Swimming Pool and Spa Code”, 2018 Edition, as approved and published by the International Code Council, as adopted as the International Swimming Pool and Spa Code, also known as the ISPSC of the City of Council Bluffs, Iowa, one copy of which is on file in the office of the building official of Council Bluffs.

This adopted code regulates and governs the erection, installation, alteration, repair, relocation, replacement, addition to, use, and maintenance of swimming pool, spa, and hot tub systems within this jurisdiction.

Each and all of these regulations, provisions, penalties, conditions and terms of this swimming pool, and spa code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, along with certain additions, insertions, deletions, and changes.

(Ord. 5583 § 1 (part), 2001; Ord. No. 6107, § 1, 11-8-2010)

13.27.015 ISPSC Chapter 1 Deleted - Administration

ISPSC Chapter 1 shall be deleted in its entirety and be replaced by CBMC 13.01.

(Ord. No. 6107, § 2, 11-8-2010)

13.27.020 Water Service and Drainage

ISPSC Section 302.2 Piping and fittings used for water service, makeup and drainage piping for pools and spas shall comply with the adopted plumbing code. Fittings shall be approved for installation with the piping installed.

(Ord. 5583 § 1 (part), 2001; Ord. No. 6107, § 2, 11-8-2010)

13.27.030 Backflow Protection

Section 302.5. Water supplies for pools and spas shall be protected against backflow in accordance with the adopted plumbing code.

(Ord. 5583 § 1 (part), 2001; Ord. No. 6107, § 1, 11-8-2010)

13.27.040 Wastewater Discharge

Section 302.6. Where wastewater from pools or spas, such as backwash water from filters and water from deck drains discharge to a building drainage system, the connection shall be through an air gap in accordance with the adopted code. Discharge for in-ground pools to the yard or public way must be through a minimum 3” discharge line.

(Ord. 5583 § 1 (part), 2001; Ord. No. 6107, § 1, 11-8-2010)

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
APPROVED

September 12, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 8-22-22
Second Consideration: 9-12-22
Public Hearing: 9-12-22
Third Consideration: _____

Council Communication

Department: Legal
Case/Project No.:
Submitted by: Legal on behalf of
Jim Sherman in Bldg.

Ordinance 6516
ITEM 3.D.

Council Action: 8/22/2022

Description

Ordinance to amend Chapter 13.23, Existing Building Code and setting a public hearing for September 12, 2022 at 7:00 p.m. by amending Section 13.23.010 "Adoption" and by enacting a new Section 13.23.020 "Administrative Provisions".

Background/Discussion

Staff is in the process of updating all the adopted codes related to building construction. As part of the code review, staff has analyzed the Existing Building Code and recommends updating the present adopted edition to the 2018 Existing Building Code.

Recommendation

Approval is recommended.

ATTACHMENTS:

Description	Type	Upload Date
Ordinance-red line version	Other	8/12/2022
Public Hearing Notice	Notice	8/12/2022
Ordinance 6516	Ordinance	8/16/2022

13.23.010 Adoption

The International Existing Building Code, 2018 Edition, be and is hereby adopted as the Building Code of the City of Council Bluffs, which is on file and open for inspection by the public in the office of the building official of the City of Council Bluffs.

(Ord. No. 6110, §§ 1, 2, 11-22-2010)

13.23.020 Administrative Provisions

The administrative provisions for this existing building code shall be as provided for in CBMC 13.01.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on ordinances amending Title 13-Building and Construction of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Chapter 13.23 “Existing Building Code”.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 22nd day of August, 2022, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush

City Clerk

ORDINANCE NO. 6516

AN ORDINANCE TO AMEND CHAPTER 13.23, EXISTING BUILDING CODE OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 13.23.010 “ADOPTION” AND BY ENACTING A NEW SECTION 13.23.020 “ADMINISTRATIVE PROVISIONS”.

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

SECTION 1. That Chapter 13.23, Existing Building Code of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended to read as follows:

13.23.010 Adoption

The International Existing Building Code, 2018 Edition, be and is hereby adopted as the Building Code of the City of Council Bluffs, which is on file and open for inspection by the public in the office of the building official of the City of Council Bluffs.

(Ord. No. 6110, §§ 1, 2, 11-22-2010)

13.23.020 Administrative Provisions

The administrative provisions for this existing building code shall be as provided for in CBMC 13.01.

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
APPROVED

September 12, 2022.

MATTHEW J. WALSH

Mayor

Attest: _____

JODI QUAKENBUSH

City Clerk

First Consideration: 8-22-22

Second Consideration: 9-12-22

Public Hearing: 9-12-22

Third Consideration: _____

Council Communication

Department: Community
Development
Case/Project No.: ZT-22-006
Submitted by: Moises Monrroy,
Planner, and Haley Weber, Planner,
Community Development
Department

Ordinance 6517
ITEM 3.E.

Council Action: 8/22/2022

Description

Ordinance to amend Chapter 15.03, Zoning Definitions of the Municipal Code (Zoning Ordinance) and setting a Public Hearing for September 12, 2022 at 7:00 p.m. by amending Section 15.03.230 “Dwelling, Single-Family Detached”; Section 15.03.457 “Manufactured Home” and 15.03.486 “Modular Home”. ZT-22-006

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	8/12/2022
Attachment A: Proposed Chapter 15.03, Zoning Definitions	Code Section	8/12/2022
Public Hearing Notice	Notice	8/12/2022
Ordinance 6517	Ordinance	8/16/2022

City Council Communication

Department: Community Development CASE #ZT-22-006 Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	<u>City Council</u> 1 st Consideration: 8/22/22 2 nd Consideration: 9/12/22 3 rd Consideration: 9/26/22 Planning Commission: 8/9/2022
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Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend the definitions stated in Sections 15.03.230, *Dwelling, Single-Family Detached*, 15.03.457, *Manufactured Home*, and 15.03.486, *Modular Home*, of the Council Bluffs Municipal Code (Zoning Ordinance).

Background

The Community Development Department is requesting to amend Chapter 15.03, *Zoning Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance) as follows:

1. Amend Section 15.03.230 by updating the definition of ‘dwelling, single-family detached’:
 - a. **Single-family detached dwelling:** *A building containing only one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is not attached to any other dwelling unit. A single-family detached dwelling can either be built on-site, a manufactured home, as defined in CMBC Section 15.03.457, or a modular home, as defined in CMBC Section 15.03.486. Mobile homes, recreational vehicles, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing shall not be included in this definition. All single-family detached dwellings shall include at least one kitchen and one bathroom;*
2. Amend Section 15.03.457 by updating the definition of ‘manufactured home’:
 - a. **Manufactured home:** *A factory-built structure containing one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is required by federal law to display a seal from the U.S. Department of Housing and Urban Development. A manufactured home must have been constructed on or after June 15, 1976. A manufactured home shall be considered the same as any site-built single-family detached dwelling.*
3. Amend Section 15.03.486 by updating the definition of ‘modular home’:
 - a. **Modular home:** *A factory-built structure containing one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is manufactured or constructed to comply with the Iowa State Building Code for Modular Factory-Built Structures, and must display the seal issued by the State Building Code Commissioner. A modular home shall be considered the same as any site-built single-family detached dwelling.*

A recent public inquiry to set a manufactured home on an undeveloped parcel of land zoned R-2/Two-Family Residential District has prompted the proposed text amendments. The City of Council Bluffs recently updated the definition of ‘dwelling, single-family detached’ to eliminate the minimum width and area requirements for detached single-family homes (see Ordinance No. 6481). This update, which was intended to facilitate infill residential development, has had made it unclear whether manufactured and modular homes are allowed outside of the R-1M/Single-Family Manufactured Housing District. In the past, the City has allowed manufactured and modular homes in single-family areas as a ‘dwelling, single-family detached’ provided the minimum width and

requirements were met. Without any minimum size requirements, such interpretation is no longer possible. The purpose of this request is to provide clarity relative to manufactured and modular homes in single-family residential areas, and eliminate any nonconformities created due to the recent update to the definition of ‘dwelling, single-family detached.’

All City Departments and local utilities were notified of the proposed text amendments. No adverse comments have been received.

Discussion

1. The proposed text amendments are intended to provide clarity relative to manufactured and modular homes in single-family residential areas. As stated above, manufactured and modular homes have historically been allowed in single-family residential areas based on the previous definition of ‘dwelling, single-family detached.’ Prohibiting manufactured and modular homes in these areas was not the intended purpose of the recent text amendment. The Community Development Department supports allowing manufactured and modular homes in single-family residential areas as an affordable housing option for potential homeowners as house prices continue to increase.
2. All manufactured and modular homes in single-family residential areas shall be subject to the building code requirements applicable to detached single-family dwellings. This would require all manufactured and modular homes to be set on a permanent masonry foundation in the same manner as any other detached single-family dwelling.
3. A mobile home would not be allowed in single-family residential areas if the proposed text amendments are approved as it is not considered a manufactured or modular home. As per Section 15.03.470, *Mobile Home*, of the Council Bluffs Municipal Code (Zoning Ordinance), a mobile home is “any vehicle without motive power... to be used as a place for human habitation by one or more persons... [and] was not built to mandatory building code, contains no state or federal seals, and was built before June 15, 1976.” As opposed to mobile homes, manufactured and modular homes must comply with all applicable local building code requirements, and must display a seal from the respective authority (i.e. a seal issued from the U.S. Department of Housing and Urban Development on manufactured homes, and a seal issued from the State of Iowa Building Code Commissioner on modular homes).
4. Proposed Section 15.03.230, *Dwelling, Single Family Detached*, would clarify that a single-family detached dwelling can either be built on-site, a manufactured home, or a modular home.
5. Proposed Section 15.03.457, *Manufactured Home*, would update the existing definition to state that a manufactured home shall be considered the same as any site-built single-family detached dwelling. The new definition would also clarify that a ‘manufactured home’ contains one dwelling unit.
6. Proposed Section 15.03.486, *Modular Home*, would similarly update the existing definition to state that a modular home shall be considered the same as any site-built single-family detached dwelling. The new definition would also clarify that a ‘modular home’ contains one dwelling unit.

Recommendation

The Community Development Department recommends approval of the request to amend the definitions stated in Sections 15.03.230, *Dwelling, Single-Family Detached*, 15.03.457, *Manufactured Home*, and 15.03.486, *Modular Home*, of the Council Bluffs Municipal Code (Zoning Ordinance), as shown in Attachment ‘A.’

Public Hearing

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. John Jerkovich, 535 W Broadway, Suite 100, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval to amend the definitions stated in Sections 15.03.230, Dwelling, Single-Family Detached, 15.03.457, Manufactured Home, and 15.03.486, Modular Home, of the Council Bluffs Municipal Code (Zoning Ordinance), as shown in Attachment 'A'.

VOTE: AYE – Bass, Halm, Knauss, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten.
NAY - None ABSTAIN - None ABSENT – Danielsen. VACANT – None. Motion: Carried.

Attachments

Attachment A: Proposed Chapter 15.03, Zoning Definitions, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Moises Monrroy, Planner, and Haley Weber, Planner, Community Development Department

Attachment 'A'

Chapter 15.03 – ZONING DEFINITIONS

15.03.230 Dwelling, Single-Family Detached

Single-family detached dwelling: A building containing only one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is not attached to any other dwelling unit. A single-family detached dwelling can either be built on-site, a manufactured home, as defined in CMBC Section 15.03.457, or a modular home, as defined in CMBC Section 15.03.486. Mobile homes, recreational vehicles, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing shall not be included in this definition. All single-family detached dwellings shall include at least one kitchen and one bathroom.

15.03.457 Manufactured Home

Manufactured home: A factory-built structure containing one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is required by federal law to display a seal from the U.S. Department of Housing and Urban Development. A manufactured home must have been constructed on or after June 15, 1976. A manufactured home shall be considered the same as any site-built single-family detached dwelling.

15.03.486 Modular Home

Modular home: A factory-built structure containing one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is manufactured or constructed to comply with the Iowa State Building Code for Modular Factory-Built Structures, and must display the seal issued by the State Building Code Commissioner. A modular home shall be considered the same as any site-built single-family detached dwelling.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend Chapter 15.03, Zoning Definitions, of the Council Bluffs Municipal Code (Zoning Ordinance) by amending Section 15.03.230 “Dwelling, Single-Family Detached”; Section 15.03.457 “Manufactured Home”; and Section 15.03486 “Modular Home”.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 12th day of September, 2022 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk

ORDINANCE NO. 6517

AN ORDINANCE TO AMEND CHAPTER 15.03, ZONING DEFINITIONS OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.03.230 “DWELLING, SINGLE-FAMILY DETACHED”; SECTION 15.03.457 “MANUFACTURED HOME” AND 15.03.486 “MODULAR HOME”.

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

SECTION 1. That Chapter 15.03 Zoning Definitions of the Municipal Code (Zoning Ordinance) of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.03.230, “Dwelling, Single-Family Detached”; Section 15.03.457, “Manufactured Home” and Section 15.03.486, “Modular Home” to read as follows:

15.03.230 Dwelling, Single-Family Detached

Single-family detached dwelling: A building containing only one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is not attached to any other dwelling unit. A single-family detached dwelling can either be built on-site, a manufactured home, as defined in CMBC Section 15.03.457, or a modular home, as defined in CMBC Section 15.03.486. Mobile homes, recreational vehicles, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing shall not be included in this definition. All single-family detached dwellings shall include at least one kitchen and one bathroom.

15.03.457 Manufactured Home

Manufactured home: A factory-built structure containing one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is required by federal law to display a seal from the U.S. Department of Housing and Urban Development. A manufactured home must have been constructed on or after June 15, 1976. A manufactured home shall be considered the same as any site-built single-family detached dwelling.

15.03.486 Modular Home

Modular home: A factory-built structure containing one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is manufactured or constructed to comply with the Iowa State Building Code for Modular Factory-Built Structures, and must display the seal issued by the State Building Code Commissioner. A modular home shall be considered the same as any site-built single-family detached dwelling.

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
APPROVED September 12, 2022.

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

First Consideration: 8-22-22
Second Consideration: 9-12-22
Public Hearing: 9-12-22
Third Consideration: _____

Council Communication

Department: Community

Development

Case/Project No.: ZT-22-005

Submitted by: Brandon Siracuse,
Planner

Ordinances 6518, 6519, 6520, 6521

and 6522

ITEM 3.F.

Council Action: 8/22/2022

Description

Ordinances to amend sections of the municipal code within Title 15 (Zoning Ordinance) and setting a Public Hearing for September 12, 2022 at 7:00 p.m. to amend the code as follows: enact Section 15.03.048b, Automobile Sales and Rental, Indoor, to add and define the term 'indoor automobile sales and rental'; amend Section 15.15.030, Conditional Uses, and Section 15.18.030, Conditional Uses, to allow 'indoor automobile sales and rental' as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, Principal Uses, and Section 15.21.020, Principal Uses, to allow 'indoor automobile sales and rental' as principal uses in the I-1 and I-2 Districts. ZT-22-005

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	8/12/2022
Attachment A: Proposed Chapter 15.03, Definitions	Code Section	8/12/2022
Attachment B: Proposed Chapter 15.15, C-2/Commercial District	Code Section	8/12/2022
Attachment C: Proposed Chapter 15.18, P-C/Planned Commercial District	Code Section	8/12/2022
Attachment D: Proposed Chapter 15.20, I-1/Light Industrial District	Code Section	8/12/2022
Attachment E: Proposed Chapter 15.21, I-2/General Industrial District	Code Section	8/12/2022
Public Hearing Notice	Notice	8/12/2022
Ordinance 6518	Ordinance	8/16/2022
Ordinance 6519	Ordinance	8/16/2022
Ordinance 6520	Ordinance	8/16/2022
Ordinance 6521	Ordinance	8/16/2022
Ordinance 6522	Ordinance	8/16/2022

City Council Communication

Department: Community Development Department CASE #ZT-22-005 Applicant: Community Development Department	Ordinance No. _____	<u>City Council</u> 1 st Consideration: 8/22/22 2 nd Consideration: 9/12/22 3 rd Consideration: 9/26/22 Planning Commission: 8/9/2022
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Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term ‘indoor automobile sales and rental’; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses*, to allow ‘indoor automobile sales and rental’ as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow ‘indoor automobile sales and rental’ as principal uses in the I-1 and I-2 Districts.

Background

Recently, the development community has expressed interest in utilizing land within the City’s P-C/Planned Commercial Districts for automobile sales and rental. The P-C District, however, is not intended to support large outdoor automobile sales lots associated with traditional automobile sales and rental facilities. Such large sales lots can detract from the integrity of the P-C Districts and reduce the visual quality and urban form of the City’s commercial centers. Indoor automobile sales and rental is a form of auto sales that has become more popular, particularly for specialized vehicle sales, and due to such facilities containing their merchandise indoors the impacts on surrounding land uses are more appropriate to the P-C District than large outdoor sales lots. As such, the Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code to define “indoor automobile sales and rental” separately from “automobile sales and rental”; to allow “indoor automobile sales and rental” as a conditional use in the P-C/Planned Commercial District and C-2/Commercial District; and to allow “indoor automobile sales and rental” as a principal use in the I-1/Light Industrial District and I-2/General Industrial District.

Automobile sales and rental is currently allowed as a conditional use in the C-2/Commercial District and as a principal use in the I-1/Light Industrial District and I-2/General Industrial District. Indoor automobile sales and rental would also be appropriate in such districts, and as such the Community Development Department proposes to also add “indoor automobile sales and rental” as a principal use in the C-2/Commercial District and as a principal use in the I-1 and I-2 Districts.

The following text amendments are proposed to enact a definition for ‘indoor automobile sales and rental,’ allow said use as a conditional use in the P-C and C-2 Districts, and allow said use as a principal use in the I-1 and I-2 Districts:

- Enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, by adding the following language:
Indoor automobile sales and rental: An automobile sales and rental establishment consisting only of premises on which fully operable noncommercial automobiles, light trucks, motorcycles, mopeds, golf carts, and similar motorized transportation vehicles are

displayed for sale or lease within a fully enclosed structure. Such use shall not include any outdoor inventory display or storage areas. No minimum size requirement shall apply to indoor automobile sales and rental uses.;

- Amend Section 15.15.030, Conditional Uses, of the C-2/Commercial District by adding “automobile sales and rental, indoor” as a conditional use;
- Amend Section 15.18.030, Conditional Uses, of the P-C/Planned Commercial District by adding “automobile sales and rental, indoor” as a conditional use;
- Amend Section 15.20.020, Principal Uses, of the I-1/Light Industrial District by adding “automobile sales and rental, indoor” as a principal use; and
- Amend Section 15.21.020, Principal Uses, of the I-2/General Industrial District by adding “automobile sales and rental, indoor” as a principal use.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments were received as of the date of this report.

The Community Development Department noted that “indoor automobile sales and rental” uses will be subject to parking regulations under Chapter 15.23, Off-Street Parking, Loading and Unloading. Customer parking shall be provided in the manner specified in this chapter.

Recommendation

The Community Development Department recommends approval of the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term ‘indoor automobile sales and rental’; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses*, to allow ‘indoor automobile sales and rental’ as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow ‘indoor automobile sales and rental’ as principal uses in the I-1 and I-2 Districts.

Public Hearing

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. John Jerkovich, 535 W Broadway, Suite 100, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval of the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term ‘indoor automobile sales and rental’; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses*, to allow ‘indoor automobile sales and rental’ as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow ‘indoor automobile sales and rental’ as principal uses in the I-1 and I-2 Districts.

VOTE: AYE – Bass, Halm, Knauss, Hutcheson, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten.
NAY - None ABSTAIN - None ABSENT – Danielsen. VACANT – None. Motion: Carried.

Attachments

Attachment A: Proposed Chapter 15.03, Definitions, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Proposed Chapter 15.15, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment C: Proposed Chapter 15.18, P-C/Planned Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment D: Proposed Chapter 15.20, I-1/Light Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment E: Proposed Chapter 15.21, I-2/General Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Brandon Siracuse, Planner, Community Development Department

Chapter 15.03 - ZONING DEFINITIONS

- 15.03.010 Definitions - Zoning
- 15.03.013 Abutting
- 15.03.015 Accessory Structure
- 15.03.020 Accessory Use
- 15.03.021 Adult Bookstore
- 15.03.022 Adult Mini Motion Picture Theater
- 15.03.023 Adult Motion Picture Theater
- 15.03.024 Adult Entertainment Activities
- 15.03.025 Agricultural Sales And Service
- 15.03.029 Alcoholic Beverages
- 15.03.030 Alley
- 15.03.033 Amusement Game Machine
- 15.03.034 Amusement Machine Complex
- 15.03.035 Animal Production
- 15.03.037 Animation
- 15.03.045 Artist-Body Painting Studio
- 15.03.046 Auction
- 15.03.046a Auction, Indoor
- 15.03.047 Automobile Repair, Major
- 15.03.048 Automobile Repair, Minor
- 15.03.048a Automobile Sales And Rental
- 15.03.048b Automobile Sales and Rental, Indoor
- 15.03.049 Automobile Service Establishment
- 15.03.050 Basement
- 15.03.055 Bed And Breakfast
- 15.03.060 Billboard
- 15.03.070 Board Of Adjustment
- 15.03.080 Boarding, Lodging, Rooming House Or Bed And Breakfast
- 15.03.090 Building
- 15.03.100 Building Code
- 15.03.110 Building Official
- 15.03.113 Business Service Establishment
- 15.03.114 Business, Professional Office
- 15.03.115 Carport
- 15.03.120 Cellar
- 15.03.125 Cemetery
- 15.03.126 Chemical Plant
- 15.03.130 City
- 15.03.140 City Clerk
- 15.03.150 City Council
- 15.03.155 City Planning Commission
- 15.03.155a Club Or Lodge
- 15.03.156 Commercial Recreation (Indoor)
- 15.03.157 Commercial Recreation (Outdoor)
- 15.03.158 Commercial Storage

15.03.159 Common Open Space
15.03.159a Communication Tower
15.03.160 Community Development Department
15.03.161 Community Development Director
15.03.163 Community Recreation Services
15.03.165 Comprehensive Plan
15.03.170 Conditional Use
15.03.170a Congregate Housing
15.03.171 Construction, Actual
15.03.171a Consumer Fireworks Sales
15.03.172 Consumer Service Establishment
15.03.172a Contractor Shop
15.03.172b Contractor Yard
15.03.173 Correctional Placement Residence
15.03.175 Cultural Service
15.03.176 Data Center
15.03.180 Day Care Services
15.03.185 Destruction
15.03.186 Detention Facility
15.03.188 Drive-In Services
15.03.190 Dwelling
15.03.210 Dwelling, Two-Family
15.03.220 Dwelling, Multifamily
15.03.230 Dwelling, Single-Family Detached
15.03.235 Dwelling, Single-Family Attached
15.03.236 Dwelling, Townhouse
15.03.237 Electric Utility Generation Facility
15.03.250 Emergency Shelter And Homeless Service Center
15.03.260 Employee
15.03.263 Enlarge
15.03.264 Equipment Repair
15.03.265 Equipment Sales And Rental
15.03.266 Extend
15.03.267 Extraction
15.03.271 Family Home
15.03.271a Fence, Electrical Security
15.03.272 Financial Service
15.03.273 Firing Range
15.03.280 Floodway
15.03.285 Funeral Service
15.03.290 Garage, Private
15.03.300 Garage, Public
15.03.302a Garden, Residential Household
15.03.302b Garden, Institutional/Organization Garden
15.03.302c Garden, Private Multiple-User Garden (Off-Premise)
15.03.303 General Government Use

15.03.305 Government Maintenance Facility
15.03.310 Grade (Ground Level)
15.03.312 Greenhouse Or Hoop House, Commercial
15.03.315 Gross Floor Area Ratio
15.03.320 Group Care Home
15.03.330 Height Of Building
15.03.335 Historic Preservation Commission
15.03.340 Home Occupation
15.03.345 Horticulture And Crop Production
15.03.350 Hospital
15.03.360 Hotel/Motel
15.03.362a Kennel, Commercial
15.03.362b Kennel, Noncommercial
15.03.363 Land-Lease Community
15.03.364 Life Care Facility
15.03.365 Local Utility Services
15.03.370 Lot
15.03.380 Lot Area
15.03.390 Lot, Corner
15.03.400 Lot Depth
15.03.410 Lot, Interior
15.03.420 Lot Line
15.03.430 Lot Line, Front
15.03.440 Lot Line, Rear
15.03.450 Lot Line, Side
15.03.455 Lot Of Record
15.03.456 Lot Width
15.03.457 Manufactured Home
15.03.460 Manufacturing, General
15.03.461 Manufacturing, Heavy
15.03.462 Manufacturing, Light
15.03.463 Marina
15.03.469 Mixed Commercial/Residential Structure
15.03.470 Mobile Home
15.03.480 Mobile Home Park
15.03.485 Modeling Studio
15.03.486 Modular Home
15.03.510 Nonconforming Structure
15.03.515 Nonconforming Use
15.03.520 Nursing Home
15.03.523 Occupant
15.03.526 Owner
15.03.528 Park And Recreation Services
15.03.529 Persons
15.03.530 Philanthropic Institution
15.03.570 Porch

15.03.575 Premises
15.03.580 Principal Or Main Use
15.03.582 Public Safety Services
15.03.584 Radio Signal
15.03.585 Recreational Vehicle
15.03.586 Recreational Vessel
15.03.587 Religious Assembly
15.03.590 Residential Hotels
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
15.03.680 Vision Clearance Area
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 - Zoning

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 § 1, 1995)

15.03.013 Abutting

Abutting: Having a common boundary for not less than five feet. Land areas separated by a public or private road, highway, street, alley or way, or by a waterway shall be construed as abutting herein.

(Ord. 4465 § 2, 1983)

15.03.015 Accessory Structure

Accessory structure: A structure which is incidental to and customarily associated with the principal use on the same lot. An accessory structure shall be subordinate in area, extent and purpose to the principal building.

(Ord. 5282 § 1, 1996)

15.03.020 Accessory Use

Accessory use: A use which is incidental to and customarily associated with the principal use on the same lot. An accessory use shall be subordinate in area, extent, and purpose to the principal use.

(Ord. 5282 § 2, 1996)

15.03.021 Adult Bookstore

Adult bookstore: An establishment that has a substantial or significant portion of its stock in trade in, or that has a segment or section devoted to the sale or display of, books, magazines or other periodicals, videos, tapes, holographs or holograms, sexually oriented paraphernalia, movies, games, materials, visual images or similar devices, along or in combination with each other, all or any of which are distinguished or characterized

by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities" as defined in CBMC 15.03.605 and CBMC 15.03.606, respectively.

(Ord. 4513 § 2, 1983)

15.03.022 Adult Mini Motion Picture Theater

Adult mini motion picture theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in CBMC 15.03.605 and CBMC 15.03.606, for observation by patrons therein.

(Ord. 4179 § 1 (part), 1976)

15.03.023 Adult Motion Picture Theater

Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in CBMC 15.03.605 and CBMC 15.03.606, for observation by patrons therein.

(Ord. 4179 § 1 (part), 1976)

15.03.024 Adult Entertainment Activities

Adult entertainment activities: Includes the following uses, activities or establishments:

1. Adult bookstores;
2. Adult mini-motion picture theaters;
3. Adult motion picture theaters;
4. Adult motion picture production;
5. Artist-body painting studios;
6. Escort services;
7. Live dancing or entertainment, such as go-go dancing, strip-tease acts and exotic dancing;
8. Modeling studios; and
9. Other kindred or related uses, activities or establishments.

(Ord. 5033 § 1, 1991)

15.03.025 Agricultural Sales And Service

Agricultural sales and service: An establishment engaged in the sale of feed, grain, fertilizers, pesticides and other similar goods.

(Ord. 5282 § 5, 1996)

15.03.029 Alcoholic Beverages

Alcoholic beverages: Any beverage which contains alcohol, liquor, spirits, beer or wine, and every other liquid or solid, patented or not, containing alcohol, liquor, spirits, beer or wine, and which is susceptible to being consumed by a human being for beverage purposes.

(Ord. 4695 § 1, 1986)

15.03.030 Alley

Alley: A narrow street, public or private, extending through a block and designed primarily for vehicular service access to the rear or side of property which otherwise abuts on another street.

(Ord. 3968 § 1 (part), 1972)

15.03.033 Amusement Game Machine

Amusement game machine: A coin-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin and may be operated by the public for use as a game, entertainment, or amusement, the object of which is to achieve either a high or low score, which, by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

(Ord. 4480 § 2, 1983)

15.03.034 Amusement Machine Complex

Amusement machine complex: A group of more than four amusement game machines or other amusement machines, in the same place, location, or premises.

(Ord. 4480 § 3, 1983)

15.03.035 Animal Production

Animal production: The raising of animals or production of animal products, such as eggs or dairy products. Typical uses include grazing, dairy farming and poultry farming. Animal production shall not mean the use of a site of more than five thousand (5,000) square feet as a commercial feedlot for the feeding of livestock or poultry.

(Ord. 5282 § 6, 1996)

15.03.037 Animation

Animation: The movement or the optical illusion of movement of any part of a sign structure, design or pictorial segment thereof, including the movement of any illumination or the flashing, scintillating or varying of light intensity. Animation shall include the automatic changing of all or any part of the facing of a sign, and shall include any sign or part thereof set in motion by movement of the atmosphere. However, animation shall not include time and temperature devices.

(Ord. 4482 § 1, 1983)

15.03.045 Artist-Body Painting Studio

Artist-body painting studio: An establishment or business which provides the services of applying paint or other substance whether transparent or nontransparent to or on the human body while the sexual or genital body parts of the artist or model are not covered by opaque clothing.

(Ord. 4232 § 1 (part), 1978)

15.03.046 Auction

Auction: An establishment, structure, business or location which hosts an auction activity more than three times in any one calendar year.

(Ord. 4534 § 1, 1983)

15.03.046a Auction, Indoor

Auction indoor: An establishment, structure, business or location which hosts an auction activity confined only to an indoor enclosed space more than three times in a calendar year. The use of the outdoor space for the sale or storage of items offered for sale is not permitted. The staging of up to four vehicles being sold at an auction is allowed so long as the staging of the vehicles does not utilize more than one percent of the available parking for the indoor auction and that the staging does not begin more than twenty-four (24) hours before the auction is to begin or continue more than twenty-four (24) hours after the auction has ended. If the business is in a zoning district where it is classified as a conditional use, the applicant must delineate in its conditional use application where the staging area will be located.

(Ord. No. 6142, § 2, 12-12-2011)

15.03.047 Automobile Repair, Major

Major automobile repair: The general repair, rebuilding, or reconditioning of engines and engine parts, collision service, body repair, frame straightening, painting, tire recapping and other similar activities, but excluding dismantling or salvage.

(Ord. 5369 § 1, 1998)

15.03.048 Automobile Repair, Minor

Minor automobile repair: The repair of automobiles and noncommercial trucks including the sale, installation and servicing of parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops and other similar activities, but excluding dismantling or salvage.

(Ord. 5369 § 2, 1998)

15.03.048a Automobile Sales And Rental

Establishment or place of business engaged in the storage and display for sale, lease or rental of more than two motor vehicles of any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten (10) or more sold, leased or rented during the course of a calendar year and where repair or body work is incidental to the operation of the new or used vehicle sales, leasing or rental. Automobile sales includes all motor vehicle retail sales, leasing or rental, including noncommercial trucks, vans, recreational vehicles, boats, motorcycles or other similar motorized transportation vehicles. The minimum lot area for such an establishment shall be twenty-five thousand (25,000) square feet, except that the minimum lot area shall be fifteen thousand (15,000) square feet for an establishment engaged solely in the sales of motorcycles, motor scooters, all-terrain vehicles and other similar vehicles.

(Ord. No. 6025, § 1, 2-23-2009; Ord. No. 6120, § 1, 1-24-2011)

15.03.048b Automobile Sales And Rental, Indoor

Indoor automobile sales and rental: An automobile sales and rental establishment consisting only of premises on which fully operable noncommercial automobiles, light trucks, motorcycles, mopeds, golf carts, and similar motorized transportation vehicles are displayed for sale or lease within a fully enclosed structure. Such use shall not include any outdoor inventory display or storage areas. No minimum size requirement shall apply to indoor automobile sales and rental uses.

15.03.049 Automobile Service Establishment

Automobile service establishment: An establishment or place of business engaged in the service of automobiles and related light equipment. Typical uses include minor automotive repair, car washes, service stations, automotive accessory sales and convenience grocery stores with retail gasoline sales.

(Ord. 5369 § 3, 1998)

15.03.050 Basement

Basement: That portion of a building between the floor and ceiling which is partly below and partly above (established) grade, so located, however, that the vertical distance from said grade to the floor below is less than the vertical distance from the grade to the ceiling.

(Ord. 3968 § 1 (part), 1972)

15.03.055 Bed And Breakfast

Bed and breakfast: A dwelling for which transient lodging is provided for roomers for compensation. The number of rooming units shall not exceed six. Rooming units shall not be used for cooking or eating of meals. Meals may be served to overnight guests and private groups by reservation only.

(Ord. 5185 § 1, 1994)

15.03.060 Billboard

Billboard: A structure especially constructed for the display and/or advertising of characters, posters and other materials attached to the surface of such structure and commonly referred to as a poster board together with such other structures of a similar nature on which the advertising or display is painted and which are commonly referred to as paint boards, the area of which is in excess of seventy-two (72) square feet. (See CBMC 3.53.050, Sign Code).

(Ord. 3968 § 1 (part), 1972)

15.03.070 Board Of Adjustment

Board of adjustment: The Board of Adjustment of the City of Council Bluffs, Iowa, as established by the Iowa Code and this title.

(Ord. 3968 § 1 (part), 1972)

15.03.080 Boarding, Lodging, Rooming House Or Bed And Breakfast

Boarding, lodging, rooming house, or bed and breakfast: A roominghouse as defined in CBMC 17.01.

(Ord. 5185 § 2, 1994)

15.03.090 Building

Building: Any structure used or intended for supporting or shelter any human use or occupancy.

(Ord. 5222 § 2, 1995)

15.03.100 Building Code

Building code: The current Uniform Building Code, as adopted by the City of Council Bluffs, Iowa.

(Ord. 3968 § 1 (part), 1972)

15.03.110 Building Official

Building official: The Chief Building Official of the City of Council Bluffs, Iowa.

(Ord. 3968 § 1 (part), 1972)

15.03.113 Business Service Establishment

Business service establishment: An establishment or place of business engaged in the sale, rental, repair of equipment, supplies and material or provision of services to office, professional and service establishments but excluding construction and farm equipment and adult entertainment activities. Typical uses include advertising and public relations firms, building maintenance services, commercial art and photography studios, collection and consumer credit reporting agencies, computer services and data processing, photo copying and reproduction services, office equipment and supply, production facilities for radio, television and motion pictures, medical and dental laboratories, and research and development laboratories.

(Ord. 5369 § 4, 1998)

15.03.114 Business, Professional Office

Business, professional office: Use of a site or premises for business, professional, or administrative offices. General offices are characterized by a low proportion of vehicle trips attributable to visitors or clients in relation to employees. Typical uses include real estate, insurance, state licensed medical professions, legal, architecture and engineering, accounting and other professional offices.

(Ord. 5303 § 2, 1996)

15.03.115 Carport

Carport: A partially enclosed accessory structure attached to the principal building, intended for and used for the parking of the vehicles of the occupants of the premises. A carport shall not be construed to be a porch.

(Ord. 4391 § 1, 1981)

15.03.120 Cellar

Cellar: That portion of a building between the floor and ceiling which is wholly or partly below (established) grade, and so located that the vertical distance from said grade to the floor below is equal to or greater than the vertical distance from said grade to the ceiling.

(Ord. 3968 § 1 (part), 1972)

15.03.125 Cemetery

Cemetery: Land used or intended to be used for the disposal and interment of deceased persons and dedicated for cemetery purposes. The term includes columbaria, crematories and mausoleums when operated in conjunction with and within the boundaries of such cemetery.

(Ord. 5222 § 3, 1995)

15.03.126 Chemical Plant

Chemical plant: A site that manufactures, or otherwise processes chemicals. The general objective of a chemical plant is to create new material by chemical or biological transformation and/or separation of materials from chemicals or chemical byproducts.

(Ord. 5956 § 1, 2007)

15.03.130 City

City: The City of Council Bluffs, Iowa.

(Ord. 3968 § 1 (part), 1972)

15.03.140 City Clerk

City clerk: The City Clerk of the City of Council Bluffs, Iowa.

(Ord. 3968 § 1 (part), 1972)

15.03.150 City Council

City council: The City Council of the City of Council Bluffs, Iowa.

(Ord. 3968 § 1 (part), 1972)

15.03.155 City Planning Commission

City planning commission: The Planning and Zoning Advisory Commission of the City of Council Bluffs, Iowa.

(Ord. 5222 § 4, 1995)

15.03.155a Club Or Lodge

Club or lodge: A use providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members. Typical uses include social clubs and fraternal organizations.

(Ord. 5457 § 2 (part), 1999)

15.03.156 Commercial Recreation (Indoor)

Commercial recreation (indoor): Businesses and organizations engaged in the provision of sports, entertainment, or recreation within an enclosed or screened building. Typical uses include bowling alleys, billiard parlors, skating rinks, amusement machine complex, racquetball, swimming, tennis and exercise/fitness centers.

(Ord. 5282 § 7, 1996)

15.03.157 Commercial Recreation (Outdoor)

Commercial recreation (outdoor): Businesses and organizations engaged in the provision of sports, entertainment, or recreation in an open or partially enclosed or screened facility. Typical uses include skating rinks, swimming pools, tennis, driving ranges, miniature golf and golf courses and the structures associated with its operation.

(Ord. 5282 § 8, 1996)

15.03.158 Commercial Storage

Commercial storage: Storage services primarily for personal items and household goods within enclosed storage areas having individual access but excluding use of areas as workshops, hobby shops, manufacturing, or commercial activities.

(Ord. 5303 § 3, 1996)

15.03.159 Common Open Space

Common open space: Undivided land in a subdivision or development which is jointly owned by all property owners of the subdivision or development, for the enjoyment and benefit of the owners and occupants of the individual building sites of said development.

(Ord. 5303 § 4, 1996)

15.03.159a Communication Tower

Communication tower: A structure principally intended to support transmitting and/or receiving antennas and accessory equipment related to communications.

(Ord. 5457 § 2 (part), 1999)

15.03.160 Community Development Department

Community development department: The community development and planning department of the City of Council Bluffs, Iowa.

(Ord. 5222 § 5, 1995)

15.03.161 Community Development Director

Community development director: The director of the community development department of the City of Council Bluffs, Iowa.

(Ord. 5222 § 6, 1995)

15.03.163 Community Recreation Services

Community recreation services: A recreational facility for use by residents and guests of a particular residential development, residential estates subdivision or planned unit development, including both indoor and outdoor facilities, which are located within or adjacent to such development.

(Ord. 5222 § 7, 1995)

15.03.165 Comprehensive Plan

Comprehensive plan: The adopted comprehensive or master land use plan of the City of Council Bluffs, Iowa.

(Ord. 5222 § 8, 1995)

15.03.170 Conditional Use

Conditional use: The use to which the land or property may be put which is one other than the outright main or principal use in existence or specifically designated therefor, as provided by this title.

(Ord. 3968 § 1 (part), 1972)

15.03.170a Congregate Housing

A residential facility for four or more persons with individual living/sleeping facilities and typically offering meal preparation, dining areas, laundry service, medication administration, housekeeping and common recreational, social and service facilities for the exclusive use of all residents, including resident staff personnel who occupy a room or unit in the facility.

(Ord. 5916 § 1, 2007)

15.03.171 Construction, Actual

Actual construction: The placing of construction materials in permanent position and fastened in a permanent manner, or, where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed actual construction, provided that work shall be carried on diligently.

(Ord. 4334 § 1, 1980)

15.03.171a Consumer Fireworks Sales

Consumer fireworks sales: The sale of first-class and second-class consumer fireworks as defined in Iowa Code § 727.2.

(Ord. No. 6331, § 1, 6-11-2018)

15.03.172 Consumer Service Establishment

Consumer service establishment: A store, shop or office providing personal, financial, professional, technical or repair service, and assistance or advice to individual customers, including but not limited to the following:

1. Accountants;
2. Appliance repair and rental;
3. Architects;
4. Arts and crafts studio;
5. Attorneys;
6. Banks, savings and loans, and credit unions;
7. Barber shops and beauty shops;

8. Dressmakers and tailors;
9. Insurance agencies;
10. Laundry and dry cleaning pick-up stations;
11. Loan offices;
12. Locksmiths;
13. Management consultants;
14. Medical office or clinic for people;
15. Musical instrument repair shop;
16. Pet shops;
17. Photographers' studios;
18. Print shop;
19. Real estate office;
20. Self-service automatic dry cleaning establishment of not more than ten (10) cleaning units;
21. Self-service automatic laundry of not more than thirty (30) washing units;
22. Shoe repair;
23. Taxidermist shops;
24. Travel agencies;
25. Upholstery shops; and
26. Watch repair.

"Consumer service establishment" shall not be construed or interpreted to include any adult entertainment activities.

(Ord. 4695 § 4, 1986)

15.03.172a Contractor Shop

Contractor shop: An establishment engaged in construction activities including office and/or shop facilities with no exterior storage of material and equipment. Typical uses include electrical, carpentry, heating and air conditioning and plumbing contractor shops.

(Ord. 5369 § 5 (part), 1998)

15.03.172b Contractor Yard

Contractor yard: An establishment engaged in construction activities including incidental exterior storage of building material and equipment related to the primary building trade.

(Ord. 5369 § 5 (part), 1998)

15.03.173 Correctional Placement Residence

Correctional placement residence: A residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of:

1. Probation, or
2. Work release while serving a sentence in a correctional institution, or
3. Assignment to the judicial district department of correctional services after receiving a deferred sentence.

(Ord. 4458 § 1, 1983)

15.03.175 Cultural Service

Cultural service: A library, museum, or similar registered nonprofit organization displaying, preserving and exhibiting objects of community or cultural interest.

(Ord. 5303 § 5, 1996)

15.03.176 Data Center

Data center: A facility, or facilities, that house digital electronic equipment for internet site hosting, electronic data storage and transfer, credit card and financial transaction processing, telecommunications, and other activities that support the electronic information-based economy.

(Ord. 5956 § 2, 2007)

15.03.180 Day Care Services

Day care services: A facility which receives for temporary care, six or more individuals during part of the twenty-four-hour day. The term includes nursery schools, preschools, day care centers for children or adults, and similar uses.

(Ord. 5222 § 10, 1995)

15.03.185 Destruction

Destruction: Damage to a structure to an extent of more than fifty (50) percent of the replacement cost of such structure at the time of destruction.

(Ord. 4334 § 2, 1980)

15.03.186 Detention Facility

Detention facility: A publicly operated facility which houses and cares for individuals legally confined and designed to isolate those individuals from the surrounding community.

(Ord. 5369 § 5 (part), 1998)

15.03.188 Drive-In Services

Drive-in services: Services which involve the sale of products or provision of services to occupants in vehicles.

(Ord. 4695 § 5, 1986)

15.03.190 Dwelling

Dwelling: A building or portion thereof which is designed and used for residential purposes.

(Ord. 5303 § 6, 1996)

15.03.210 Dwelling, Two-Family

Two-family dwelling: A detached building designed or constructed to contain two individual dwelling units.

(Ord. 5303 § 8, 1996)

15.03.220 Dwelling, Multifamily

Multifamily dwelling: A building containing three or more dwelling units, other than a townhouse.

(Ord. 5303 § 9, 1996)

HISTORY

Amended by Ord. [6481](#) on 2/28/2022

15.03.230 Dwelling, Single-Family Detached

Single-family detached dwelling: A building containing only one dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," that is not attached to any other dwelling unit and that is built on-site. Mobile homes, recreational vehicles, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing shall not be included in this definition. All detached single-family dwellings shall include at least one kitchen and one bathroom.

(Ord. 5303 § 10, 1996)

HISTORY

Amended by Ord. [6481](#) on 2/28/2022

15.03.235 Dwelling, Single-Family Attached

Single-family attached dwelling: A dwelling unit, as defined in CBMC Chapter 17.01 "Housing Definitions," which is located on one lot, is attached by a common vertical wall to only one other dwelling unit on an abutting lot, and is built on-site. Each dwelling unit shall include at least one kitchen and one bathroom.

(Ord. 5303 § 11, 1996)

HISTORY

Amended by Ord. [6481](#) on 2/28/2022

15.03.236 Dwelling, Townhouse

Townhouse dwelling: A series of attached single-family dwellings separated by exterior quality walls or a common wall between units as required by Council Bluffs Building Code, except that the minimum number of abutting dwelling units in any townhouse series shall be three. Each dwelling shall front wholly and directly on a public street, or upon a courtyard or way through which the owner of the townhouse dwelling unit has legally guaranteed ingress and egress to a public street.

(Ord. 5303 § 12, 1996)

HISTORY

Amended by Ord. [6481](#) on 2/28/2022

15.03.237 Electric Utility Generation Facility

Electric utility generation facility: A facility governed by the siting requirements of Iowa Code § 476, which generates electricity, together with associated ash ponds, coal piles and uses incidental to meet future environmental or endangered species requirements.

(Ord. 5956 § 3, 2007)

15.03.250 Emergency Shelter And Homeless Service Center

A facility managed by a public or non-profit agency providing emergency shelter for homeless individuals. This shall include other accessory uses, including transitional housing, meal sites with food preparation and other supportive services necessary to supervise, counsel and assist homeless and near homeless individuals.

(Ord. 5819 § 1, 2004)

15.03.260 Employee

Employee: A person employed by another or a firm, etc., for wages or salary.

(Ord. 3968 § 1 (part), 1972)

15.03.263 Enlarge

Enlarge: The acquisition or addition of land to the premises upon which is located an existing use or structure, the addition of floor space to an existing structure, or the addition of accessory uses and/or structures to a premises upon which is located an existing principal use or structure.

(Ord. 4334 § 3, 1980)

15.03.264 Equipment Repair

Equipment repair: The repair of trucks, semitrailers, tractors, construction equipment and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services.

(Ord. 5369 § 5 (part), 1998)

15.03.265 Equipment Sales And Rental

Equipment sales and rental: The sale or rental of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck dealerships and construction equipment dealers.

(Ord. 5369 § 5 (part), 1998)

15.03.266 Extend

Extend: The use of additional land within an existing parcel, or additional floorspace or floors within an existing structure for the principal or any accessory use thereof.

(Ord. 4334 § 4, 1980)

15.03.267 Extraction

Extraction: The extraction of sand, gravel, top soil or other natural material as a commercial operation exclusive of the process of grading a lot preparatory to development or construction of a building.

(Ord. 5282 § 9, 1996)

15.03.271 Family Home

A community-based residential home licensed:

1. As a residential care facility under Iowa Code Chapter 135C; or
2. As a child foster care facility under Iowa Chapter 237; or
3. As an elder family home under Iowa Code Chapter 231A; or
4. As an elder group home under Iowa Code Chapter 231B; or

5. As a residential care facility under Iowa Code Chapter 135C for not more than eight developmentally disabled persons and any necessary support personnel; or
6. As a child foster care facility licensed under Iowa Code Chapter 237 for not more than eight developmentally disabled children and any necessary support personnel; or
7. And designated under Iowa law as a 'family home'.
8. Family home does not mean an individual foster care home licensed under Iowa Code Chapter 237. A family home shall be a permitted use in all residential zoning districts; however, new family homes owned and operated by public or private agencies shall not be located within contiguous city block areas;
9. a residential home accredited and/or certified by the Iowa Department of Human Services, but not required to be licensed as a health care facility under Iowa Code 135C.6. The home shall provide care for not more than four individuals under a Home and Community Based Service (HCBS) waiver program for persons with mental retardation or other medical assistance programs provided for under Iowa Code Chapter 249A.

(Ord. 5222 § 16, 1995)

(Ord. No. 6039, § 1, 8-24-2009)

15.03.271a Fence, Electrical Security

Fence, electrical security: A fence that is designed to protect property from damage and theft.

(Ord. No. 6254, § 1, 1-11-2016)

15.03.272 Financial Service

Financial service: An establishment engaged in the receipt, exchange, loan, custody or issuance of money, extension of credit or facilitation of the transfer of funds to consumers or clients. Typical uses include banks, savings and loan associations, savings banks and credit unions.

(Ord. 5369 § 5 (part), 1998)

15.03.273 Firing Range

Firing range: A commercial establishment or use designed for the discharge of ordnance devices which throw a projectile.

(Ord. 5282 § 10, 1996)

15.03.280 Floodway

Floodway: The channel of a river or other watercourse and the adjacent land area which must be reserved in order to discharge the flows from a base flood without cumulatively increasing the water surface elevation more than one foot at any point. The designated floodway shall be based on those areas delineated on the flood boundary and floodway map issued by Federal Emergency Management Agency (FEMA).

(Ord. 5282 § 11, 1996)

15.03.285 Funeral Service

Funeral service: An establishment engaged in undertaking services such as preparing the human dead for burial, arranging funeral services and managing funerals. Typical uses include funeral homes or mortuaries.

(Ord. 5457 § 2 (part), 1999)

15.03.290 Garage, Private

Private garage: An enclosed accessory structure intended for and used for the parking of the vehicles of the occupants of the premises.

(Ord. 4392 § 1, 1981)

15.03.300 Garage, Public

Public garage: A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

(Ord. 3968 § 1 (part), 1972)

15.03.302a Garden, Residential Household

Residential household garden: The area of land managed and maintained on the primary premises by the inhabitants of a single-family, two family, or multi-family dwelling(s) to grow horticulture materials, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes and/or for the purpose of food production such as vegetables and fruits for personal use, consumption or donation. Areas for growing may include common open space managed and maintained by any or all occupants of the premises.

(Ord. No. 6153, § 1, 4-23-2012)

15.03.302b Garden, Institutional/Organization Garden

Institutional/organization garden: The area of land managed and maintained on an institution/organization's primary premises and accessory to principle institution/organization's customary mission/activities to grow horticulture materials, such

as flowers, shrubs, or trees intended for ornamental or landscaping purposes and food production such as vegetables and fruits for use, sale, consumption or donation by the institution or organization. Examples can include: places of religious assembly, philanthropic institutions, educational facilities, youth centers, community centers or other like premises.

(Ord. No. 6153, § 1, 4-23-2012)

15.03.302c Garden, Private Multiple-User Garden (Off-Premise)

Private multiple-user garden (off-premise): The area of land managed and maintained by a private individual or group/organization when not on the primary premises of the individual or group/organization to grow horticulture materials, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes and/or for food production such as vegetables and fruits for use, sale, consumption or donation by the individual or group/organization.

(Ord. No. 6153, § 1, 4-23-2012)

15.03.303 General Government Use

General government use: Facilities owned and operated by a public agency accommodating administrative offices, recreation and public assembly. Typical uses include community auditoriums, convention facilities, government offices and postal facilities.

(Ord. 5369 § 5 (part), 1998)

15.03.305 Government Maintenance Facility

Government maintenance facility: A storage, repair and maintenance facility for public works vehicles, materials and equipment.

(Ord. 5282 § 12, 1996)

15.03.310 Grade (Ground Level)

Grade (ground level): The average of the finished ground level at the center of all walls of the building. In case of parallel to and within five feet of a sidewalk, the ground level should be measured at the sidewalk.

(Ord. 3968 § 1 (part), 1972)

15.03.312 Greenhouse Or Hoop House, Commercial

Commercial greenhouse or commercial hoop house: An establishment engaged in the propagation and growth of plant material for gardening, landscaping and/or food production purposes, intended for wholesale or retail sale.

(Ord. 5369 § 5 (part), 1998)

(Ord. No. 6153, § 1, 4-23-2012)

15.03.315 Gross Floor Area Ratio

Gross floor area ratio: That ratio derived by dividing the gross floor area of a building or buildings on any zoning lot by the net lot area of such lot. When used in this title, the floor ratio multiplied by the lot area in question produces the maximum amount of gross floor area that may be constructed on such lot.

(Ord. 4481 § 1, 1983)

15.03.320 Group Care Home

Group care home: A boarding, lodging or rooming house operated by a nonprofit corporation, which provides shelter and personal care or counseling to families or individuals on a temporary emergency basis not to exceed ninety (90) days per roomer. However, the term shall not include any home which is required to be licensed pursuant to any state regulation.

(Ord. 4570 § 1, 1984)

15.03.330 Height Of Building

Height of building: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

(Ord. 3968 § 1 (part), 1972)

15.03.335 Historic Preservation Commission

Historic preservation commission: The commission established by CBMC 16, Historic Preservation.

(Ord. 5553 § 1, 2001)

15.03.340 Home Occupation

Any activity operated for pecuniary gain in or directed from a residential dwelling and carried on by the inhabitants therein, and no others, which is clearly incidental and

secondary to the use of the dwelling for dwelling purposes and does not change the residential character of the lot on which the home occupation is located or of the surrounding neighborhood as further specified in CBMC 15.24.

(Ord. 3968 § 1 (part), 1972)

(Ord. No. 6127, § 1, 6-13-2011)

15.03.345 Horticulture And Crop Production

Horticulture and crop production: The growing of horticultural materials such as flowers, shrubs, or trees intended for ornamental or landscaping purposes and the raising or harvesting of tree, row, or field crops; and/or food production such as vegetables and fruits for wholesale or retail sale.

The table below lists each definition, and example of each and the proposed regulatory action.

Type	Accessory	Example	Regulate	Method
Garden, residential household	Yes to established residential uses including multi-family uses.	Backyard garden or garden plots for use multi-tenant occupants	Exempt	n/a
Garden, institutional/organizational	Yes, to primary customary mission, site	Schools, religious organizations, hospitals, non-profits	Exempt	n/a
Garden, private, multiple user (off-premise)	No, located off-premise of the customary mission site or ownership interest	General group of people or one individual using space for personal or commercial gardening.	Yes	Temporary use permit (administratively approved)
Any of the above on city owned property	Same as above	N/A	Yes	Temporary use and city lease agreement
Greenhouse or hoop house, commercial	No	Commercial production, retail or wholesale	Currently allowed in I-1 and I-2	No change: Principle use

Horticulture and crop production	No	Commercial production, retail or wholesale and/or row crop production	Currently allowed in: A-1, A-2 and I-3	No change: Principle use
Any of the above on city owned property	No	Commercial production, retail or wholesale and/or row crop production	Yes	Principle use— City lease agreement

(Ord. 5282 § 13, 1996)

(Ord. No. 6153, § 1, 4-23-2012)

15.03.350 Hospital

Hospital: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

(Ord. 3968 § 1 (part), 1972)

15.03.360 Hotel/Motel

Hotel/Motel: An establishment engaged in the provision of transient lodging for compensation.

(Ord. 5457 § 1, 1999)

15.03.362a Kennel, Commercial

A place or establishment engaged in the for-profit business of buying, selling, breeding or boarding, including day-care services, for five or more dogs, cats or other similar small animals of the same species over six months old. A commercial kennel/cattery license from the city is required. Boarding services provide shelter and twenty-four-hour surveillance for the safety, nurturing and care of the pet's physical needs. A section of the kennel facility may be apportioned for an on-site manager's living quarters in accordance with the following:

1. The manager's living quarters shall only be used in conjunction with an operating commercial kennel and shall be constructed as an integral component of the commercial kennel structure;
2. The manager's living quarters shall be clearly subordinate to the commercial kennel in size and use and shall not exceed one thousand (1,000) square feet or

twenty (20) percent of the gross square footage (whichever is less) of the commercial kennel; and

3. All current adopted separation requirements found in the building codes shall be followed in the design and construction of the manager's living quarters.

(Ord. 5553 § 3, 2001)

(Ord. No. 6158, § 1, 7-23-2012)

15.03.362b Kennel, Noncommercial

Noncommercial kennel: A person who buys, keeps, owns, harbors or breeds five or more dogs, cats or other similar small animals over six months old, who does not engage in commercial activity relating to those animals. A noncommercial kennel/cattery license from the city is required.

(Ord. 5553 § 4, 2001)

15.03.363 Land-Lease Community

Land-lease community: Any site, lot, field, or tract of land under common ownership upon which ten (10) or more occupied manufactured homes or modular homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. A land-leased community shall not be construed to include homes, building, or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students.

(Ord. 5495 § 1, 2000)

15.03.364 Life Care Facility

A transitional residential facility for elderly or disabled persons, progressing from independent living, to congregate housing to nursing home care.

(Ord. 5916 § 2, 2007)

15.03.365 Local Utility Services

Local utility services: Overhead or underground services generally involving structures such as buildings, substations, pumping stations, poles, wires, manholes, switchgear, ducting, piping, hydrants, valving and other small facilities necessary to support principal development.

(Ord. 5222 § 20, 1995)

15.03.370 Lot

Lot: A parcel of land of at least a sufficient size to comply with the minimum zoning requirements for use, coverage, area, setbacks, open space and frontage. Frontage shall be on an improved public street or an approved private street and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; and
4. A parcel of land described by metes and bounds description.

However, that in no case of division or combination shall any residual lot be created which does not meet the requirements of this title. In no case shall a parcel of land conveyed under a lease be construed as a buildable lot unless said parcel has been platted as a lot in a recorded subdivision plat or has been included in an approved planned commercial or residential development.

(Ord. 4948 § 1, 1990)

15.03.380 Lot Area

Lot area: That total horizontal area within the lot lines of a lot.

(Ord. 3968 § 1 (part), 1972)

15.03.390 Lot, Corner

Corner lot: A lot abutting on two intersecting streets other than an alley; provided that the streets do not intersect at an angle greater than one hundred thirty-five (135) degrees.

(Ord. 3968 § 1 (part), 1972)

15.03.400 Lot Depth

Lot depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

(Ord. 3968 § 1 (part), 1972)

15.03.410 Lot, Interior

Interior lot: A lot other than a corner lot.

(Ord. 3968 § 1 (part), 1972)

15.03.420 Lot Line

Lot line: The property line bounding a lot.

(Ord. 3968 § 1 (part), 1972)

15.03.430 Lot Line, Front

Front lot line: In the case of an interior lot, means the lot line separating the lot from the street other than an alley; in the case of a corner lot, "front lot line" means the shortest lot line along a street other than an alley.

(Ord. 3968 § 1 (part), 1972)

15.03.440 Lot Line, Rear

Rear lot line: A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other odd-shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front line.

(Ord. 3968 § 1 (part), 1972)

15.03.450 Lot Line, Side

Side lot line: Any lot line not a front or rear lot line.

(Ord. 3968 § 1 (part), 1972)

15.03.455 Lot Of Record

Lot of record: Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the recorder of Pottawattamie County, Iowa, or a parcel recorded in the office of the recorder of Pottawattamie County, Iowa, prior to the adoption of this title.

(Ord. 4334 § 5, 1980)

15.03.456 Lot Width

Lot width: The horizontal distance between the side lot line ordinarily measured parallel to the front lot line.

(Ord. 5369 § 5 (part), 1998)

15.03.457 Manufactured Home

Manufactured home: A factory-built structure built under authority of 42 U.S.C., Section 5403, which is required by federal law to display a seal from the U.S. Department of Housing and Urban Development and was constructed on or after June 15, 1976.

(Ord. 5495 § 2, 2000)

15.03.460 Manufacturing, General

General manufacturing: An establishment engaged in the processing, manufacturing, compounding, assembly, package, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration or air pollution effects across property lines. Such uses will include the manufacture, processing and packaging of food and kindred items, asphalt, stone, clay, glass, plastic, paper, cement, and other products, welding shops, sawmills, petroleum storage and distribution, foundries and storage of chemicals.

(Ord. 5369 § 5 (part), 1998)

15.03.461 Manufacturing, Heavy

Heavy manufacturing: An enterprise engaged in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines. Such uses may include the storage of, or processing of potentially hazardous, explosive, flammable, radioactive or hazardous materials. Typical uses include the manufacture of acetylene gas, acid, alcohol, ammonia, chlorine, sodium compounds, or other chemical compounds, petroleum and petroleum products distillation, manufacture of explosives and fertilizers, smelting and stockyards.

(Ord. 5369 § 5 (part), 1998)

15.03.462 Manufacturing, Light

Light manufacturing: An establishment engaged in the manufacture or processing of finished products from previously prepared materials. Such uses will include processing, fabrication, assembly, packaging and distribution of products with limited incidental storage. Typical uses include bakeries, bottling plants, publishing houses, warehousing and distribution, assembly of electronic and metal products, frozen food lockers, garment manufacturing, optical goods, pharmaceutical manufacture and printing.

(Ord. 5369 § 5 (part), 1998)

15.03.463 Marina

Marina: A retail business which is located adjacent to a navigable body of water and which has as its purpose to supply to boaters using the navigable waters goods or services including but not limited to the sale of gasoline, oil, and other lubricants for use in boats;

the sale of boats, boat motors, and boat parts; the sale of groceries; the servicing and repair of boats and boat motors; and boat docking and boat storage.

(Ord. 4513 § 1, 1983)

15.03.469 Mixed Commercial/Residential Structure

Mixed commercial/residential structure: A building with two or more stories containing at least one dwelling unit to be used as a permanent residence and containing permitted commercial uses on at least the ground floor. Dwelling units shall, as a minimum standard, meet the requirements of the Uniform Building, Plumbing, Mechanical and Fire Codes and the National Electrical Code as adopted in CBMC 12 and CBMC 13.

(Ord. 4454 § 1, 1983)

15.03.470 Mobile Home

Mobile home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home was not built to mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

(Ord. 5495 § 4, 2000)

15.03.480 Mobile Home Park

Mobile home park: A site, lot, field, or tract of land upon which three or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electric services available. Mobile home park shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students.

(Ord. 5495 § 5, 2000)

15.03.485 Modeling Studio

Modeling studio: An establishment or business which provides the services of modeling for the purpose of reproducing the human body by means of photography, painting, sketching, drawing or otherwise while the sexual or genital body parts of the artist or model are not covered by opaque clothing.

(Ord. 4232 § 1 (part), 1978)

15.03.486 Modular Home

Modular home: A factory-built structure manufactured to be used as a place of human habitation which is constructed to comply with the Iowa State Building Code for Modular Factory-Built Structures, and must display the seal issued by the State Building Code Commissioner.

(Ord. 5495 § 3, 2000)

15.03.510 Nonconforming Structure

Nonconforming structure: A lawful existing structure in existence at the time of the passage of this title that could not be built under the terms of this title by reason of requirements on area, lot coverage, setbacks and height.

(Ord. 5035 § 1, 1991)

15.03.515 Nonconforming Use

Nonconforming use: A lawful existing use in existence at the time of the passage of this title that would not be permitted under the terms of this title.

(Ord. 5035 § 2, 1991)

15.03.520 Nursing Home

Residential convalescent services offering care and inpatient services for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services, in-patient mental health treatment and also facilities exclusively for the care of alcoholism, drug addiction, or communicable disease.

(Ord. 5916 § 3, 2007)

15.03.523 Occupant

Occupant: The person or entity lawfully in custody or control of any premises or parcel, or portion thereof, whether pursuant to contract, lease, license, or other legally cognizable interest therein.

(Ord. 4334 § 7, 1980)

15.03.526 Owner

Owner: Any person, individual, firm, association, partnership, corporation, or any other legal entity in whom is vested the title to real estate or an undivided interest therein, except that, where there is both a legal owner and an equitable owner as to the same real estate, then "owner" means both the equitable owner and the legal owner; where there is a life estate with vested remaindermen, then "owner" means both the life tenant and the vested remainderman. The term shall not include any option holder, lessee, mortgagee, or assignee for security purposes.

(Ord. 4465 § 1, 1983)

15.03.528 Park And Recreation Services

Park and recreation services: Publicly owned and operated parks, playgrounds, golf courses, recreation facilities and open spaces.

(Ord. 5222 § 24, 1995)

15.03.529 Persons

Persons: Every natural person, firm, partnership, association or corporation.

(Ord. 5222 § 25, 1995)

15.03.530 Philanthropic Institution

Philanthropic institution: A benevolent or charitable organization not organized nor existing for profit, exclusive of mental institutions.

(Ord. 3968 § 1 (part), 1972)

15.03.570 Porch

Porch: A roofed projection which is principally designed and used as a main entrance to a dwelling(s) and which roofed projection has not more than the upper fifty (50) percent of each outside wall, other than the principal building wall, enclosed by a material other than mesh screen. A carport shall not be considered to be a porch.

(Ord. 4392 § 2, 1981)

15.03.575 Premises

Premises: A parcel or tract of land with the building(s) or other appurtenances thereon.

(Ord. 4334 § 9, 1980)

15.03.580 Principal Or Main Use

Principal or main use: The purpose for which land, a building or structure thereon is, under the provisions of this title, authorized to be occupied or maintained.

(Ord. 3968 § 1 (part), 1972)

15.03.582 Public Safety Services

Public safety services: A facility for police and fire protection services and emergency medical and ambulance services.

(Ord. 5222 § 29, 1995)

15.03.584 Radio Signal

Radio signal: Electrically generated currents, phenomena, or signals of frequencies between 15,000 cycles per second and (10) 11 cycles per second.

(Ord. 4305 § 1, 1979)

15.03.585 Recreational Vehicle

Recreational vehicle: A vehicle which is towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary use, recreational, or sport purposes. Recreational vehicles include, but are not limited to travel trailers, campers, motor coach homes and converted buses and trucks.

(Ord. 5282 § 3, 1996)

15.03.586 Recreational Vessel

Recreational vessel: All manner of watercraft, other than a seaplane on water, whether impelled by wind, oars, or mechanical devices, and which is designed primarily for recreational or vacation uses. Recreational vessels, include, but are not limited to boats, boat trailers, and snowmobiles.

(Ord. 5282 § 4, 1996)

15.03.587 Religious Assembly

Religious assembly: A place where religious services are conducted, including accessory educational activities.

(Ord. 5282 § 14, 1996)

15.03.590 Residential Hotels

Residential hotel: A building with more than two stories containing ten (10) or more dwelling units to be used as permanent residences with a maximum of three adult inhabitants in each dwelling unit and containing permitted commercial uses on at least the ground floor.

(Ord. 3968 § 1 (part), 1972)

15.03.591 Restaurant

Restaurant: A use engaged in the preparation and sale of food and beverages. including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than fifty (50) percent of the establishment's gross income.

1. "Restaurant (drive-in or fast-food)" means a restaurant which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and accommodation and short stays by customers.
2. "Restaurant (limited)" means a restaurant normally housed in a space under five thousand (5,000) square feet and characterized by sit-down service to customers. Typical uses include coffee shops, cafes and other similar uses.
3. "Restaurant (general)" means a restaurant normally housed in a space over five thousand (5,000) square feet and characterized by sit-down service to customers.

(Ord. 4695 § 3. 1986)

15.03.592 Retail Shopping Establishment

Retail shopping establishment: A store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale, including but not limited to the following:

1. Antique stores;
2. Appliance, television and radio sales;
3. Art galleries, commercial;
4. Art supplies;
5. Auto parts and accessory stores, including the machining of parts as an accessory use, but not including in-vehicle installation facilities;
6. Bakeries;
7. Bicycle sales and repair shop;
8. Bookstores;
9. Candy and ice cream stores;
10. Clothing, clothing accessories and dry goods;
11. Department stores;
12. Drug stores;
13. Floor coverings;
14. Florists;
15. Furniture stores;

16. Greenhouse;
17. Gift and card shop;
18. Grocery, delicatessen and specialty food store;
19. Hardware, paint and wallpaper stores;
20. Jewelry, leather goods and luggage stores;
21. Lawn and garden supply (including nursery stock) stores;
22. Meat market, retail, provided that no killing, eviscerating, skinning, plucking, or smoking of food products occurs on the premises;
23. Music stores;
24. News and tobacco stores;
25. Photographic equipment and supplies;
26. Rental of small tools for household use;
27. Shoe stores;
28. Sporting goods;
29. Toy and hobby stores; and
30. Variety stores.

"Retail shopping establishment" shall not be construed or interpreted to include any adult entertainment activities.

(Ord. 4488 § 5, 1983)

15.03.593 Rubble Dump

Rubble dump: Any land, premises or property used for the storage of rubble. For purposes of this title, rubble shall mean stone, brick or similar inorganic material with a minimum dimension greater than twelve (12) inches.

(Ord. 4860 § 1, 1988)

15.03.594 Salvage Operation

Salvage operation: An establishment engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, salvage yards and scrap processing yards.

(Ord. 5369 § 5 (part), 1998)

15.03.595 School

School: All schools, public or non-public, at all levels from prekindergarten level through grade twelve, which meet the requirements of the State Board of Public Instruction, and accredited schools that provide post-secondary education. Said "school" shall include the buildings and all land contiguous to said buildings.

(Ord. 4202 § 1 (part), 1977: Ord. 4179 § 1 (part), 1976)

(Ord. No. 6311, § 1, 11-13-2017)

15.03.597 Semi-Truck Trailer

Semi-truck trailer: A vehicle without motor power, designed for carrying goods, and being drawn by a motor truck, and constructed so some part of its weight rests upon another vehicle, being of metal construction, having a completely enclosed body, and being duly licensed by the state of Iowa.

(Ord. 4202 § 1 (part), 1977: Ord. 4172 § 1, 1976)

15.03.598 Sexual Or Genital Body Parts

Sexual or genital body parts: 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 § 1 (part), 1978)

15.03.600 Sign

Sign: 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 aid, or a political idea.

(Ord. 4690 § 1, 1986)

15.03.601 Small Alcohol Production Facility

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 (25) 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 Iowa Code § 123.3. Production limitations for breweries shall not exceed fifteen thousand (15,000) barrels (four hundred sixty-five thousand (465,000) gallons) per year; distilleries and wineries shall not exceed fifty thousand (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.

(Ord. No. 6340, § 1, 8-13-2018)

15.03.605 Specified Anatomical Areas

Specified anatomical areas: 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 § 1 (part), 1976)

15.03.606 Specified Sexual Activities

Specified sexual activities: 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 § 1 (part), 1976)

15.03.608 Stoop, Enclosed

Enclosed stoop: 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 (50) percent of each outside wall, other than the principal building wall, enclosed by a material other than mesh screen or glass.

(Ord. 4391 § 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.

(Ord. No. 6131, § 1, 6-11-2012)

15.03.609 Storage Yard

Storage yard: A facility engaged in the surface storage of operating or nonoperating vehicles, other large items and containers for storing or collecting goods or material while awaiting sale, resale, transfer, redemption or use, excluding dismantling or salvage. The yard shall have a defined boundary and be hard-surfaced throughout. Licensing by the health department may be required. Typical uses include sales lots, automobile auctions, transfer facilities, container storage and impound lots.

(Ord. 5513 § 1, 2000)

15.03.610 Story

Story: That portion of a building or structure included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building or structure included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above established grade, such basement or cellar shall be considered a story.

(Ord. 3968 § 1 (part), 1972)

15.03.620 Street

Street: The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities and inclusive of the terms "drive," "road," "highway," "lane," "place," "avenue," "alley," or similar designations.

(Ord. 3968 § 1 (part), 1972)

15.03.630 Structure

Structure: An edifice or building of any kind, which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(Ord. 5222 § 30, 1995)

15.03.640 Structural Alteration

Structural alteration: Any change to the supporting members of a structure, inclusive of foundation, bearing walls, or partitions, columns, beams or girders or any structural changes in the roof of same.

(Ord. 3968 § 1 (part), 1972)

15.03.643 Tattooing

Tattooing: The process of injecting dyes into the epidermal layer of skin of an individual, by one qualified to perform such acts as licensed by the state of Iowa.

(Ord. 5553 § 10, 2001)

15.03.644 Tattoo Parlor

Tattoo parlor: An establishment engaged in the for-profit practice of tattooing, as defined by CBMC 15.03.643.

(Ord. 5553 § 11, 2001)

15.03.645 Tavern

Tavern: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, cocktail lounges, and similar uses other than a restaurant as described in CBMC 15.03.591.

(Ord. 4695 § 2, 1986)

15.03.646 Tool Or Storage Shed

Tool or storage shed: An enclosed accessory structure for the keeping of items, equipment, vehicles, trailers, or materials for a longer duration than day-to-day use.

(Ord. 4391 § 3, 1981)

15.03.647 Transfer Of Interest

Transfer of interest: The conveyance of a premises by deed, the sale of a premises by contract or the lease of a premises, except residential leases.

(Ord. 4334 § 10, 1980)

15.03.650 Travel Trailers

Travel trailer: Any one of a variety of temporary recreational portable housing units designed to be used principally as a temporary vacation dwelling, which can be operated independently of utility connections, is limited in width to eight feet, in length to thirty-two (32) feet, and which can be towed by an automobile.

(Ord. 3968 § 1 (part), 1972)

15.03.651 Truck Service Establishment

Truck service establishment: A facility engaged in rendering service especially to trucks and related heavy equipment, including sales of fuel, lubricants, parts and accessories, parking, equipment repair, retail sales, restaurants and lodging. Typical uses include truck stops.

(Ord. 5513 § 2, 2000)

15.03.652 Truck Terminal

Truck terminal: A facility for the receipt, transfer, short term storage and dispatching of goods transported by truck.

(Ord. 5369 § 5 (part), 1998)

15.03.660 Use

Use: The purpose for which land, a building or structure is designed, arranged or intended or for which it is occupied or maintained.

(Ord. 3968 § 1 (part), 1972)

15.03.670 Variance

Variance: The use of which land, a building or structure may be authorized to be put, other than the outright, principal use in existence or hereunder authorized by law.

(Ord. 3968 § 1 (part), 1972)

15.03.675 Vehicle Or Vessel

Vehicle or vessel: Any device for conveyance of passengers, goods, or equipment.

(Ord. 4391 § 4, 1981)

15.03.680 Vision Clearance Area

Vision clearance area: A triangular area on a lot or parcel of land at the intersection of two streets or a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot or parcel of land joining the ends of the other two sides; where the lot lines at intersections have rounded corners, the lot line will be extended in a straight line to a point of intersection. The vision clearance area contains no planting, earth banks, terraces, walls, structures or temporary or permanent obstructions which shall exceed three and one-half feet in height, measured from the crown of the street at its centerline.

(Ord. 3968 § 1 (part), 1972)

15.03.681 Warehousing And Distribution, General

General warehousing and distribution: Open air storage, distribution and handling of goods and materials. Typical uses include monument yards and open storage.

(Ord. 5369 § 5 (part), 1998)

15.03.682 Warehousing And Distribution, Limited

Limited warehousing and distribution: Storage, warehousing and dispatching of goods within an enclosed structure. Typical uses include wholesale distribution, storage warehouses and moving/storage companies.

(Ord. 5369 § 5 (part), 1998)

15.03.685 Wind Energy Conversion System (WECS)

Any device, such as a wind turbine and tower, wind charger, windmill and associated control or conversion electronics, which converts wind energy to a form of usable energy. A Small Wind Energy Conversion System (SWECS) shall have a rated capacity of not more than one hundred kilowatts (100 kW) and which is intended primarily to reduce on-site consumption of utility power. A Commercial Wind Energy Conversion System (CWECS) shall have a rated generating capacity equal to or greater than one hundred kilowatts (100 kW). Tower height is the height above grade of the fixed portion of the tower, excluding the wind turbine itself. Total extended height is the height above grade to a blade tip at its highest point of travel. Wind energy conversion systems shall not be permitted within the corporate boundaries of the city of Council Bluffs.

(Ord. No. 6030, § 1, 6-8-2009)

15.03.690 Yard

Yard: An open space on a lot which is unobstructed by a structure other than those specified in CBMC 15.24.

(Ord. 3968 § 1 (part), 1972)

15.03.700 Yard, Front

Front yard: An open space extending between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the building and structure.

(Ord. 3968 § 1 (part), 1972)

15.03.710 Yard, Rear

Rear yard: An open space extending between side lot lines and measured horizontally from the rear lot line at right angles from the rear lot line to the nearest point of the main building or structure.

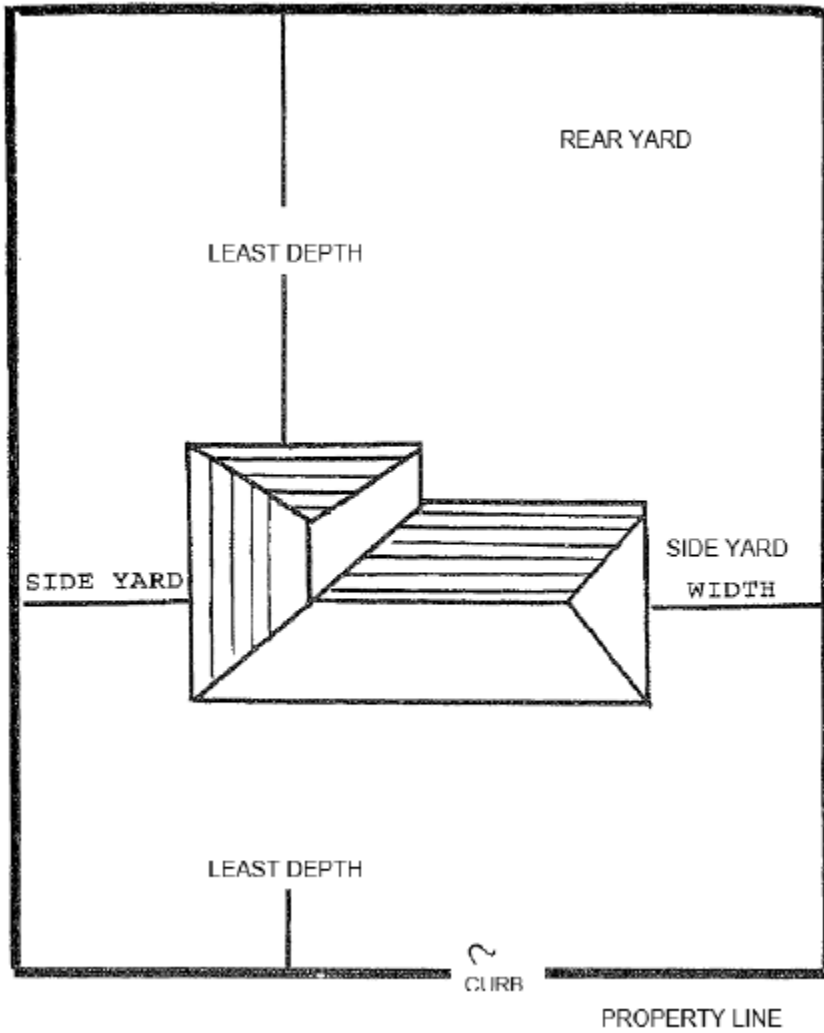
(Ord. 3968 § 1 (part), 1972)

15.03.720 Yard, Side

Side yard: An open space between a building or structure and the side lot line measured horizontally and at right angles from the side lot line of the nearest point of said building or structure.

(Ord. 3968 § 1 (part), 1972)

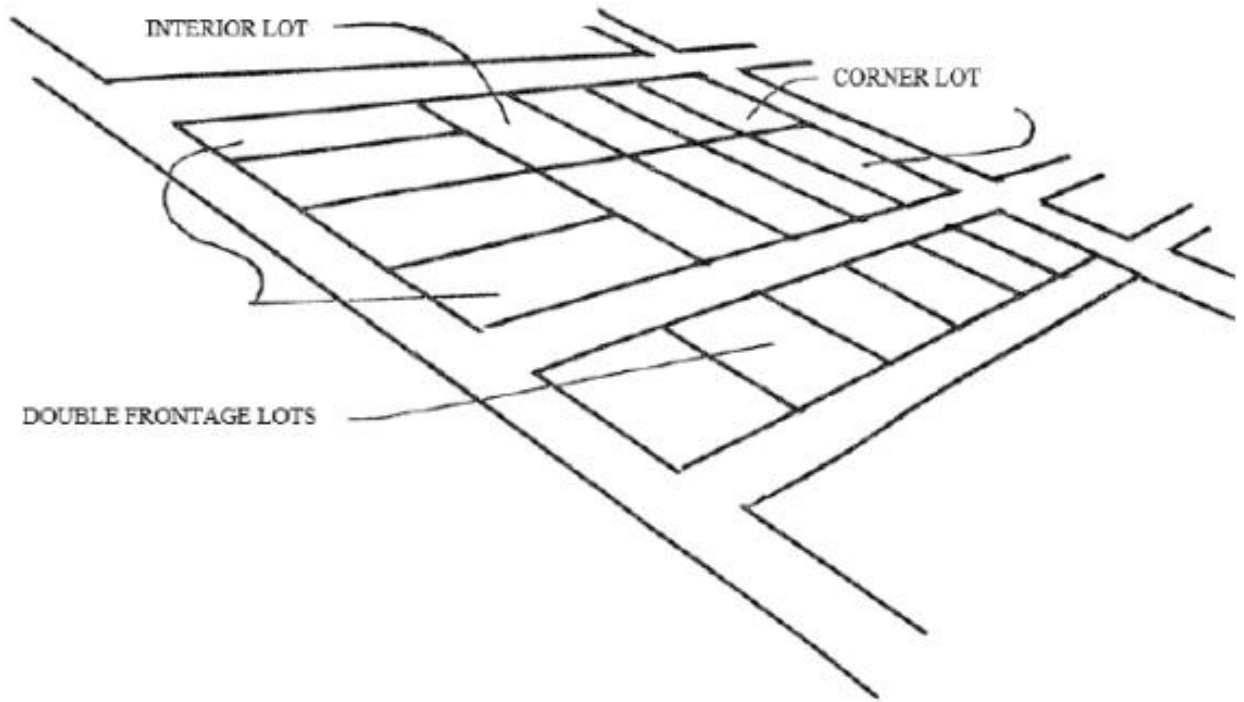
15.03.730 Yard Setbacks



1972)

(Ord. 3968 § 1 (part),

15.03.740 Lot Definitions



(Ord. 3968 § 1 (part), 1972)

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Chapter 15.15 - C-2/COMMERCIAL DISTRICT

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.

(Ord. 5458 § 2 (part), 1999)

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 CBMC 15.15.060;
28. Veterinary service;
29. Warehousing and distribution, limited (fifty thousand (50,000) square feet or less);
30. Funeral service;
31. Consumer fireworks sales;
32. Small alcohol production facility.

(Ord. 5557 § 1, 2001)

(Ord. No. 6147, § 1, 2-13-2012; Ord. No. 6332, § 1, 6-11-2018; Ord. No. 6341, § 1, 8-13-2018)

Editor's note— Ord. No. 6085, § 1, adopted June 14, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5555, § 1, 2001; Ord. No. 6026, § 1, 2-23-2009.

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 CBMC 15.27:

1. Adult entertainment, as further limited by CBMC 15.15.060;
2. Automobile repair, major;
3. Automobile sales and rental, as further limited by CBMC 15.15.060;
4. Commercial storage;
5. Communication tower;
6. Day care services;
7. Manufacturing, light (fifty thousand (50,000) square feet or less);
8. Warehousing and distribution (limited);
9. Automobile sales and rental, indoor.

(Ord. No. 6026, § 2, 2-23-2009; Ord. No. 6306, § 1, 10-9-2017)

Editor's note— Ord. No. 6026, § 2, adopted Feb. 23, 2009, repealed the former CBMC 15.15.030, and enacted a new CBMC 15.15.030 as set out herein. The former CBMC 15.15.030 pertained to similar subject matter and derived from Ord. No. 5555, § 2, adopted 2001.

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.

(Ord. 5458 § 2 (part), 1999)

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	

(Ord. 5458 § 2 (part), 1999)

15.15.060 Additional Regulations

1. None of the adult entertainment activities as defined in CBMC 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 (125,000) 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.
4. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. No. 6026, § 3, 2-23-2009; Ord. No. 6332, § 1, 6-11-2018; Ord. No. 6341, § 1, 8-13-2018)

Editor's note— Ord. No. 6026, § 3, adopted Feb. 23, 2009, repealed the former CBMC 15.15.060, and enacted a new CBMC 15.15.060 as set out herein. The former CBMC 15.15.060 pertained to similar subject matter and derived from Ord. No. 5940, § 1, adopted 2007.

15.15.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5458 § 2 (part), 1999)

Chapter 15.18 - P-C/PLANNED COMMERCIAL DISTRICT

[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](#)

[15.18.055 Additional 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.

(Ord. 5469 § 2 (part), 1999)

15.18.020 Principal Uses

The following principal uses shall be permitted outright in a P-C 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;
18. Consumer fireworks sales;
19. Small alcohol production facility;
20. School;
21. Dwelling, multifamily; and

22. Mixed commercial/residential structure.

(Ord. 5634 § 1, 2001)

(Ord. No. 6333, § 1, 6-11-2018; Ord. No. 6344, § 1, 8-13-2018; Ord. No. 6374, § 1, 12-17-2018)

HISTORY

Amended by Ord. [6441](#) on 3/8/2021

15.18.030 Conditional Uses

The following conditional uses shall be permitted in a PC district in accordance with the requirements set forth in CBMC 15.02:

1. Communication tower;
2. Day care services;
3. Auction, indoor;
4. Manufacturing, light (subject to the following criteria);
 1. Light manufacturing shall only be permitted in a P-C district containing greater than fifty (50) acres;
 2. Any light manufacturing use shall be an adaptive reuse of an existing building; and
 3. The sum total acreage within any contiguously zoned P-C/Planned Commercial District;
5. Automobile sales and rental, indoor.

(Ord. 5469 § 2 (part), 1999)

(Ord. No. 6116, § 1, 1-10-2011; Ord. No. 6142, § 1, 12-12-11)

HISTORY

Amended by Ord. [6478](#) on 2/14/2022

15.18.040 Accessory Uses

The following accessory uses shall be permitted in a PC district: Uses of land or structures customarily incidental and subordinate to one of the principal uses in the PC district, unless otherwise excluded.

(Ord. 5469 § 2 (part), 1999)

15.18.050 Site Development Regulations

1. The minimum tract of land considered for a P-C District shall be ten (10) acres.
2. Minimum 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

(Ord. 5469 § 2 (part), 1999)

HISTORY

Amended by Ord. [6441](#) on 3/8/2021

15.18.055 Additional Regulations

1. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. No. 6333, § 1, 6-11-2018)

15.18.060 Development Plan Review Procedure

1. Application. A completed application form, ten (10) 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:
 1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame, and phasing;
 2. The development name and legal description of the boundary;
 3. A north arrow, scale, bar scale and date;
 4. The names and addresses of the owner, and the architect or engineer preparing the plan;
 5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;
 6. All established floodway or floodway fringe encroachment limits;
 7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;
 8. Location and size of any sites to be considered for dedication to public use;
 9. Layout, numbers and dimensions of proposed lots;
 10. The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
 11. The location and width of other public ways, railroad rights-of-way, utility and all other easements existing or proposed within the development and within two hundred (200) feet;
 12. Existing and proposed contour intervals of not more than five feet;

13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, and landscaping;
15. Proposed landscaping plan;
16. Proposed signage plan;
17. Traffic impact study to include: (i) data on existing peak hour traffic volumes and conditions; (ii) directional distribution estimates of added traffic; (iii) projections of added traffic volumes for all of the appropriate critical hours; (iv) determination of needed improvements, controls, driving locations, and their design; and (v) identification of any need for additional right-of-way which could be secured from the developer;
18. Architectural drawings, renderings, or other visual documents which illustrate proposed building design. The community development director shall determine the adequacy and completeness of the development plan application.

The community development director may require additional information prior to scheduling review by the city planning commission.

2. Review by City Planning Commission. The city planning commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission, in recommending approval of the proposed development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to, an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary reduce noise and glare, and designation of responsibility for maintenance of the property.
3. Review by City Council. After review of the development plan by the city planning commission, it shall be forwarded to the city council, with its written recommendations, whether for approval or denial, whereupon the city council may take action on the plan. Approval of the development plan shall be by city council resolution.
4. Building Permit Review. The community development director shall review all building and public works construction permits for compliance with the approved development plan. No building or public works construction permit shall be issued if determined by the community development director to be inconsistent with the

approved development plan. If the community development director determines that major changes are requested, review and approval by the city planning commission and city council shall be required.

5. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application.

(Ord. 5469 § 2 (part), 1999)

15.18.070 Signs

In addition to the signage approved in the development plan, signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5469 § 2 (part), 1999)

DRAFT

Chapter 15.20 - I-1/LIGHT INDUSTRIAL DISTRICT

[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.

(Ord. 5366 § 3 (part), 1998)

15.20.020 Principal Uses

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

1. Agricultural sales and service;
2. Auction;
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;
- 28. Consumer fireworks sales;
- 29. Small alcohol production facility;
- 30. Automobile sales and rental, indoor.

(Ord. 5557 § 1, 2001)

(Ord. No. 6147, § 1, 2-13-2012; Ord. No. 6334, § 1, 6-11-2018; Ord. No. 6345, § 1, 8-13-2018)

15.20.030 Conditional Uses

The following conditional uses shall be permitted in an I-1 district in accordance with the requirements set fogy in CBMC 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 § 2, 2001)

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.

(Ord. 5366 § 3 (part), 1998)

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*)
Lot coverage, all structures	60% maximum

*Maximum Height: One hundred fifty (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 fifty (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 fifty (50) feet, the minimum yard setbacks shall be increased by one foot.

(Ord. 5366 § 3 (part), 1998)

(Ord. No. 6223, § 1, 1-12-2015; Ord. No. 6233(Corr.), § 1, 4-7-2017)

15.20.060 Additional Regulations

1. No tavern or small alcohol production facility shall be located within two hundred (200) 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 three hundred (300) feet of a residential structure.

(Ord. 5366 § 3 (part), 1998)

(Ord. No. 6334, § 1, 6-11-2018; Ord. No. 6345, § 1, 8-13-2018)

15.20.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5366 § 3 (part), 1998)

DRAFT

Chapter 15.21 - I-2/GENERAL INDUSTRIAL DISTRICT

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.

(Ord. 5366 § 4 (part), 1998)

15.21.020 Principal Uses

The following principal uses shall be permitted in an I-2 district:

1. Agricultural sales and service;
2. Auction;
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 service establishment;
9. Commercial storage;
10. Consumer fireworks sales;
11. Consumer service establishment (limited to the following):
 1. Appliance repair and rental;
 2. Arts and crafts studio;
 3. Locksmiths;
 4. Medical office or clinic for people;
 5. Musical instrument repair shop;
 6. Photographers' studios;
 7. Print shop;
 8. Shoe repair;
 9. Taxidermist shops;
 10. Upholstery shops;
 11. Watch repair.
12. Contractor shop;
13. Data center;
14. Equipment repair;

15. Equipment sales and rental;
16. Governmental maintenance facility;
17. Greenhouse, commercial;
18. Local utility service;
19. Manufacturing, light and general;
20. Private parking lot;
21. Public parking lot;
22. Public safety services;
23. Railroad yard and intermodal facilities;
24. Sign manufacturing;
25. Small alcohol production;
26. Tattoo parlor;
27. Tavern;
28. Truck service establishment;
29. Truck terminal;
30. Warehousing and distribution, limited and general;
31. Automobile sales and rental, indoor.

(Ord. 5957 § 1, 2007)

(Ord. No. 6148, § 1, 2-13-2012; Ord. No. 6335, § 1, 6-11-2018; Ord. No. 6346, § 1, 8-13-2018)

HISTORY

Amended by Ord. [6499](#) on 6/13/2022

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 CBMC 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;
12. Solar energy conversion systems.

(Ord. 5957 § 2, 2007)

HISTORY
 Amended by Ord. [6444](#) on 3/8/2021

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.

(Ord. 5366 § 4 (part), 1998)

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*
Lot coverage, all structures	70% maximum

*Maximum Height: Seventy-five (75) feet; provided, however, that on parcels of land which in the aggregate are more than fifty (50) acres in size the maximum height shall be increased up to one hundred sixty (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 seventy-five (75) feet, the minimum yard setbacks shall be increased by one foot.

(Ord. 5957 § 3, 2007; Ord. No. 6206, § 1, 4-7-14)

15.21.060 Additional Regulations

1. No tavern or small alcohol production facility shall be located within two hundred (200) 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 three hundred (300) feet of a residential structure.

(Ord. 5366 § 4 (part), 1998)

(Ord. No. 6335, § 1, 6-11-2018; Ord. No. 6346, § 1, 8-13-2018)

15.21.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5366 § 4 (part), 1998)

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term ‘indoor automobile sales and rental’; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses*, to allow ‘indoor automobile sales and rental’ as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow ‘indoor automobile sales and rental’ as principal uses in the I-1 and I-2 Districts.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 12nd day of September, 2022 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk

ORDINANCE NO. 6518

AN ORDINANCE TO AMEND CHAPTER 15.03 DEFINITIONS OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY ENACTING A NEW SECTION 15.03.048b “AUTOMOBILE SALES AND RENTAL, INDOOR”.

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

SECTION 1. That Chapter 15.03 Definitions of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by enacting new Section 15.03.048b: “Automobile Sales and Rental, Indoor” to read as follows:

15.03.048b Automobile Sales And Rental, Indoor

Indoor automobile sales and rental: An automobile sales and rental establishment consisting only of premises on which fully operable noncommercial automobiles, light trucks, motorcycles, mopeds, golf carts, and similar motorized transportation vehicles are displayed for sale or lease within a fully enclosed structure. Such use shall not include any outdoor inventory display or storage areas. No minimum size requirement shall apply to indoor automobile sales and rental uses.

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
APPROVED

September 12, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 8-22-22
Second Consideration: 9-12-22
Public Hearing: 9-12-22
Third Consideration: _____

ORDINANCE NO. 6519

AN ORDINANCE TO AMEND CHAPTER 15.15 C-2/COMMERCIAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.15.030 “CONDITIONAL USES”.

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

SECTION 1. That Chapter 15.15 C-2/Commercial District of the 2020 Municipal Code of Council Bluffs, Iowa be and the same is hereby amended by amending Section 15.15.030 “Conditional Uses” to read as follows:

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 CBMC 15.27:

- A. Adult entertainment, as further limited by CBMC 15.15.060;
- B. Automobile repair, major;
- C. Automobile sales and rental, as further limited by CBMC 15.15.060;
- D. Automobile sales and rental, indoor;
- E. Commercial storage;
- F. Communication tower;
- G. Day care services;
- H. Manufacturing, light (fifty thousand (50,000) square feet or less);
- I. Warehousing and distribution (limited).

(Ord. No. 6026, § 2, 2-23-2009; Ord. No. 6306, § 1, 10-9-2017)

Editor's note— Ord. No. 6026, § 2, adopted Feb. 23, 2009, repealed the former CBMC 15.15.030, and enacted a new CBMC 15.15.030 as set out herein. The former CBMC 15.15.030 pertained to similar subject matter and derived from Ord. No. 5555, § 2, adopted 2001.

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
APPROVED

September 12, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 8-22-22
Second Consideration: 9-12-22
Public Hearing: 9-12-22
Third Consideration: _____

ORDINANCE NO. 6520

AN ORDINANCE TO AMEND CHAPTER 15.18 P-C/PLANNED COMMERCIAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.18.030 “CONDITIONAL USES”.

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

SECTION 1. That Chapter 15.18 P-C/Planned Commercial District of the 2020 Municipal Code of Council Bluffs, Iowa be and the same is hereby amended by amending Section 15.18.030 “Conditional Uses” to read as follows:

15.18.030 Conditional Uses

The following conditional uses shall be permitted in a PC district in accordance with the requirements set forth in CBMC 15.02:

- A. Auction, indoor;
- B. Automobile sales and rental, indoor;
- C. Communication tower;
- D. Day care services;
- E. Manufacturing, light (subject to the following criteria);
 - 1. Light manufacturing shall only be permitted in a P-C district containing greater than fifty (50) acres;
 - 2. Any light manufacturing use shall be an adaptive reuse of an existing building; and
 - 3. The sum total acreage within any contiguously zoned P-C/Planned Commercial District.

(Ord. 5469 § 2 (part), 1999)

(Ord. No. 6116, § 1, 1-10-2011; Ord. No. 6142, § 1, 12-12-11)

HISTORY

Amended by Ord. 6478 on 2/14/2022

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
APPROVED

September 12, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 8-22-22
Second Consideration: 9-12-22
Public Hearing: 9-12-22
Third Consideration: _____

ORDINANCE NO. 6521

AN ORDINANCE TO AMEND CHAPTER 15.20 I-1/LIGHT INDUSTRIAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.20.020 “PRINCIPAL USES”.

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

SECTION 1. That Chapter 15.20 I-1/Light Industrial District of the 2020 Municipal Code of Council Bluffs, Iowa be and the same is hereby amended by amending Section 15.20.020 “Principal Uses” to read as follows:

15.20.020 Principal Uses

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

- A. Agricultural sales and service;
- B. Auction;
- C. Auction indoor;
- D. Automobile repair, minor and major;
- E. Automobile sales and rental;
- F. Automobile sales and rental, indoor;
- G. Automobile service establishment;
- H. Building material, sale and storage;
- I. Business, professional office;
- J. Business service establishment;
- K. Consumer fireworks sales;
- L. Commercial storage;
- M. Consumer service establishment;
- N. Contractor shop;
- O. Equipment sales and rental;
- P. Financial services;
- Q. General government use;
- R. Governmental maintenance facility;
- S. Greenhouse, commercial;
- T. Hotel/motel;
- U. Kennel, commercial;
- V. Local utility service;
- W. Manufacturing, light;
- X. Private parking lot;
- Y. Public parking lot;
- Z. Public safety services;
- AA. Retail shopping establishment;

- AB. Small alcohol production facility;
- AC. Tavern;
- AD. Warehousing and distribution, limited.

(Ord. 5557 § 1, 2001)

(Ord. No. 6147, § 1, 2-13-2012; Ord. No. 6334, § 1, 6-11-2018; Ord. No. 6345, § 1, 8-13-2018)

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
APPROVED

September 12, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 8-22-22
Second Consideration: 9-12-22
Public Hearing: 9-12-22
Third Consideration: _____

ORDINANCE NO. 6522

AN ORDINANCE TO AMEND CHAPTER 15.21 I-2/GENERAL INDUSTRIAL DISTRICT OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 15.21.020 “PRINCIPAL USES”.

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

SECTION 1. That Chapter 15.21 I-2/General Industrial District of the 2020 Municipal Code of Council Bluffs, Iowa be and the same is hereby amended by amending Section 15.21.020 “Principal Uses” to read as follows:

15.21.020 Principal Uses

The following principal uses shall be permitted in an I-2 district:

- A. Agricultural sales and service;
- B. Auction;
- C. Auction indoor;
- D. Automobile repair, minor and major;
- E. Automobile sales and rental;
- F. Automobile sales and rental, indoor;
- G. Automobile service establishment;
- H. Building material, sale and storage;
- I. Business service establishment;
- J. Commercial storage;
- K. Consumer fireworks sales;
- L. Consumer service establishment (limited to the following):
 - 1. Appliance repair and rental;
 - 2. Arts and crafts studio;
 - 3. Locksmiths;
 - 4. Medical office or clinic for people;
 - 5. Musical instrument repair shop;
 - 6. Photographers' studios;
 - 7. Print shop;
 - 8. Shoe repair;
 - 9. Taxidermist shops;
 - 10. Upholstery shops;
 - 11. Watch repair.
- M. Contractor shop;
- N. Data center;
- O. Equipment repair;
- P. Equipment sales and rental;

- Q. Governmental maintenance facility;
- R. Greenhouse, commercial;
- S. Local utility service;
- T. Manufacturing, light and general;
- U. Private parking lot;
- V. Public parking lot;
- W. Public safety services;
- X. Railroad yard and intermodal facilities;
- Y. Sign manufacturing;
- Z. Small alcohol production;
- AA. Tattoo parlor;
- AB. Tavern;
- AC. Truck service establishment;
- AD. Truck terminal;
- AE. Warehousing and distribution, limited and general.

(Ord. 5957 § 1, 2007)

(Ord. No. 6148, § 1, 2-13-2012; Ord. No. 6335, § 1, 6-11-2018; Ord. No. 6346, § 1, 8-13-2018)

HISTORY

Amended by Ord. 6499 on 6/13/2022

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 APPROVED September 12, 2022

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

First Consideration: 8-22-22
 Second Consideration: 9-12-22
 Public Hearing: 9-12-22
 Third Consideration: _____

Council Communication

Department: Public Works Admin
Case/Project No.: CD23-03A
Submitted by: Matthew Cox, Public
Works Director & Courtney Harter,
Community Development Director

Resolution 22-206
ITEM 3.G.

Council Action: 8/22/2022

Description

Resolution setting a public hearing for September 12, 2022 at 7:00 p.m., on the plans, specifications, form of contract, and cost estimate for the 21st Avenue Improvements. Project # CD23-03A

Background/Discussion

In 2009, the City began acquisition and demolition of structures on the three acres of land located at 21st Avenue and South 6th Street utilizing Community Development Block Grant (CDBG) and Neighborhood Stabilization (NSP) funds. The properties were considered blighted and/or in foreclosure at the time.

In January 2022, the City issued an updated RFP for the redevelopment of the three acres. Arch Icon submitted a two phase proposal called Spin Lofts with a total of 80 multi-family rental units to be built over a period of up to four years. Phase 1 includes a 4-story building with 50 units with a unit mix of one-, two- and four- bedrooms for low to moderate income families in the area.

On March 10, 2022, the City was awarded a grant from U.S. Representative Axne in the amount of \$904,336. The City applied for the funding to construct improvements at 21st Avenue and South 6th Street, making it ready for development. The project will reconstruct 21st Avenue, east of South 6th Street and prepare the site for building construction, including a significant volume of fill to raise the site approximately three feet.

The project will be constructed in two phases. CD23-03A includes the fill and sanitary sewer improvements to serve the development.

The project was included in the FY23 CIP with a budget of \$900,000 in Federal funds.

The project schedule is as follows:

Set Public Hearing	August 22, 2022
Hold Public Hearing	September 12, 2022
Bid Letting	September 29, 2022
Award	October 10, 2022
Construction Start	End of October 2022

Recommendation

Approval of this resolution to set a public hearing. This project will provide the fill and sanitary sewer in preparation for the redevelopment at 21st Avenue and South 6th Street.

ATTACHMENTS:

Description	Type	Upload Date
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Notice of Public Hearing
Resolution 22-206

Notice 8/11/2022
Resolution 8/16/2022

Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
21st Avenue Improvements
Project # CD23-03A

A public hearing will be held on September 12, 2022, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans, specifications, form of contract and cost estimate for the 21st Avenue Improvements project. The project will include construction of 18,000 cubic yards of fill and 45 lineal feet of sanitary sewer. At said hearing, any interested person may appear and file objections to such plans and specifications.

By Order of the City Council

of the

City of Council Bluffs, Iowa

Jodi Quakenbush, City Clerk

**RESOLUTION
NO 22-206**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
21ST AVENUE IMPROVEMENTS
PROJECT #CD23-03A**

WHEREAS, the city wishes to make improvements known as 21st Avenue Improvements, within the city as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the 21st Avenue Improvement project.

ADOPTED
AND
APPROVED

August 22, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: 2021-169
Submitted by: Tony Fiala, Solid
Waste Management Superintendent

Resolution 22-207
ITEM 3.H.

Council Action: 8/22/2022

Description

Resolution accepting the work of Carley Construction, LLC, for the Recycling Center Entrance Drainage and Paving Project Phase I B. Project # 2021-169

Background/Discussion

Prior to this project, stormwater at the entrance to the facility flowed underneath the existing scale. This drainage was detrimental to the life of the scale foundation and other structures placed in the area.

In conjunction with the purchase and installation of a new second scale, it was necessary to improve stormwater drainage and paving at the entrance of the facility. These improvements provide adequate drainage for the scale in this phase and future phases of the project. The additional paving will provide access to the new scale ramps and approaches.

Phase two of the project is the removal of the old 1997 scale and replacement with a new outbound scale and associated paving.

These two projects will enhance safety by eliminating issues caused by crossing traffic patterns and reduce bottlenecks at the entrance of the facility.

The revised total cost of this project was \$76,758.10. The project was included in the Recycling Center Operating Budget.

	<u>Total</u>
Original Contract Amount	\$76,593.00
Change Orders (0.22%)	\$165.10
Final Contract Amount	\$76,758.10
Less Previous Payments	\$72,920.20
Retainage Due Contractor	\$3,837.90

The Contractor completed the project on time and did not receive any non-compliance notices.

Recommendation

Approval of this resolution. This project addressed stormwater drainage issues at the Recycling Center.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 22-207	Resolution	8/16/2022

RESOLUTION NO. 22-207

**RESOLUTION ACCEPTING THE WORK OF
CARLEY CONSTRUCTION, LLC, IN CONNECTION WITH THE
RECYCLING CENTER ENTRANCE DRAINAGE AND PAVING PROJECT PHASE I B
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$3,837.90
PROJECT # 2021-169**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Carley Construction, LLC, for the Recycling Center Drainage and Paving Project Phase IB; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and
- WHEREAS, a request for final payment in the amount of \$3,837.90 to Carley Construction, LLC, has been submitted to the city Council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$3,837.90 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$3,837.90 payable to Carley Construction, LLC, from budget code R08420-631000; Project # 2021-169.

ADOPTED
AND
APPROVED

August 22, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Public Works Admin
Case/Project No.: PW23-11
Submitted by: Matthew Cox, Public
Works Director

Resolution 22-208
ITEM 3.I.

Council Action: 8/22/2022

Description

Resolution setting a public hearing for September 12, 2022 at 7:00 p.m. for the N. 28th Street Storm Sewer Rehab, Phase III. Project # PW23-11

Background/Discussion

The drainage basin limits for the N. 28th Street storm sewer are approximately I-29 to Avenue F, and N. 10th Street to N. 33rd Street. This area is roughly 580 acres. The existing storm sewer network in this area was constructed in the 1950's and is undersized causing frequent street flooding. The existing storm sewer interceptors are located along Avenue L, North 24th Street, and Avenue K. In recent years, the unusually high ground water conditions have caused several of the storm interceptors to fail, resulting in costly emergency repairs.

Phase I is complete and included construction of a new 84" storm sewer pipe under I-29. The Phase II project included an engineering study phase to identify and prioritize future projects within the drainage basin and construction of a new 84" storm sewer from the pump station to the north end of the 84" under I-29.

The Phase III project will connect a new 84" storm sewer to the south end of the existing 84" storm sewer under the interstate and extend the storm sewer into N. 28th Street connecting it to an existing 60" storm sewer. This will allow for additional pipe capacity to the pump station.

The project was included in the FY23 CIP with sales tax funds. The project budget is \$2,000,000.

The project schedule is as follows:

Set Public Hearing	August 22, 2022
Hold Public Hearing	September 12, 2022
Bid Letting	September 29, 2022
Award	October 10, 2022
Construction Start	Fall/Winter 2022

Recommendation

Approval of this resolution. This project will provide connection of a large storm sewer to the pump station, providing future added capacity for the N. 28th Street drainage basin.

ATTACHMENTS:

Description	Type	Upload Date
Map	Map	8/15/2022
Notice of Public Hearing	Notice	8/15/2022
Resolution 22-208	Resolution	8/16/2022

PW 23-11
N. 28TH STORM SEWER REHAB
PH. III

PHASE II

PHASE I

PROJECT LOCATION
PHASE III

AVENUE N

AVENUE Q

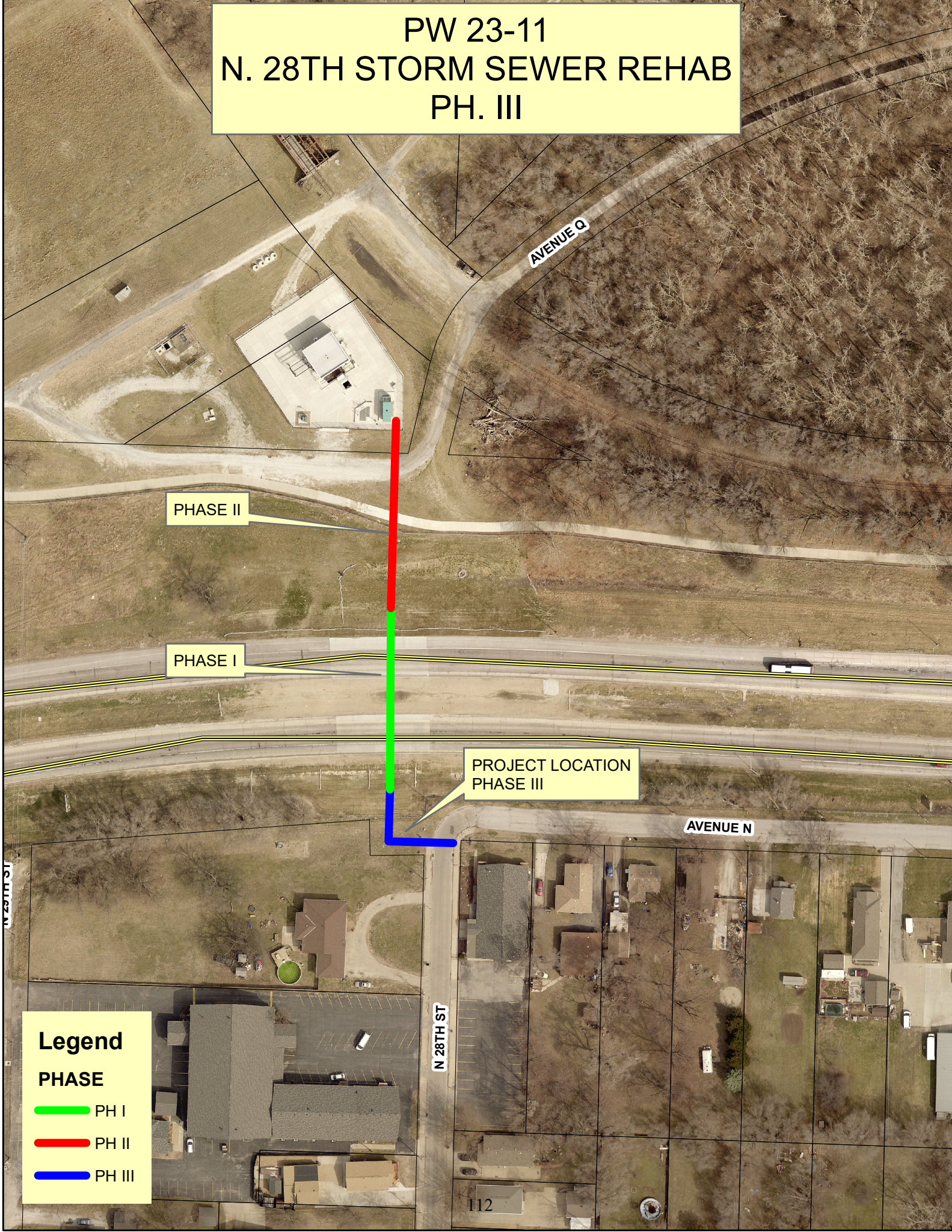
N 28TH ST

112

Legend

PHASE

- PH I
- PH II
- PH III



Notice of Public Hearing
on the
Plans, Specifications, Form of Contract and Cost Estimate
for the
N. 28th Street Storm Sewer Rehab, Phase III
Project #PW23-11

A public hearing will be held on September 12, 2022 at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed plans, specifications, form of contract and cost estimate for the N. 28th Street Storm Sewer Rehab, Phase III project. The project will include construction of 112 lineal feet of 84” storm sewer and 118 square yards of concrete pavement. At said hearing, any interested person may appear and file objections to such plans and specifications.

By Order of the City Council
of the
City of Council Bluffs, Iowa
Jodi Quakenbush, City Clerk

RESOLUTION
NO 22-208

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
N. 28TH STREET STORM SEWER REHAB, PHASE III
PROJECT #PW23-11**

WHEREAS, the City wishes to make improvements known as the N. 28th Street Storm Sewer Rehab, Phase III within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the N. 28th Street Storm Sewer Rehab, Phase III setting September 12, 2022, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

August 22, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 22-PK-2160

NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: DONALD PARK DAY PHONE: [REDACTED]

ADDRESS: [REDACTED] DOB: 1955

DATE & TIME OF LOSS/ACCIDENT: JUNE ?

LOCATION OF LOSS/ACCIDENT: 2406 AVE F

DESCRIPTION OF LOSS/ACCIDENT: CITY TREE BROKE SIDEWALK

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ _____

WITNESS(ES) (Name(s), Address(es), Phone No(s)): [REDACTED]

WAS POLICE REPORT FILED YES NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION: CRACKED SIDEWALK

CITY REMOVED TREE FROM RIGHT OF WAY FELL ON SIDEWALK

LIST INSURANCE PROVIDER AND COVERAGE: _____

CLERK RCVD

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

3 AUG'22

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

PH1:04

08/03/2022
DATE

[Signature]
CLAIMANT'S SIGNATURE

Action by Council:

Receive & File:

Date: 8.22.22



RETURN TO: CITY OF COUNCIL BLUFFS, IOWA
ATTN: CITY LEGAL DEPARTMENT
OR CITY CLERK
209 PEARL STREET
COUNCL BLUFFS, IA 51503


CITY CLAIM NO. 22-PW-2160

Action by Council:
Receive & File:

NOTICE OF CLAIM/LOSS

Date: 8.22.22

NAME OF CLAIMANT: Dewey, Dustan M

DAY PHONE: 712 

ADDRESS:  DOB  1982

DATE & TIME OF LOSS/ACCIDENT: 05/09/2022 @0933

LOCATION OF LOSS/ACCIDENT: 320 Huntington Avenue

DESCRIPTION OF LOSS/ACCIDENT: _____

PLEASE SEE REVERSE FOR DESCRIPTION OF LOSS

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 128.58

WITNESS(ES) (Name(s), Address(es), Phone No(s)) _____

WAS POLICE REPORT FILED YES NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY: _____

HAVE YOU RESUMED NORMAL ACTIVITIES? YES NO

CLERK ROVD

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION: Financial loss due to retrieval of vehicle from Arrow Towing Impound; Damage to bumper and hood by the same

4 AUG '22

PW2:43

LIST INSURANCE PROVIDER AND COVERAGE: _____

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

8/3/2022
DATE

Dustan M Dewey
CLAIMANT'S SIGNATURE

On May 9th, 2022, my burgundy Ford F-150 was towed from in front of my house by the Council Bluffs Police Department via Arrow Towing so milling could occur on the street that I live on. No real effort was made to inform me that I could not park on the street due to the work taking place. No cones were placed, no signage was posted, no calls were made and no one knocked on my door. The only effort made to inform the residents of my neighborhood, according to my neighbors when I asked later, were flyers placed into their mailboxes by Public Works just a couple days before the work was set to take place. The problem with this is two-fold.

(1) No flyer was placed into my mailbox to inform me as had been done with my neighbors. Had I received a flyer, I clearly would not have parked on the street. I did receive a voice mail at approximately 0845 on that day but as I work in a facility that does not allow me access to my cell phone, I did not receive the message in a timely manner. My truck was also almost immediately towed following the call, so no legitimate window was clearly intended or given to allow me to move my truck and was solely an attempt to 'check the block' that I was 'informed'.

(2) Per Title 18 US Code Chapter 83, it is a Federal Offense for a non-Postal Employee to place anything into a residential mailbox. Therefore, even if they had placed a flyer into my mailbox to inform me of the work, which they did not, doing so would have required the commission of a crime, which they did with my neighbors. As I am a government employee in another county, I know well that acting within the scope of your government job does not exempt you from federal regulations and laws. Additionally, no one can give you permission to break a federal law, regulation or statute just because you're acting on behalf of a government entity. So not only was I not informed that I could not park on my street, directly in front of my house, where I can otherwise legally park, on May 9th, 2022, but the method in which they chose to inform my neighbors constituted a criminal act.

Subsequently, because I was not informed, my truck was towed at the behest of the Council Bluffs Police Department. This incurred a financial cost to retrieve my truck from impound, which has also been damaged by Arrow Towing during the process. In addition, as I work in law enforcement, I am required to report all interactions with other law enforcement agencies, including this unnecessary towing of my vehicle, to my Office of Professional Responsibility, creating a potential investigation by the same, thus putting undue pressure on my career for something that could have easily been avoided had the city done its due diligence to inform me of the pending road work in a satisfactory manner.

It has been brought to my attention that perhaps the city had the official postman/ post office place the notices in our mailbox during mail delivery. Should this be the case, according to my research and conversations with a lawyer, it still remains against the law to place non-postage paid mail into a mail receptacle even by an authorized agent. The legality of this is between the city and the post office though and I simply want my money back because either way I was not informed at all. The items placed into my neighbors' mailboxes, and subsequent notices for later work that I DID receive were inside door hangers, so why weren't they placed onto DOORS instead of into mailboxes? And why wasn't a greater effort made to ensure that everyone received one? Illegal at worst but lazy, indifferent and inconsiderate at best. It would have been less work to ensure everyone received proper notice than it was to tow my truck.

So in closing, my otherwise legally parked truck was towed from in front of my house because the city of Council Bluffs used an ineffective, if not illegal, method to inform my neighborhood of its intention to mill my street just a couple days before the intended work was to begin, my house was missed/skipped during the sole and illegal contact method utilized by the Public Works Department to inform my neighborhood and thus I incurred a financial cost to obtain my truck back as well as incurred damage to both my vehicle as well as my career and professional reputation. I have no need for compensation for the damage to my truck, rather simply that the city is made aware that they contract through a company with zero regard for the property of its citizens while acting on behalf of the city. I simply desire the return of the cost I incurred to retrieve my truck from them.

Council Communication

Department: City Clerk

Case/Project No.:

Submitted by: Matthew Cox, Public
Works Director

Resolution 22-198 (Continued from
8-8-22)
ITEM 4.A.

Council Action: 8/22/2022

Description

Resolution authorizing the disposal of a property right by entering into a five-year leasehold agreement for outdoor dining with Juon Investments LLC d/b/a Glory Days Sports Bar.

Background/Discussion

In 2011, the City Council established the process to lease city right-of-way for the purpose of alcohol and non-alcoholic beverage and/or food consumption.

In 2012, six businesses in the 100 block of West Broadway were granted leases for outdoor dining. Two additional businesses were later granted leases; one in 2013 and another in 2021. Currently, six businesses have leases for outdoor dining, including Juon Investments LLC d/b/a Glory Days Sports Bar, 106 West Broadway.

In 2016, Juon Investments LLC d/b/a Glory Days Sports Bar requested a second lease area in front of 104 West Broadway which was approved.

Juon Investments LLC d/b/a Glory Days Sports Bar is now requesting a third lease area with an intended use of alcohol consumption in front of 108 West Broadway. 104 West Broadway, 106 West Broadway, and 108 West Broadway are owned by R&J Capital LLC.

The request is for the outside dining area to be adjacent to the curb, similar to its other two outside dining areas and the other areas within the block. The proposed area requires the removal of an existing elevated concrete streetscape planter, a 16-in. diameter tree, landscape lighting and irrigation, and adjustment of two sanitary sewer cleanouts. In accordance with the Outdoor Dining Policy and Procedures, the City shall be responsible for the relocation of obstructions in the right-of-way in conflict with the leased area. A preliminary estimate for this work is \$10,000.

The proposed area is 21.7 feet by 11.3 feet. The lease would allow a maximum of 6 tables and 18 chairs.

The area is in a historic district which requires the use of fencing and furniture meeting standards previously approved by the Historic Preservation Commission and the City Council. The City will purchase and install the fencing. The fencing materials are estimated to cost between \$4,000 and \$5,000. The business will provide the furniture.

All appropriate City departments, utility providers and neighboring properties were notified of this request. Objections to granting the lease were received from CD, PD, Fire, Parks, Legal, and the Mayor's Office (Public Works is also opposed). No objections have been received from utility providers.

The existing five year lease agreement provides for payment to the City of \$1,000.00 per year. If the third outside dining area is approved, the lease will be modified to include the additional space and the payment will remain at \$1,000 per year.

Recommendation

Denial of this resolution to grant a five-year lease for outdoor dining to Juon Investments LLC d/b/a Glory Days Sports Bar.

ATTACHMENTS:

Description	Type	Upload Date
Lease of Pedestrian Right-of-Way	Agreement	7/27/2022
Exhibit A	Other	7/27/2022
Existing Site Map	Map	7/27/2022
Existing Planter	Other	7/27/2022
Resolution 22-198	Resolution	8/3/2022

LEASE OF PUBLIC PEDESTRIAN RIGHT-OF-WAY

THIS LEASE AGREEMENT, made and entered into this _____ day of _____ 20____, by and between the City of Council Bluffs, Iowa, a municipal corporation, and **Ryan Rogers** and **Brandon Juon** d/b/a **R & J Capital, LLC**, the owner of the property located at 106 W. Broadway, Council Bluffs, Iowa 51503, and **Brandon Juon** and **Ryan Rogers**, the operators of the business, **Juon Investments LLC**, d/b/a **Glory Days**, which is located at the aforementioned address, herein referred to as “lessees.” This leasehold conveyance is subject to the reservations of the following terms and conditions:

1. **PREMISES.** The City of Council Bluffs, a municipal corporation in the State of Iowa, and its agents, contractors, and assignors, hereby grants a leasehold on the public right-of-way for purposes of a right-of-way encroachment improvement in, to, on, over, and across the following described real estate:

See attached survey (Exhibit A)

2. **LENGTH OF TERM AND OPTION TO EXTEND.** The initial term of the lease will be 5 years, and shall terminate at midnight on December 31st following the 5th anniversary of the date of the execution. Within 90 days of the termination of the initial term the parties shall negotiate and agree to any modifications of the terms and conditions of this agreement. If an agreement is reached, a 5 year extension shall be granted with the rent being due March 1st of each additional year. If either party wishes to modify any of the terms and conditions during the term(s) of this lease, notice must be given to the other party in writing no later than December 31st of the current term year. If, at any time the parties cannot come to any agreement as to the terms and conditions, the lease shall be deemed terminated.
3. **RENT.** Lessee agrees to pay to the City of Council Bluffs an annual rental fee of \$1,000.00. The initial rent payment shall be due upon execution of this lease. All subsequent rental fees shall be due by March 1st of each year.
4. **USE OF THE LEASEHOLD PROPERTY.**
 - a. **Alcohol Sales:** Alcohol sales and consumption shall be limited to “Lease Area I”, “Lease Area II”, and “Lease Area III” as described in Exhibit A.
 - b. **Notice to Patrons:** Lessee shall post a sign at all entrances and exits to the leasehold noting hours of legal operation and the rules regarding alcohol consumption as they relate to the leasehold property, in accordance with any local or state law.
 - c. **RESTRICTIONS ON USE OF LEASED AREAS:** Lessee shall have the right of access to the leasehold area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the leasehold area described, but shall **not** allow or facilitate patrons carrying alcohol on or across “Lease Area II” or “Lease Area III” as described in Exhibit A. The right to carry alcohol across “Lease Area II” to “Lease Area I” or “Lease Area III” to “Lease Area I” shall be limited to the waitstaff and employees of the establishment.

- d. Advertising Prohibited: Lessee or successors or assignors shall not erect or display signage, advertising, or menu displays on the leasehold property.
- e. Erection of Structures Prohibited: Lessee or successors or assignors shall not erect or place any structure over or within the leasehold area without obtaining prior written consent of the City Council, and if applicable the Council Bluffs Historical Preservation Commission for non-permanent fixtures, and prior written consent of the city engineer for permanent fixtures. Structures included within this section include serving stations, trash receptacles, and outdoor heaters.
- f. Change of Grade Prohibited: Lessee or successors or assignors shall not change the grade, elevation or contour of any part of the leasehold area in any way without obtaining the prior written consent of the city engineer.
- g. Removal and Replacement: The cost of removal and replacement of any unauthorized improvement or structure within the leasehold area, necessitated by the exercise of the rights under this lease, shall be borne by the lessee or the lessee's successors or assignors.
- h. Occupancy Limitations/Requirements: Lessee shall have no more or less than **22 tables and 50 chairs** within "Lease Area I", "Lease Area II", and "Lease Area III" as described by Exhibit A. The number of individuals within the leased areas shall not exceed number of chairs available at any given time.
- i. Limitation of Outdoor Areas: Lessee shall have no additional outdoor areas within the public ROW as part of its liquor license premises. The granting of this lease will require the elimination of any preexisting outdoor area from the liquor license premises, and be the basis for denial for any future application for additional outdoor areas during the term of this agreement.

5. CITY RESPONSIBILITIES.

- a. Enclosing the Premises. Alcohol sales and consumption shall be limited to "Lease Area I", "Lease Area II", and "Lease Area III" as described in Exhibit A. The City of Council Bluffs shall provide fencing in a standard established by the City and in accordance with a design approved by the Historical Preservation Commission where applicable. The fence shall be installed and maintained by the City of Council Bluffs. The fencing will have designated entrances and exits, but will not be equipped with operable gates.
- b. Relocation of Obstructions. The City shall be responsible for relocation of obstructions in the right-of-way in conflict with the leased area and a minimum of six feet wide public walk space. Obstructions include signs, benches, trash cans, etc. The City shall be responsible for relocation of fire post indicator valves in conflict with public walk space. The City shall be responsible for modification of landscape planters in conflict with the public walk space.

6. CARE AND MAINTENANCE.

- a. Duty to Repair: Lessee or successors or assignors agrees that any curb, walk, or other city improvement outside of the leasehold area which may be damaged as a result of any entry made through the exercise of the lessee's right of access shall be repaired by the City at the expense of the lessee, or the lessee's successors or assignors.
- b. Damage: Any damage to the leased premises, fencing, or other public fixtures, normal wear and tear excepted, shall be charged to the lessee. Damage shall be charged in accordance with normal city standards and costs.
- c. Non-permanent Fixtures and Furniture: Any fixture or furniture placed within the leased premises shall be provided by the lessee, but is subject to standards established by the City and the Historical Preservation Commission where applicable. All furniture, which is stacked and stowed away on the leasehold premise after consumption hours have ended, shall be un-stacked by 10:00 a.m. the following morning.
- d. Duty to Maintain: Lessee or lessee's successors or assignors agree that any right-of-way encroachment improvements must be maintained in good working order for its intended use. Maintenance shall include ensuring that the improvement is not in violation of the Municipal Code. The leased premises shall be maintained in a safe and sanitary manner by the lessee, in accordance with normal city standards.
- e. Waste/Garbage: The lessee or lessee's successors or assignors agree to properly dispose of all refuse and waste generated by the leased premises which remains on the leased premises or that migrates into the public pedestrian right-of-way by 10:00 a.m. the morning following every day the leasehold is in use.

7. **INSURANCE.** Lessee will be required to carry liability insurance in the amount of \$1,000,000. The Lessee agrees to name the City of Council Bluffs, its employees, successors, and assignees as additionally insured parties under said liability insurance, and shall provide the City with a copy of the policy by March 1st of each year during the current term.

8. **INDEMNITY.** Lessee hereby agrees to indemnify, defend and hold the City, its successors or assignors harmless from and against any and all claims loss, damage, liability, or fees they may sustain by virtue of any act or omission of the lessee or lessee's successors or assignors conducted in relation to this leasehold.

9. CITY RESERVATIONS.

- a. The City reserves the right to use the Leasehold area for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacment, and repair thereof which the city and its licensees and/or franchise grantees may in the future deem necessary and proper and for the removal of any improvements emplaced thereon by the lessees or the lessees' successors or assignors, necessitated by the

reconstruction, re-emplacment, or repair of such utilities, such removal to be at the sole expense of the lessee or lessee's successors or assignors and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record.

- b. The City reserves a public right-of-way across "Lease Area I", "Lease Area II", and "Lease Area III" for all pedestrian traffic and all other public uses.

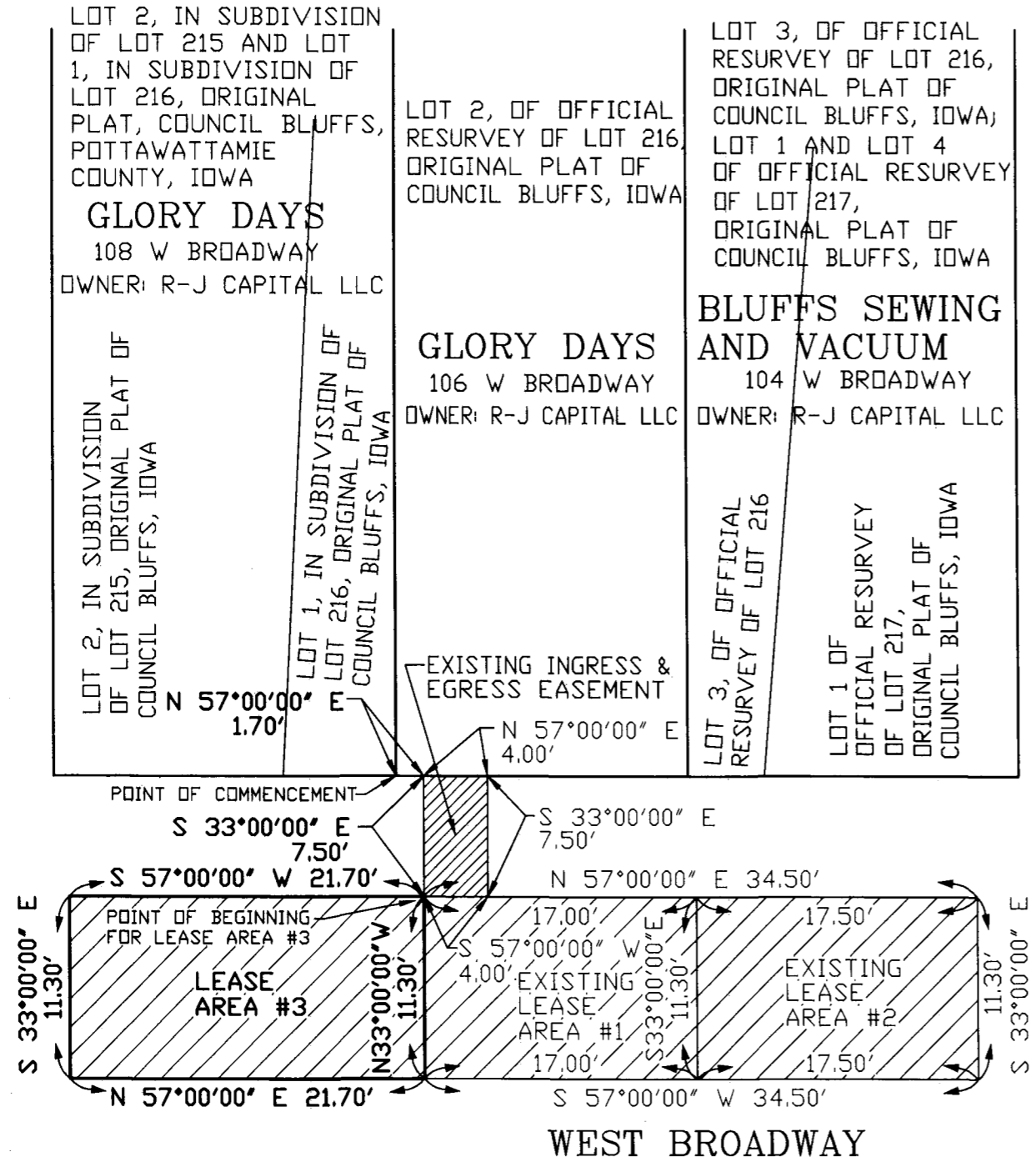
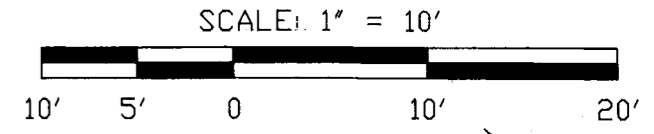
10. DEFAULT, NOTICE OF DEFAULT, AND REMEDIES.

- a. Events of Default: Each of the following shall constitute an event of default by lessee:
 - i. Failure to pay rent when due;
 - ii. Failure to observe or perform any duties, obligations, agreements, or conditions imposed on lessee pursuant to the terms of the lease;
 - iii. Failure of the lessee to maintain the permits required for business operation;
 - iv. Any conviction for the violation of the City's municipal ordinances or the laws of the State of Iowa;
 - v. Abandonment of the premises. "Abandonment" means the lessee has failed to engage in its usual and customary business activities on the premises for more than sixty (60) consecutive business days;
 - vi. Institution of voluntary bankruptcy proceedings by lessee; institution of involuntary bankruptcy proceedings in which the lessee thereafter is adjudged a bankruptcy; assignment for the benefit of creditors of the interest of lessee under this lease agreement; appointment of a receiver for the property or affairs of lessee, where the receivership is not vacated within ten (10) days after the appointment of the receiver.
- b. Notice of Default: Upon the occurrence of an Event of Default by lessee, the lessor shall give written notice of such default to the lessee. Lessee shall have 30 days from the date of such notice within which to cure such default. In the event that such Event of Default is not cured within the time period described herein, lessor shall have the right to terminate the lease in its entirety.

11. NOTICES AND DEMANDS. All notices shall be given to the parties hereto at the addresses designated unless either party notifies the other, in writing, of a different address. Without prejudice to any other method of notifying a party in writing or making a demand or other communication, such notice shall be considered given under the terms of this lease when it is deposited in the U.S. Mail, registered or certified, properly addressed, return receipt requested, and postage prepaid.

12. PROVISIONS BINDING. Each and every covenant and agreement herein contained shall extend to and be binding upon the respective successors, heirs, administrators, executors and

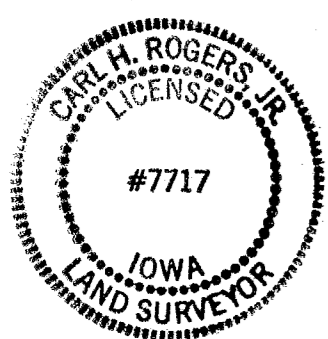
**DESCRIPTION & SKETCH
OF OUTDOOR SEATING
FOR GLORY DAYS**



LEGAL DESCRIPTION: LEASE AREA #3

A PORTION OF WEST BROADWAY RIGHT-OF-WAY ADJOINING THE SOUTHEASTERLY BOUNDARY LINE OF LOT 1 AND A PORTION OF LOT 2 IN SUBDIVISION OF LOT 216, AND LOT 2 IN SUBDIVISION OF LOT 215, ALL IN THE ORIGINAL PLAT, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 1, BEING A BUILDING CORNER LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WEST BROADWAY; THENCE NORTH 57°00'00" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1.70 FEET; THENCE SOUTH 33°00'00" EAST A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 57°00'00" WEST A DISTANCE OF 21.70 FEET; THENCE SOUTH 33°00'00" EAST A DISTANCE OF 11.30 FEET; THENCE NORTH 57°00'00" EAST A DISTANCE OF 21.70 FEET; THENCE NORTH 33°00'00" WEST A DISTANCE OF 11.30 FEET TO THE POINT OF BEGINNING. CONTAINING 245.21 SQUARE FEET, MORE OR LESS.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

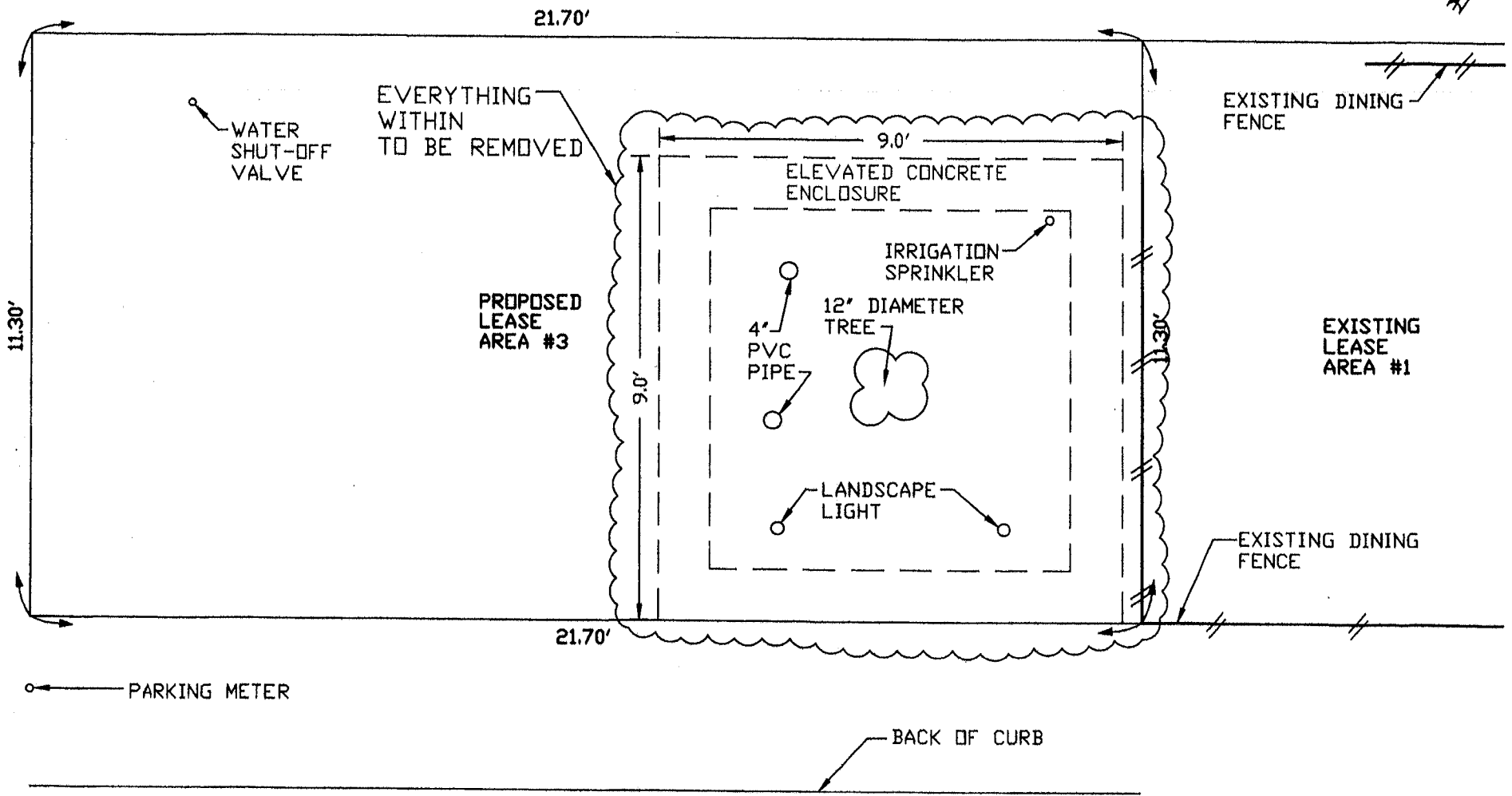
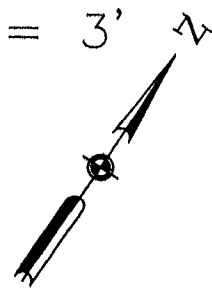
Carl H. Rogers, Jr. *JUNE 27, 2022*
CARL H. ROGERS, JR. DATE

LICENSE NUMBER: 7717
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022.
NUMBER OF SHEETS COVERED BY THIS SEAL: 126 SHEET 1 OF 1

EXHIBIT A

ROGERS SURVEYING		
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA		
SCALE: 1" = 10'	PHONE:	DRAWN BY: S.R.R.
DATE: 6-27-2022	(712) 366-9009	REVISED
TITLE: DESCRIPTION & SKETCH OF OUTDOOR SEATING FOR GLORY DAYS		
CLIENT: R-J CAPITAL LLC 106 WEST BROADWAY COUNCIL BLUFFS, IOWA 51503		SHEET 1 OF 1

SCALE: 1" = 3'



WEST BROADWAY



rtive Solutions

110

SHORTY'S BAR & GRILL

106

RESOLUTION
NO 22-198

**RESOLUTION AUTHORIZING DISPOSAL OF A PROPERTY RIGHT
IN THE PUBLIC RIGHT-OF-WAY
BY ENTERING INTO A FIVE-YEAR LEASEHOLD AGREEMENT
FOR OUTDOOR DINING**

WHEREAS, Juon Investments LLC d/b/a Glory Days Sports Bar has applied for a five-year leasehold agreement with the City of Council Bluffs for a portion of the public right-of-way adjacent and contiguous to 108 West Broadway, generally described as a part of the West Broadway right-of-way adjoining the southeasterly boundary line of Lot 1 and a portion of Lot 2 in Subdivision of Lot 216 and Lot 2 in Subdivision of Lot 215, all in the Original Plat of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, following public hearing, this City Council hereby authorizes disposal of said property right by entering into a five-year leasehold agreement; and

WHEREAS, a copy of the leasehold agreement is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby authorizes disposal of a property right by entering into a five-year leasehold agreement with Juon Investments LLC d/b/a Glory Days Sports Bar; and

BE IT FURTHER RESOLVED:

That the Mayor is hereby authorized to execute the leasehold agreement on behalf of the City of Council Bluffs, Iowa.

ADOPTED
AND
APPROVED

August 8, 2022

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Council Communication

Department: Parks and Recreation

Case/Project No.: Eastern Hills

Trail Stop Park Parking Lot -

Award Contract

Submitted by: Vincent M

Martorello

Resolution 22-209

ITEM 5.A.

Council Action: 8/22/2022

Description

Resolution to award contract to Bluffs Paving and Utilities Co. Inc. for the Eastern Hills Trail Stop Park Parking Lot, Project R23-15

Background/Discussion

The Council approved the Eastern Hills Trail Stop Park Parking Lot, Project R23-15 in the FY 23 CIP in the amount of \$350,000.00. A public hearing was held on July 11, 2022 and the bid was issued on July 12, 2022. The bid closed on August 8, 2022 and the City received two bids.

Bluffs Paving and Utilities Co Inc submitted a bid in the amount of \$257,064.56 and Carley Construction, LLC submitted a bid in the amount of \$302,520.00. Bluffs Paving and Utilities Co. Inc. is the apparent low bidder.

The the parking lot will provide 21 parking spaces, including two ADA parking spaces and serve the recently completed Eastern Hills Trail Stop Park.

Recommendation

Approve the resolution to authorize the Mayor and City Clerk to enter into a contract with Bluffs Paving and Utilities Co. Inc in the amount of \$257,064.56 for the Eastern Hills Trail Stop Park Parking Lot.

ATTACHMENTS:

Description	Type	Upload Date
Resolution 22-209	Resolution	8/16/2022

RESOLUTION
NO 22-209

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER
INTO AN AGREEMENT AND AWARD A CONTRACT IN THE AMOUNT OF
\$257,064.56 TO BLUFFS PAVING AND UTILITIES CO. INC. FOR THE EASTERN
HILLS TRAIL STOP PARK PARKING LOT, PROJECT R23-15**

- WHEREAS, the Council approved the Eastern Hills Trail Stop Park Parking Lot as an FY 23 Capital Improvement Project with a budget of \$350,000; and
- WHEREAS, the parking lot will provide 21 parking spaces, including two ADA parking spaces and serve the recently completed Eastern Hills Trail Stop Park; and
- WHEREAS, the City Council held a public hearing on July 11, and a bid was issued on July 12, 2022 and closed on August 8, 2022; and
- WHEREAS, two bids were received and the apparent low bidder is Bluffs Paving and Utilities Co Inc. with a bid amount of \$257,064.56; and
- WHEREAS; the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk are hereby authorized, empowered and directed to execute a contract in the amount of \$257,064.56 for the Eastern Hills Trail Stop Park Parking Lot, Project R23-15, with Bluffs Paving and Utilities Co Inc.

ADOPTED
AND
APPROVED

August 22, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community
Development
Case/Project No.: CP-22-003
Submitted by: Vincent Martorello,
Director of Parks and Recreation
Department

Resolution 22-210
ITEM 5.B.

Council Action: 8/22/2022

Description

Resolution to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), specifically by updating Chapter 7-Parks, Recreation and Natural Features.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	8/12/2022
Attachment A - Chapter 7 – Parks, Recreation, and Natural Features (updated version)	Other	8/12/2022
Resolution 22-210	Resolution	8/16/2022

City Council Communication

Departments: Parks and Recreation & Community Development	Resolution No. _____	City Council: 8/22/22
CASE #CP-22-003		Planning Commission: 8/9/2022
Applicant: City of Council Bluffs		

Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to update Chapter 7 – Parks, Recreation, and Natural Features of the Bluffs Tomorrow: 2030 Comprehensive Plan.

Background

The Parks and Recreation Department recently collaborated with the Community Development Department to update Chapter 7 – Parks, Recreations, and Natural Features, of the Bluffs Tomorrow: 2030 Comprehensive Plan. The update was an internal effort amongst staff and was completed to ensure closer alignment between the Bluffs Tomorrow: 2030 Comprehensive Plan and the direction of the Parks and Recreation Department. The City’s Parks and Recreation Commission reviewed the proposed update Chapter 7 and recommended approval to City Council on March 8, 2022.

The framework and vision of Chapter 7 has remained the same; however the update is focused on effectively managing parks, open space and natural features, while providing community based recreation and access to parks for everyone. The updated Chapter has five sections, as follows:

1. The Missouri Riverfront, which discusses the importance of the river to the City and increasing public access to it. The River’s Edge Development is also highlighted as a key aspect of the riverfront.
2. The Parks System, which identifies the parks, monuments, and landmarks in the City as well as non-city open space and parks. An updated Future Parks Map shows potential locations for new parks in the City and within our two-mile extraterritorial jurisdictional limit.
3. The Trail System, which discusses the reinvestment need to our existing trail system, as well as, trail amenities such as corridors and trail stop parks. An updated Future Trails Map is included in Chapter 7.
4. Recreation and Events, which highlights the City’s approach to recreation and the partners we have within our community.
5. Natural Features and Open Space, which identifies the key natural areas within and near the City. Also included in the narrative is the use of pollinators within parks and the importance of developing a natural resources and features master plan.

Proposed changes to Chapter 7 include:

- The narrative about City’s park system and trail system was expanded.
- A detailed overview of the City’s reinvestment into our existing park and trail systems
- The Future Parks and Trails Maps were updated to reflect current planning efforts and interest to create a stronger connection among parks within the City and into the County.
- Recreation and Events are included in the update because since the completion of the Bluffs Tomorrow: 2030 Plan, a Recreation and Events Division was created and this division aligns closely with the City’s mission which is to “continuously improve the quality of life and attractiveness of the City of Council Bluffs”.

- The actions within the Comprehensive Plan were updated to reflect the City’s attention on park and trail planning, and natural features planning.
- The re-emphasis on including trail development within the subdivision review process either by having developers construct new trails as part of their development or to “pay in lieu” of.

Once updated, Chapter 7 will become the overarching planning tool to guide the future development of parks and trails within the City. If circumstances arise or a significant change in the direction occurs for reasons unknown at this time, then the Parks and Recreation Department will work with the Community Development Department to amend or update Chapter 7 accordingly. Any future update process will include review and approval by the City’s Parks and Recreation Commission, Planning Commission, and City Council.

Recommendation

The Community Development Department and the Parks and Recreation Department recommend approval to update Chapter 7 – Parks, Recreation, and Natural Features of the Bluffs Tomorrow: 2030 Comprehensive Plan, as shown in Attachment ‘A’.

Public Hearing

Staff speakers for the request:

1. Vincent Martorello, Director of Parks and Recreations, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval to update Chapter 7 – Parks, Recreation, and Natural Features of the Bluffs Tomorrow: 2030 Comprehensive Plan, as shown in Attachment ‘A’.

VOTE: AYE – Bass, Halm, Hutcheson, Knauss, Opperman, Rater, Rew, Stroebele, and VanHouten.
NAY - Scott ABSTAIN – None. ABSENT – Danielsen. VACANT – None. Motion: Carried.

Attachment

Attachment A: Chapter 7 – Parks, Recreation, and Natural Features (updated version)

Prepared by: Vincent Martorello, Director of Parks and Recreation Department

7 Parks, Recreation & Natural Features

Council Bluffs' parks and natural features help define the framework of the community and how residents enjoy its unique character. These natural features include the Loess Hills, Missouri River, creeks and streams, lakes, riparian areas, and open spaces.

The City's parks provide crucial green space within an urban area and offer opportunities for formal and informal community recreation.

This chapter describes the vision for the City's Parks, Recreation and Natural Features and provides recommendations for how the City can continue to build upon them.

This plan incorporates past plans, including the Parks and Recreation Master Plan and subsequent concept plans for the parks, Council Bluffs Trails Plan, Riverfront Master Plan, and the Parks and Recreation Department Strategic Plan.

There are several fundamental components that collectively contribute to the character and livability of Council Bluffs.

This chapter is structured to describe how each of these components make this contribution and the measures the Parks and Recreation Department will take to effectively manage and sustain these components.

COMPONENTS

- The Missouri Riverfront
- Park System
- Trail System
- Recreation and Events
- Natural Features and Open Space

The City's mission statement is "*To continuously improve the quality of life and attractiveness of the City of Council Bluffs*".

The Parks and Recreation Department is strategically positioned to align its operation to this mission by how it invests into the unified system of parks, trails, and the measures it takes to preserve and enhance the natural features within the City.

The historic development of Council Bluffs was significantly influenced by the natural environment and features that make Council Bluffs unique. Community improvements over the years have sought to complement existing features such as the Missouri River, Loess Hills, Lake Manawa and other features.

The parks and trails system has evolved to highlight natural features and provide access to these natural features.

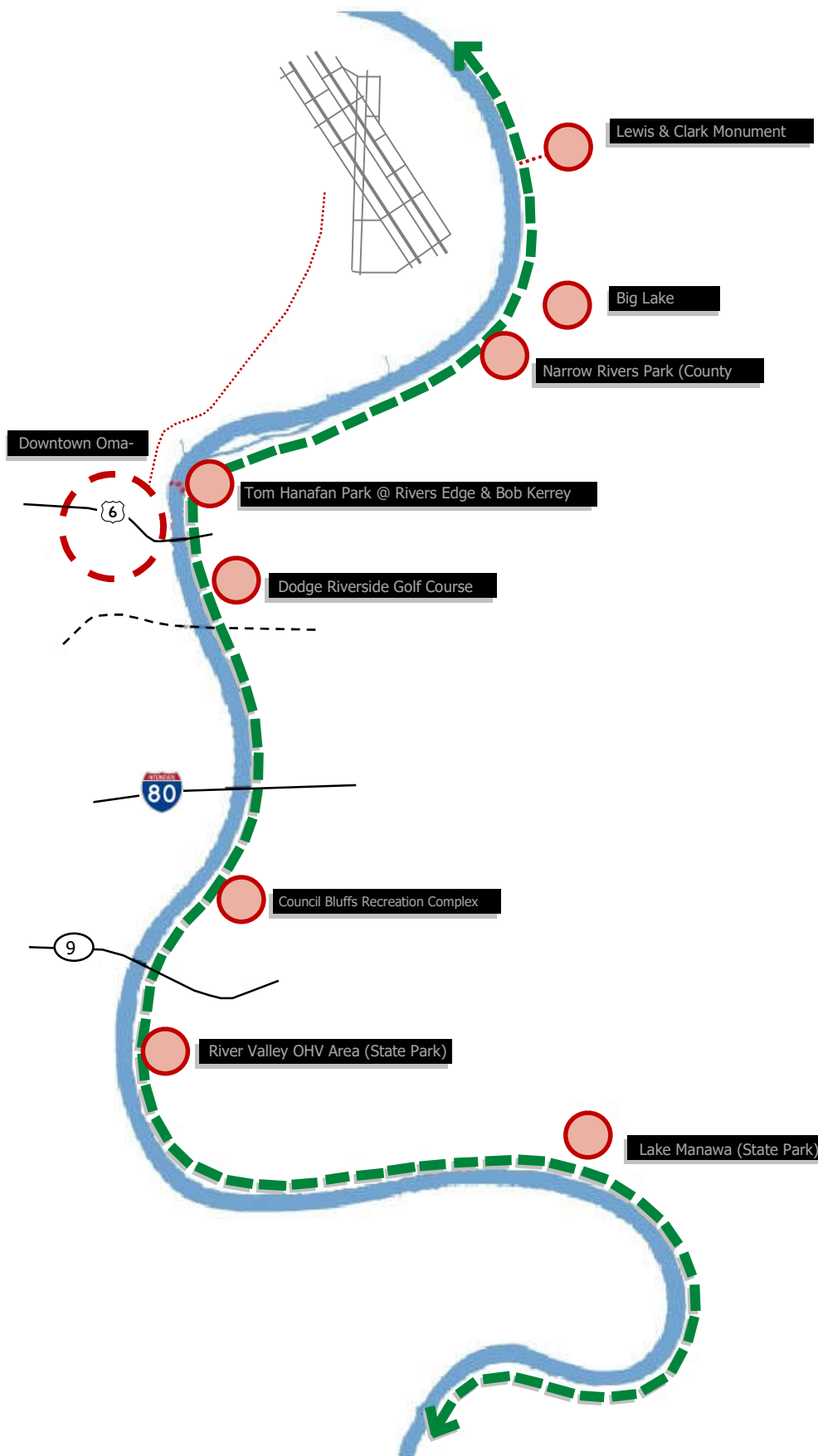
While significant progress has been made to interweave park and trail improvements with the City's natural features, more work can be done to ensure efforts are sustained and enhanced as opportunities allow.

In some cases, the Parks and Recreation Department does not have direct management responsibilities over significant natural features such as Loess Hills and Lake Manawa.

And, it is important the Parks and Recreation Department advocates for the protection and enhancement of these nature resources. Through coordination, and collaboration, a comprehensive approach to how all the natural features are effectively managed can cross management oversight boundaries.



BAYLISS PARK



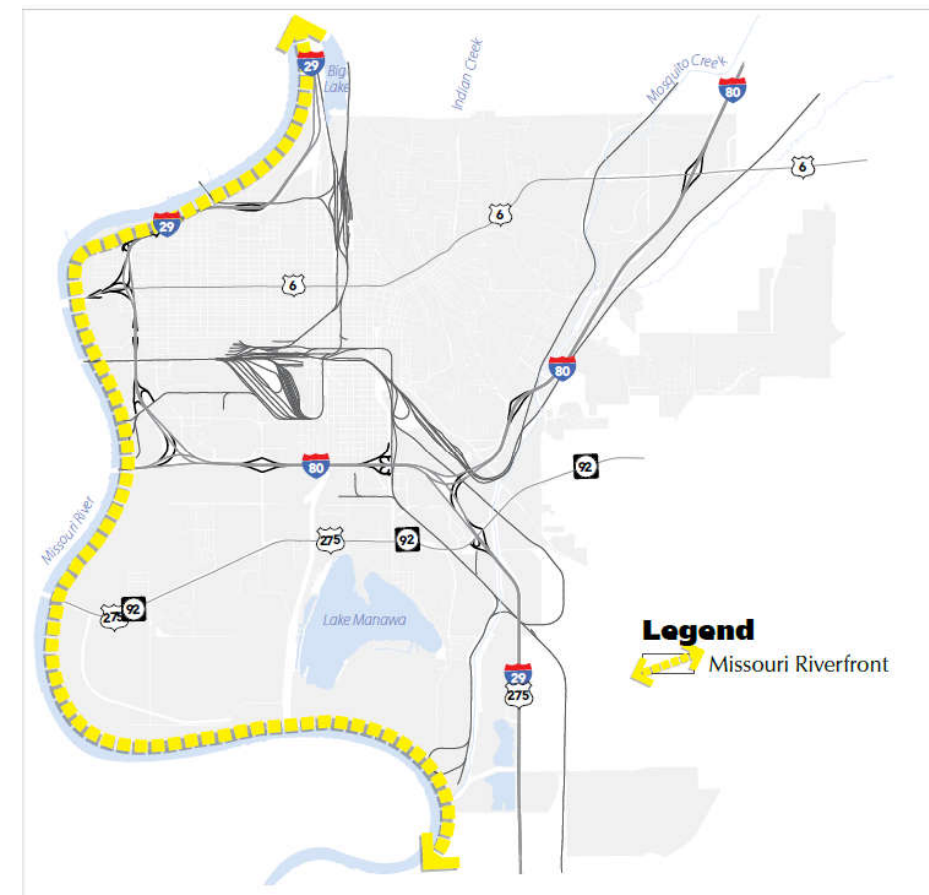
The Missouri Riverfront

Council Bluff's has approximately 13.6 miles of Missouri riverfront along its western boundary. The Missouri River is a vital environmental asset, both locally and regionally. It supports essential wildlife and highly valued habitat, and provides Council Bluffs residents with access to an attractive and community defining feature.

The Rivers Edge Master Plan and Riverfront Master Plan have initiated incredibly important development and economic benefit to the City. The City should continue to make improvements to the Rivers Edge area and balance this development with shoreline restoration efforts and management approaches.

Future opportunities include Phase 4 of the River's Edge Development, maximizing restoration efforts along the River's Edge to the south, increasing the trail system along the Missouri river to maximize public access and enjoyment, and increasing the natural and wildlife habitats.

Phase 4 of the River's Edge Development includes and observation tower, tree top walk, and a pier. The observation tower will include recreational opportunities such as rock climbing, roll gliding, and caving.



Recommendations

1. Continue the multi phase riverfront development plan and construct amenities that promote public access to the river and recreational opportunities.
2. Restore the shoreline of the river to promote habitat diversity and wildlife.
3. Work with property owners to acquire land or obtain easements to develop a shoreline trail system.
4. Limit development and improvements to those amenities allowable within a flood plain in accordance with the United States Army Corps. of Engineers.

Actions

1. Expand the Iowa Riverfront Trail from Veteran's Memorial Hwy to Indian Creek Trail.
2. Publish a shoreline trail plan.
3. Seek funding for shoreline restoration projects.
4. Publish a comprehensive education program with use of signage along key areas of the river.
5. Pursue land acquisition or easements as funding and opportunity allows to acquire or manage shoreline properties.

Park System

Council Bluffs has approximately 750 acres of park land and has 31 City parks and one State parks within City limits. The State park is Lake Manawa State Park. The City parks are classified as follows:

Regional Park

1. Council Bluffs Recreation Complex
2. River's Edge

Community Parks

1. Bahnsen Park
2. Bayliss Park
3. Big Lake Park
4. Fairmount Park
5. Lewis and Clark Monument Park
6. Lincoln Monument Park
7. Roberts Park
8. Tom Hanafan Park @ Rivers Edge
9. Valley View Park

Neighborhood Parks

1. Cochran Park
2. Graham Park
3. Kimball Park
4. Kirn Park
5. Malmore Park
6. Manawa City Park
7. Peterson park
8. Prospect Park
9. Sternhill Park
10. Sunset Park

11. Trolley Park
12. Twin City Park
13. Westwood Park

Special Use Parks

1. Broadway Skate Park
2. Katelman Water Park
3. Pirate Cove Water Park

Natural Area Parks

1. Vincent Bluff Preserve
2. Cook Park

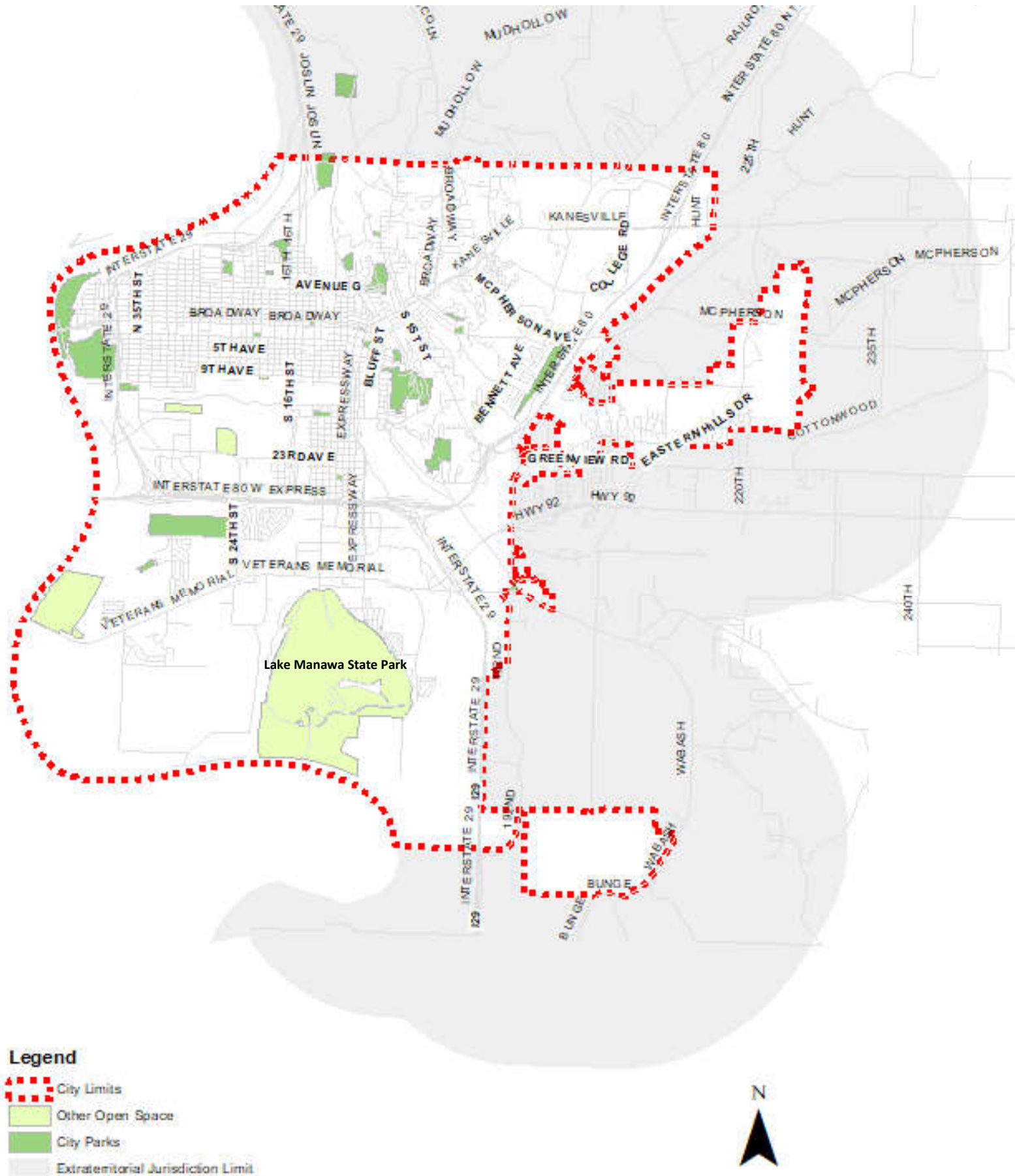
Trailheads

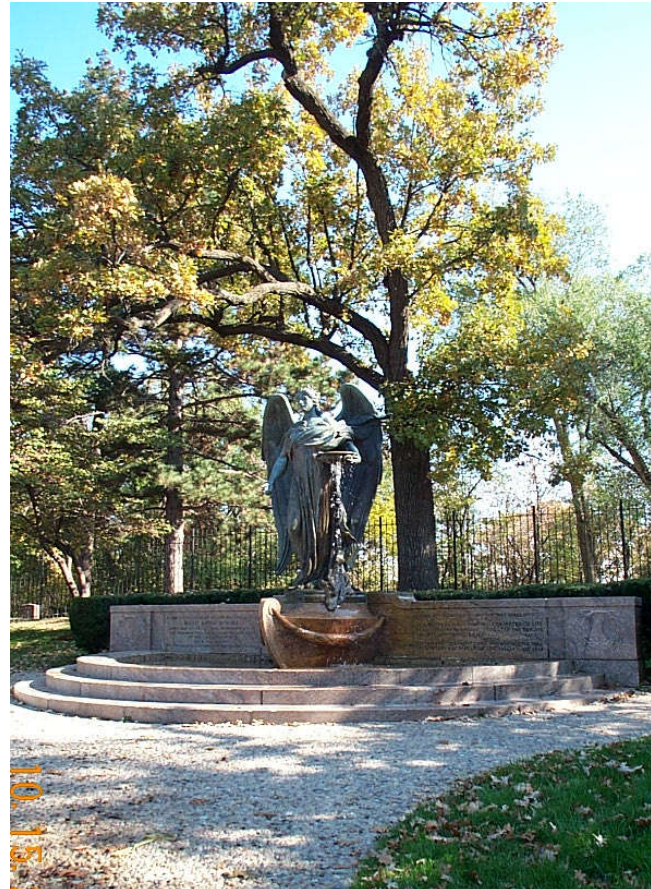
1. Eastern Hills Trail Stop Park
2. Gibraltar Neighborhood Association Trailhead.
3. Iowa West Foundation Trailhead Park

The Park System also includes a number of monuments and landmarks

Monuments

1. Black Angel Statue, Fairview Cemetery
2. Defenders Monument, Bayliss Park
3. Dodge Trough, Haymarket Historic District
4. Golden Spike Monument, 9th Street
5. Freedom of Honor, Rails West Museum
6. Kinsman Monument, Fairview Cemetery
7. Lewis and Clark Monument, Lewis and Clark Monument Park
8. Lincoln Monument, Lincoln Monument Park





BLACK ANGEL STATUE



LINCOLN MEMORIAL

- 9. Mormon Trail Monument, Bayliss Park
- 10. Spanish American War Monument, Bayliss Park

Landmarks

- 1. Bayliss Fountain, Bayliss Park
- 2. Clark Cemetery
- 3. Crossover Fountain (original Bayliss Fountain)
- 4. Dodge House
- 5. Fairview Cemetery
- 6. First Responders Plaza
- 7. Haymarket District
- 8. Rails West Railroad Museum
- 9. Veterans Plaza, Bayliss Park

The monuments and landmarks within the City contribute to the culture and history of Council Bluffs and are an important aspect and amenity to the park system. The Parks and Recreation Department partners with different agencies and organizations within the City to ensure these amenities are well maintained.

FUTURE PARKS

The City's Parks and Recreation Master Plan was completed in 2013 and provides a vision for the development of future parks.

The Master Plan is seven years old and the City should consider a full update to the plan.

In 2020, the Parks and Recreation Department completed concept plans for most of the parks. The purpose of these concept plans was to provide a visual representation for the spatial arrangement of the recommendations within the Master Plan, as well as new recommendations based on current need.

These concept plans will be used as a means to complete more defined plans for each park. Once these individual plans are reviewed and approved by the Council, then future improvements can be included into the Parks and Recreation Capital Improvement Program.

LAND ACQUISITION AND EASEMENTS

When feasible and for the purposes of increasing recreational opportunity within the City, land acquisition of property or easements across private property adjacent to or near existing parks and park facilities should be explored.

Potential property for acquisition includes the land to the north and south of the Recreation Complex. This property is owned by the State of Iowa and the City has been in discussion with the State about obtaining this property for the purposes of recreation.

If this property becomes available, then there may be a benefit for the City to obtain all or a portion of the property for recreation use and expansion of the Recreation Complex.

Should the property become privately owned and operated for recreation purposes, then the City should explore the feasibility of entering into an agreement with the owner for use of the property. A public private use agreement may allow the City to expand the use of the Recreation Complex and avoid increasing operation and maintenance costs.

Park System

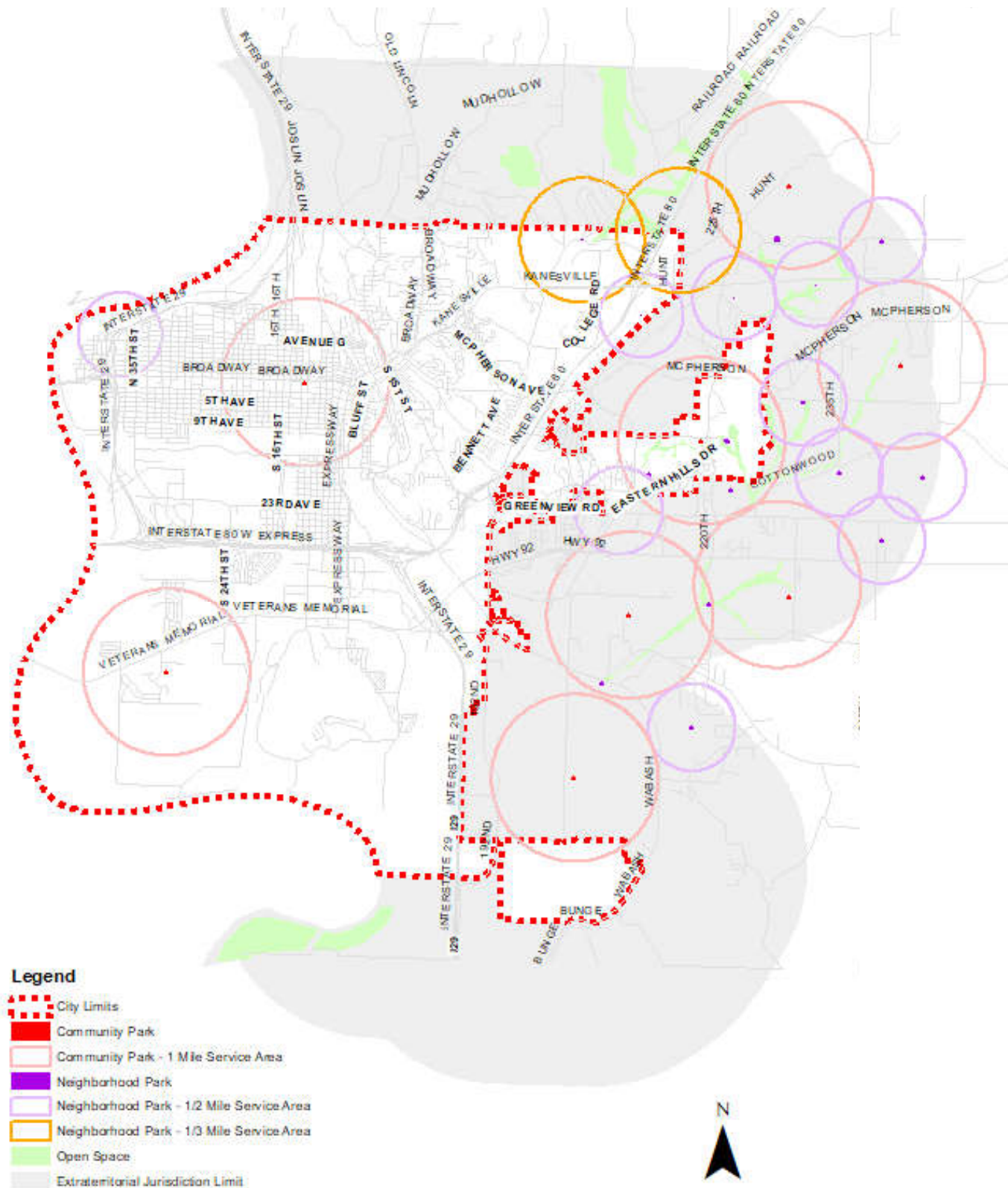
Other acquisition or easement scenarios include land near trails to be used to expand the trail system, create trailheads, or trail stop parks.

The planning and design of new parks should address several factors:

- 1. Focus on community need.
- 2. Provide recreational opportunity and open space within underserved areas and populations.
- 3. Become a framework for new development.
- 4. Be located within direct or near proximity to the trail network system.
- 5. Include informal recreational opportunities within the park.
- 6. Preserve natural open space and include natural areas within future parks.
- 7. Create parks that expand the overall portfolio of recreational opportunities (e.g., BMX parks, dog parks, hiking, etc.).

It is anticipated most of the future parks will be located within the Extraterritorial Jurisdiction Limit in coordination with the County. Within City limits, future parks potentially include a neighborhood park on the northwest portion of the City, three Community Parks located in the central, eastern, and southern portion and southern portion of the City.

Park System



FUTURE PARKS PLAN

Other Parks in Council Bluffs

The residents of Council Bluffs have access to a number of parks and recreational opportunities in addition to the Council Bluffs park system.

- The Missouri River offers an array of water recreational opportunities.
- Lake Manawa offers water recreation, trail hiking, and a large multifaceted playground.
- Wabash Trail provides access into the County from the City and is appreciated for its natural setting and rural scenic setting.
- Dodge Riverside Golf Course is a xx acre, 18-hole golf course owned by the City and managed by a private entity.

Recommendations

1. Develop a level of service standard for the parks to ensure maintenance quality and consistency.
2. Prioritize improvements to parks based on condition assessments and maintain a condition rating of good or higher for the parks and park amenities.
3. A long-term replacement schedule should be developed for park amenities, such as playgrounds, shelters, and site furnishings.
4. Identify zoning measures that establish mechanisms for land dedication for a park within a housing development plan.
5. Explore the feasibility of creating a "pay in lieu of" mechanism for those circumstances when land is not available within a housing development project.
6. Develop park master plans for existing parks as warranted based on use of park, condition of existing amenities, and/ or the potential for expansion or repurposing of a park to a more specialized recreational use.
7. Explore the feasibility of land acquisition and/ or easements when such mechanisms can enhance or broaden recreational opportunities within the City.

Actions

1. Adopt a mechanism for developers to dedicate land for a park within housing developments.
2. Draft a Level of Service Standard Manual for the parks to identify maintenance responsibilities, frequency, and quality expectation for each park.
3. Put into place a quality inspection program to assess and implement the level of service standards.
4. Publish a long-term replacement schedule for all park amenities.
5. Maintain and enhance public access to the Missouri River.



INDIAN CREEK TRAIL BRIDGE

Existing Trails

Council Bluffs has approximately 45 miles of trails. The trails offer an opportunity for recreational activity and alternative transportation.

In 2019, the City had 40 miles of trails and a condition assessment was completed of the entire trail network. It was determined of the 40 miles, approximately seven miles were either in poor or fair condition. Those segments found to be in good condition were in need of a higher level of maintenance to prevent degradation to a fair level.

The trail system is comprehensive and provides good access across the City. The major north—south collector is the Iowa Riverfront Trail, which extends from Big Lake Park to the Council Bluffs Recreation Complex. FIRST Ave Trail will be completed in 2022 and is the major east-west collector. It will connect the Bob Kerrey Bridge to the downtown.

Although the existing network provides good access across the City, there are opportunities to add trail segments to increase connectivity and broaden access.

Future improvements should focus on filling in “gaps” within the system and establish new connections north-south and east-west. Portions of the trail system should also be identified as specific alternative transportation corridors

An important aspect of the trail system is the recreational benefit it provides our community. The Parks and Recreation Department wants to encourage users to stay out longer on the trail system and to use the trail system when they otherwise may not do so.

Towards this end, amenities are being added along the trail system to encourage more frequent and longer duration of use.

CORRIDORS

The Fall Color Corridor was added along South Side Trail near S. 8th Street and 14th Ave in 2020. The corridor is a collection of tree plantings that display a brilliant fall color.

A Spring Color Corridor will be designed along Mid City Trail from 2nd Ave to Ave G. This corridor will include trees that display a spring bloom.

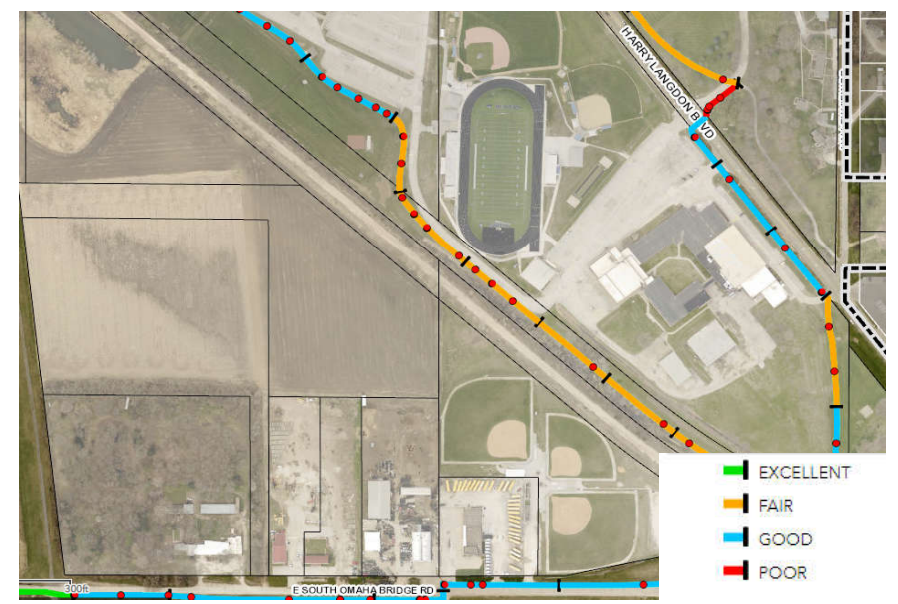
TRAIL STOP PARKS

In addition to the corridors, trail stop parks are being added along the trail system. The first trail stop park will be constructed in the Spring of 2022 and is located near the Eastern Hills Drive and Greenview Road roundabout, along Eastern Hills Trail.

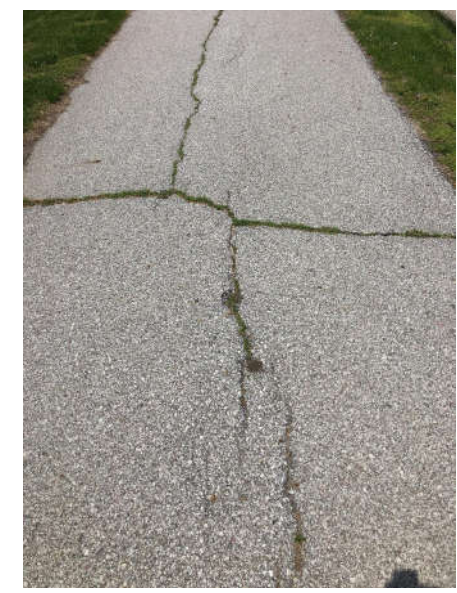
Trail stop parks will provide an area of respite and will include picnic shelters, and play structures.

Trail System

Condition Assessment



Rating	Excellent	Good	Fair	Poor
Miles	24	9	6	1
Percent	60%	22%	15%	2%



Spot Check - LEWIS CENTRAL	
TRAIL NAME	LEWIS CENTRAL
SPOT CONDITION	CRACK
COMMENTS	Transverse crack
DATE COLLECTED	May 6, 2019
Creator	bwalter_fhu
Attachments:	
	[1F452B0E-CC2B-4781-90E3-D4750857C2F7].PHOTO-20190506-180652.jpg

In addition to the overall rating, the condition assessment includes spot checks. These check points identify specific areas of and the Parks and Recreation Department will complete point specific repairs as well as full segment replacement repairs.

Trail System

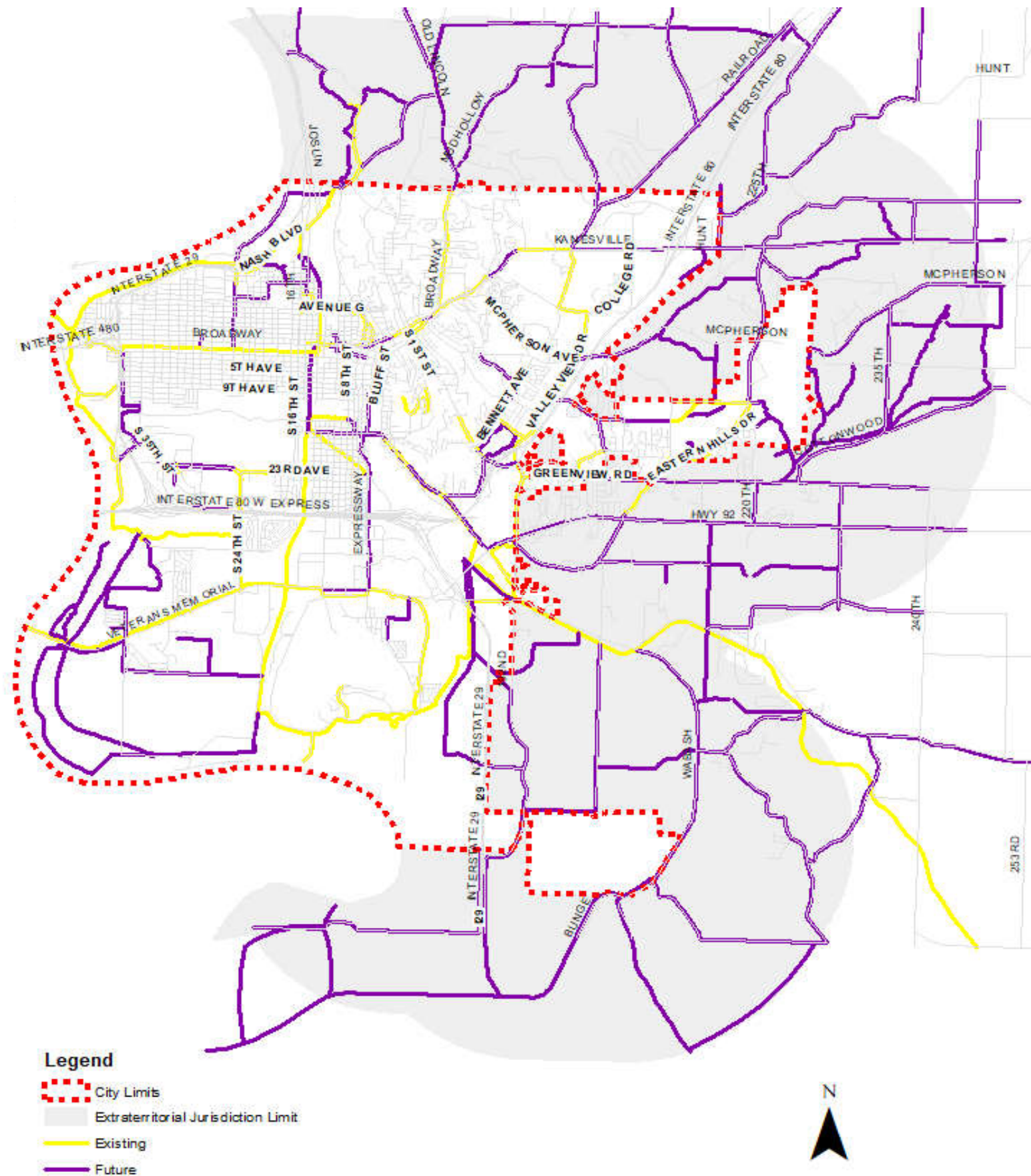
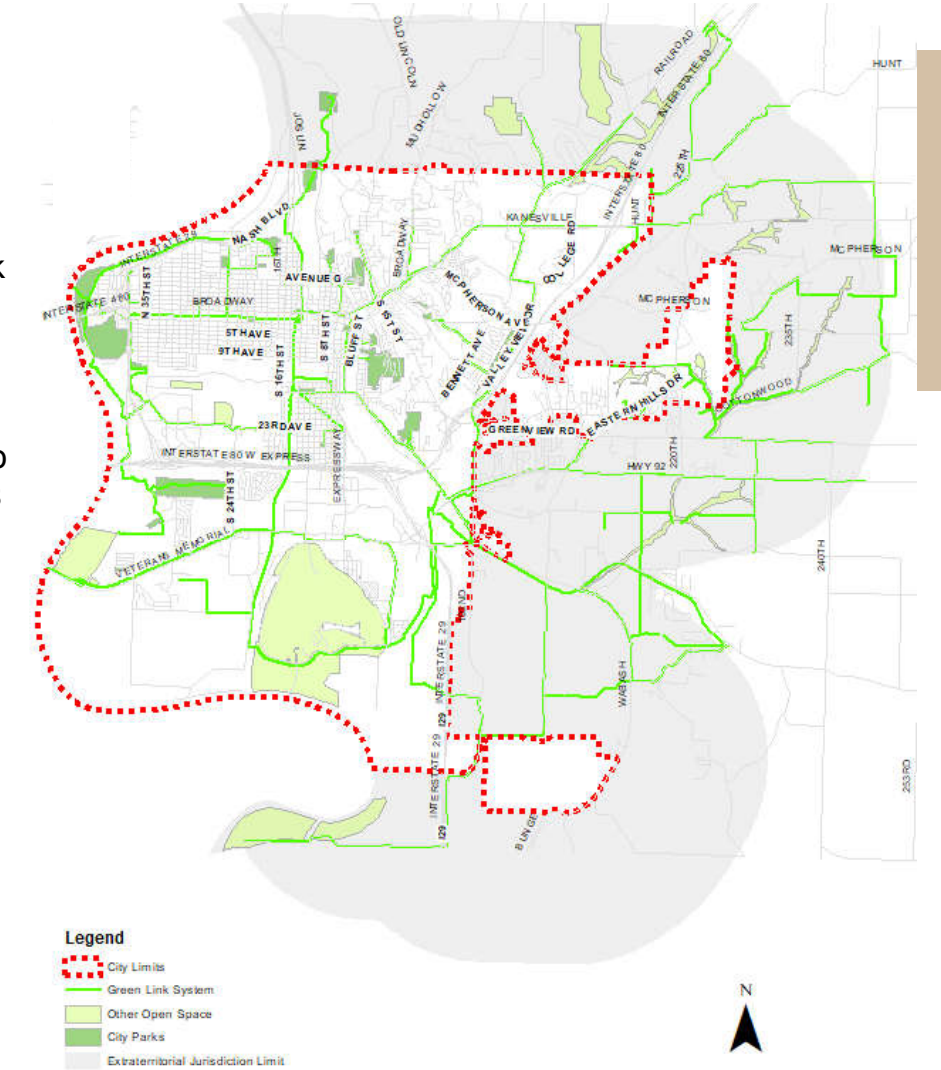
Future Trails

The future trails plan has two areas of focus. The first area is within City limits and addresses connectivity. Within the City, the objective is to expand the network of trails by making key connections within the existing trail network and thereby expanding the reach of the trail system. The City network will also coincide with street improvements to enhance alternative transportation options across the City.

The other focus is to lengthen existing trail segments into the Extraterritorial Jurisdiction Limit.

There are a couple of key connections within the City. The first is to lengthen the Iowa Riverfront Trail from the Recreation Complex to Lake Manawa, along the riverfront. The second is to complete the connection between the Missouri River and the eastern edge of the City.

An aspect of the overall goal for the City's trail system is to create connection among the parks and open spaces. This "Green Link" system will be a combination of existing and future trails, as well as bicycle lanes and sidewalks. When completed, the Green Link system will provide pedestrian access between and among each of the parks.



FUTURE TRAILS PLAN

Trail System



INDIAN CREEK TRAIL



VALLEY VIEW TRAIL



MID CITY TRAIL



IOWA RIVERFRONT TRAIL

Recommendations

1. Continue to identify locations along the trail system for trail stop parks and corridors.
2. Work with public works to identify sidewalks within the Green Link System that can be widened or improved.
3. Create amenities along the trail system to enhance a users' experience.
4. Expand the wayfinding system along the entire trail system.
5. Identify zoning measures that establish mechanisms for land dedication or easements for a new trail segment when development is adjacent to existing trails or future planned trails.
6. Explore the feasibility of creating a "pay in lieu of" mechanism for those circumstances when land is not available within adjacent to development for a trail or when constructing a trail at the time of development is not practical.

Actions

1. Review the Future Trail Map and prioritize improvements supporting connectivity among and between parks and open spaces.
2. Adopt a mechanism for developers to contribute to the construction of a trail segment adjacent to development.
3. Allocate funding for annual reinvestment into the trail system.
4. Publish a Trail Amenities Plan that identifies locations for future trail amenities. Appropriately fund the operation and maintenance of the trail system.
5. Draft a Green Link System Improvement Plan that identifies the improvements of sidewalks, trails, and addition of bicycle lanes within the system.
6. Coordinate with Public Works on street improvement projects in order to maximize resources when planning and constructing future trails.

Recreation and Events



TEE BALL LEAGUE

The Recreation and Events Division is charged with providing no fee or low fee recreation programs and community events.

A community's livability and quality of life is closely tied to recreational opportunities and how a person will experience the community or sense of place.

The events program is designed to provide residents with an enjoyable experience of our parks and social interaction.

RECREATION

The Parks and Recreation Department offers youth baseball, basketball, and tennis, as well as girl's softball. There are two adult softball leagues (Summer and Fall), and recently a Pickleball League was launched in cooperation with the Council Bluffs' Area Pickleball Club.

The primary focus for recreation is creating community recreation opportunities for children of all ages. Towards this end, the future recreation programming will focus on bringing recreation to underserved areas within Council Bluffs, expanding programming to informal recreational opportunities within our parks, and increase the use of our *Recreation On the Move* vehicle, which has the ability to bring recreational activities closer to users within underserved areas.

An area of expansion is the creation of a Community Recreation Center. The Center can offer no fee or low fee recreation programs, arts and crafts, and fitness programs.

EVENTS

The Parks and Recreation Department offers a wide range of community events, including Summerfest, Comedy in the Park, Winterfest, and RECToberfest.

Over the last couple of years, we have increased the level of donations and sponsors for our events and we look to increase this in the future.

COMMUNITY PARTNERS

Council Bluffs has a number of other recreational opportunities including the YMCA, Iowa West Field House and Soccer Complex, the Council Bluffs Soccer Club, and the Council Bluffs Area Pickleball Club.

These partners offer an array of recreational activities and help to expand the portfolio of recreation the City can offer to the community.

Recommendations

1. Complete a Community Recreation Survey.
2. Draft a Recreation Master Plan to structure a long-term approach and implementation of our Community Recreation program.
3. Partner with other recreation providers within Council Bluffs to enhance recreational opportunities within the City.
4. Explore the feasibility of developing a Community Recreation Center.
5. Seek grants and donations to help support our Community Recreation programs.
6. Maintain the annual events schedule.
7. Increase the level of exposure on social media for our events.
8. Partner with community service organizations (e.g., local food pantries, charitable organizations, etc.) when hosting an event.
9. Increase the occurrence of events within parks in underserved areas.
10. Collect data on the number of attendees and the area within the City attendees reside in order to ensure our events are serving and reaching as many residents as possible.

Actions

1. Publish a Community Recreation Survey and seek public input.
2. Publish a Recreation Master Plan that describes how we will meet the recreational needs of the community over the next five—ten years.
3. Complete a feasibility assessment of developing a Community Recreation Center and the appropriate programs for the Center.
4. Upgrade our sports fields and sports courts to support the youth sports programs and encourage informal community recreation activities.
5. Create a grants program to maximize funding opportunities.
6. Create a scholarship fund dedicated to support youth sport involvement of low income families.
7. Publish the annual schedule of events January of each year.
8. Contact community service organizations to collaborate opportunities such as a local food drive, cloth donations, etc.
9. Develop at least two events for each youth age cohort within Council Bluffs.
10. Offer events for adults.

Natural Features and Open Space

The Loess Hills delineates the eastern edge of Council Bluffs. It is important the Parks and Recreation Department ensures the sustainability of high value natural areas such as Loess Hills, Vincent Bluff Preserve and riparian areas along the Missouri River.

Other key natural features and open spaces include Lake Manawa, Big Lake, and Dodge Riverside Golf Course.

In order to comprehensively assess existing natural features and plan for future open space a Natural Resources Master Plan should be drafted. Such areas as the Habitat Corridor within Valley View Park should be expanded and habitat corridors should link together other natural features to broaden potential wildlife habitat and ecological diversity within the City.

The Future Parks Plan includes open space locations that have the potential to establish a framework for future development. When reviewing future development plans these open space areas should be included and become part of the development area and managed by the City.

Existing landscapes within parks should be evaluated and assessed for their potential to be changed to a native or prairie landscape. In addition, the native planting areas should replace turf grass when possible to increase the native plant species and to reduce the turf grass maintenance.

LOESS HILLS

The Loess Hills look down on the Downtown and west end of Council Bluffs.

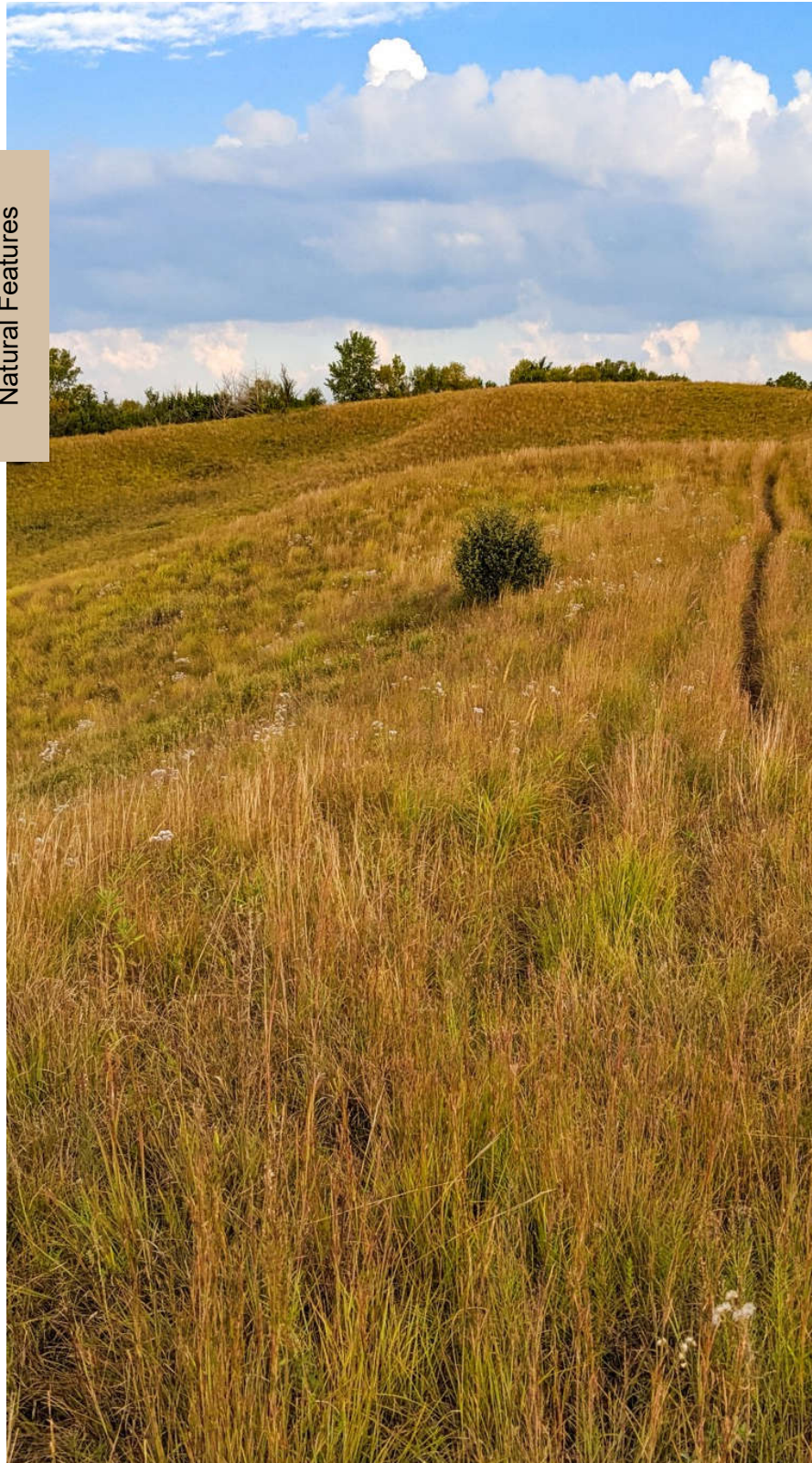
The Loess Hills Preservation Plan identifies several recommendations aimed at preserving the hill's ecological value and unique environment. Future projects and policies should reinforce this objective by ensuring the natural topography is preserved to the greatest extent possible and impacts from development is mitigated. The hills are a significant visual element of the community and can be seen from throughout the City. Important public spaces such as Lincoln Memorial Park, Lewis and Clark Monument Park and Fairview Cemetery all benefit from the topography of Loess Hills.

LAKE MANAWA

Lake Manawa is 740 acres in size (1.16 square miles) and abuts a variety of activities and uses. Older neighborhoods, new subdivisions, local open spaces and a state park all take advantage of the unique setting created by Lake Manawa.

BIG LAKE

Big Lake and other local lakes provide similar benefits on a smaller scale. The City should aim to preserve Lake Manawa and other bodies of water through stormwater management and land use controls so the lakes can continue to be a centerpiece of recreation and resource for education about the natural environment.

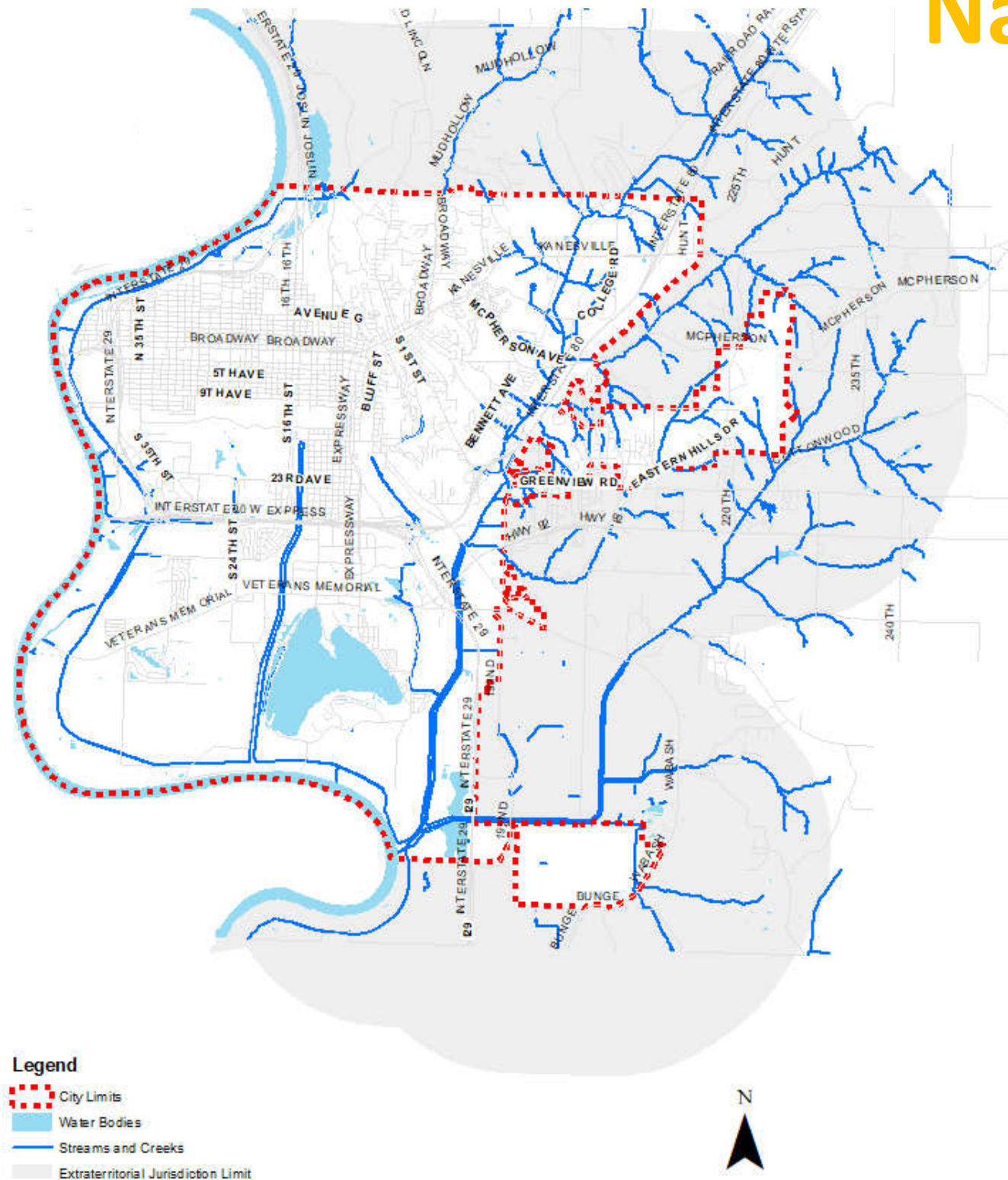


Vincent Bluff Preserve



BIG LAKE PARK

Natural Features and Open Space



LOCAL STREAMS AND CREEKS MAP

LOCAL CREEKS AND STREAMS

Indian Creek, Mosquito Creek and other creeks and streams navigate their way throughout the community and provide an opportunity to link other natural amenities, parks, neighborhoods, and commercial areas.

These creeks and streams should be viewed as a habitat corridor that offer benefits, including migratory paths for wildlife, storm water management, ecological sustainability, and the potential for trails.

PARKS FOR POLLINATORS

The Parks and Recreation Department is establishing pollinator landscapes within our parks and along trails to increase native planting areas and native prairie plantings. These plantings demonstrate how to incorporate pollinator plants in a typical landscape. New and rejuvenated landscapes will include plant species known to attract bees, butterflies, beetles, and other insects.

BEE CITY

The City of Council Bluffs has received a Bee City USA® designation in recognition of its commitment to improving landscapes for pollinators. The City will continue to promote pollinators and restoration efforts to increase our diverse ecosystem.

Recommendations

1. Locate existing and potential natural areas within parks and other public property suitable for restoration.
2. Seek grants and funding from Department of Natural Resources to support the creation of new or enhanced natural areas.
3. Identify areas to develop additional Habitat Corridors within the City.
4. Utilize native species plants when creating or renovating park landscapes.
5. Develop a comprehensive environmental education system for the natural features and areas within our park system.

Actions

1. Map all natural areas within the park system. Include in this mapping areas suitable for conversion from maintained park area to a natural, prairie type landscape.
2. Publish a Natural Resources and Features Management Plan that outlines how natural features will be managed, protected and enhanced.
3. Develop a Habitat Corridor Plan.
4. Identify appropriate locations to develop Iowa-prairie habitats.
5. Develop management plans for areas previously restored through the Department of Natural Resources Resource Enhancement and Protection grants.
6. Prepare an Integrated Pest Management Plan.
7. Promote pollinator landscapes and plantings in order to increase the pollinator population, thus supporting the City's Bee City designation.

RESOLUTION NO. 22-210

A RESOLUTION TO AMEND THE *BLUFFS TOMORROW: 2030 PLAN (COMPREHENSIVE PLAN)*, SPECIFICALLY BY UPDATING CHAPTER 7-PARKS, RECREATION AND NATURAL FEATURES.

WHEREAS, On September 22, 2014, the Council Bluffs City Council approved Resolution No. 14-254 which adopted the *Bluffs Tomorrow: 2030 Plan* as the City's Comprehensive Plan; and

WHEREAS, The Parks and Recreation Department recently collaborated with the Community Development Department to update Chapter 7 – Parks, Recreations, and Natural Features, of the *Bluffs Tomorrow: 2030 Comprehensive Plan* to ensure closer alignment between the *Bluffs Tomorrow: 2030 Comprehensive Plan* and the direction of the Parks and Recreation Department and the proposed updates were reviewed and approval was recommended by the City's Parks and Recreation Commission to City Council on March 8, 2022; and

WHEREAS, The framework and vision of Chapter 7 has remained the same; however the update is focused on effectively managing parks, open space and natural features, while providing community based recreation and access to parks for everyone. The updated Chapter has five sections, as follows:

- A. The Missouri Riverfront, which discusses the importance of the river to the City and increasing public access to it. The River's Edge Development is also highlighted as a key aspect of the riverfront.
- B. The Parks System, which identifies the parks, monuments, and landmarks in the City as well as non-city open space and parks. An updated Future Parks Map shows potential locations for new parks in the City and within our two-mile extraterritorial jurisdictional limit.
- C. The Trail System, which discusses the reinvestment need to our existing trail system, as well as, trail amenities such as corridors and trail stop parks. An updated Future Trails Map is included in Chapter 7.
- D. Recreation and Events, which highlights the City's approach to recreation and the partners we have within our community.
- E. Natural Features and Open Space, which identifies the key natural areas within and near the City. Also included in the narrative is the use of pollinators within parks and the importance of developing a natural resources and features master plan; and

WHEREAS, The Community Development Department and the Parks and Recreation Department recommend approval to update Chapter 7-Parks, Recreation, and Natural Features of the *Bluffs Tomorrow: 2030 Comprehensive Plan*, as shown in Attachment "A".

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

The request to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by updating Chapter 7-Parks, Recreation and Natural Features as shown in Attachment "A", and subject to the comments stated above, is hereby approved.

ADOPTED
AND
APPROVED

August 22, 2022.

MATTHEW J. WALSH

Mayor

Attest:

JODI QUAKENBUSH

City Clerk

Council Communication

Department: Community
Development

Case/Project No.:
Submitted by: Christopher N.
Gibbons, AICP, Planning and
Code Compliance Manager

Resolutions 22-211 and 22-212
ITEM 5.C.

Council Action: 8/22/2022

Description

Resolution 22-211 approving the Request for Proposals for six lots (approximately 4.91 acres of land) in the Playland Park (River's Edge) Neighborhood.

Resolution 22-212 approving the minimum development requirements, competitive criteria, and procedures for disposition of certain property located within the Playland Park Urban Renewal Area; soliciting proposals in accordance with the request for proposals; and setting the date of the public hearing on the intent to accept specific proposals for October 24, 2022.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	8/12/2022
Request for Proposals	Other	8/12/2022
Resolution 22-211	Resolution	8/16/2022
Resolution 22-212	Resolution	8/16/2022

Council Communication

Department: Community Development	Resolution No.: 22 -	City Council: August 22, 2022
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Subject/Title

1. Approval of the request for proposals for new residential and/or mixed-use development on six lots (approximately 4.91 acres of land) in the Playland Park (River’s Edge) Neighborhood; and
2. Approval of the minimum development requirements, competitive criteria and procedures for disposition of certain property located within the Playland Park Urban Renewal Area and soliciting proposals in accordance with the request for proposals, and setting a public hearing for October 24, 2022 as the date of public hearing on the intent to accept the selected development proposal submitted.

Background/ Discussion

Background

In February 2022, the City of Council Bluffs released a Request for Proposals (RFP) to develop six of the seven remaining lots in the Playland Park (River’s Edge) Neighborhood, as discussed below. The RFP required all interested developers and/or development teams to submit a proposal for all six parcels. The City received a total of two responses to the RFP. The first response was a letter from Broadmoor stating they are interested in developing the subject properties, but have a different vision for how the parcels should be developed as compared to the adopted River’s Edge Master Plan. The second response was from Baxter Development whose proposal included a 200-unit apartment building, to be known as Moselle on Parcel A, along with 54 townhomes and 25 row houses throughout Parcels B-D. On April 11, 2022, City Council reviewed both proposals and decided to reject them. Council asked for City staff to re-release an RFP that allows for interested developers to submit a proposal for one or more of the subject properties. City staff has prepared a revised RFP for Council consideration with the following response/review timeline included:

- RFP Issued: August 23, 2022
- Q&A Ends: September 12, 2022 at 3:00 pm (CST)
- Answers Posted: September 16, 2022 by 3:00 pm (CST)
- RFP Due: October 4, 2022 by 5:00 p.m. (CST)

The Playland Park (River’s Edge) Neighborhood is a premier mixed-use redevelopment project located in the west end of Council Bluffs, Iowa. The project site is strategically located along the north side of Interstate 480, between the Missouri River and Interstate 29, and immediately across the Missouri River from Downtown Omaha, Nebraska. Over the past six years, River’s Edge has experienced a tremendous amount of new growth in the form of a new office building, parking garage, multi-family apartments, mixed-use commercial/residential structures, and townhomes. There are seven lots available for development in River’s Edge, and the City is interested in seeking proposals from qualified developers to build a mixture of condominiums, multi-family apartments, mixed commercial/residential structures, and/or townhomes on six of those lots, as follows:

- Parcel A: Block 1, River’s Edge Subdivision (1.72 acres)
- Parcel B: Lot 2, Block 3, River’s Edge Subdivision, Replat 2 (.81 acres)
- Parcel C: Block 4, River’s Edge Subdivision (.86 acres)
- Parcel D: This parcel contains three separate legally platted lots of record that are contiguous to one another; therefore, the City is packaging all three lots together as one development site due to their size, shape, and location within the River’s Edge Neighborhood (1.52 acres).
 - a. Lot 1, Block 5, River’s Edge Subdivision, Replat 2 (.75 acres)
 - b. Lot 3, Block 5, River’s Edge Subdivision, Replat 2 (.35 acres)
 - c. Lot 2, Block 5, River’s Edge Subdivision, Replat 2 (.42 acres)

Council Communication

The seventh lot, legally described as Lot 3, River's Edge Subdivision Replat 1, is planned for second office building immediately west of the River's Edge parking garage. The City intends to release a separate request for proposal for said parcel at a future date.

River's Edge is a master planned community with an adopted set of development standards relative to: building setbacks and heights, architectural designs, block designs and mix of land uses, public art, on and off-street parking, street connectivity and design, pedestrians and cyclists, and other special design requirements within the neighborhood. Additionally, River's Edge has an approved set of private covenants which regulate: signage, landscaping, building architecture, site development (i.e. maximum building heights, parking, trash enclosures, exterior lighting, etc.), cross access easements, utilities, etc. All interested developers will be required to adhere to the adopted River's Edge master development plan and private covenants, or seek approval to amend them, if necessary.

Discussion

River's Edge is located within the Playland Park Urban Renewal Area. In order to initiate the property disposal process, the City must undertake certain actions on the property to ensure reasonable competitive bidding procedures and allow 30 days to respond and to comply with Iowa urban renewal laws. This includes providing notice by publication in a newspaper having a general circulation to the community 30 days prior to the execution of a contract involving the transfer of property.

Attached is a copy of the request for proposal that will be uploaded into the City's 'IONWAVE' bid letting web application and emailed to developers, real estate firms and other parties soliciting submissions. The proposal's availability will be published in the legal ad section of the Nonpareil and posted on the City's website. The attached resolution asks for City Council approval of this form and content.

A separate resolution also directs the City Clerk to publish notice inviting development proposals to be submitted. Proposals are due by 5:00 p.m. on October 4, 2022 to the Community Development Department. Lastly, the resolution approves October 24, 2022 as the date of public hearing on the intent to accept the selected development proposal submitted.

Attachments

The request for proposal for development on six lots (approximately 4.91 acres of land) in the Playland Park (River's Edge) Neighborhood is attached, along with a resolution asking for approval of the minimum development requirements, competitive criteria and notice for soliciting redevelopment proposals.

Prepared by: Christopher N. Gibbons, AICP, Planning and Code Compliance Manager

City of Council Bluffs, Iowa
Request for Proposals
Playland Park (River's Edge) Neighborhood Development
Proposal Due Date: October 4, 2022

The City of Council Bluffs through its Community Development Department is accepting proposals for the purchase and development of six parcels, approximately 4.91 acres of real estate, within the Playland Park (River's Edge) Neighborhood. River's Edge is a premier mixed-use redevelopment project located in the west end of Council Bluffs, Iowa. The project site is strategically located along the north side of Interstate 480, between the Missouri River and Interstate 29, and immediately across the Missouri River from Downtown Omaha, Nebraska. Over the past six years, River's Edge has experienced a tremendous amount of new growth in the form of a new office building, parking garage, multi-family apartments, mixed-use commercial/residential structures, and townhomes. The City is now seeking proposals from interested and qualified developers to build a mixture of condominiums, multi-family apartments, mixed commercial/residential structures, and/or townhomes on six of the seven remaining parcels of land within River's Edge.

The following properties are the subject of this Request for Proposals (RFP):

- Parcel A: Block 1, River's Edge Subdivision (1.72 acres)
- Parcel B: Lot 2, Block 3, River's Edge Subdivision, Replat 2 (.81 acres)
- Parcel C: Block 4, River's Edge Subdivision (.86 acres)
- Parcel D: *This parcel contains three separate legally platted lots of record that are generally contiguous to one another. The City is packaging all three lots together as one development site due to their size, shape, and location within the River's Edge Neighborhood (1.52 acres).*
 - a. Lot 1, Block 5, River's Edge Subdivision, Replat 2 (.75 acres)
 - b. Lot 3, Block 5, River's Edge Subdivision, Replat 2 (.35 acres)
 - c. Lot 2, Block 5, River's Edge Subdivision, Replat 2 (.42 acres)

Interested developers may submit a development proposal for one or more of the subject parcels stated in this RFP. A map depicting the location of each subject property within River's Edge is included with this RFP as Attachment 'A'.

Site Description

River's Edge is a 26-acre master-planned, mixed-use redevelopment project located along the Missouri River in the west end of Council Bluffs, Iowa. It's within close proximity of Downtown Omaha, Nebraska, as well as, Tom Hanafan River's Edge Park and the Bob Kerrey Pedestrian Bridge. Other recreational amenities that are planned to be constructed within, or immediately adjacent to, to this neighborhood includes:

- Belle's Play Garden (2022)
- Tree Top Walk (2023)
- Observation Tower (2023)
- Climbing and Adventure Course (2023)
- Waterfront Pier (2024)

The neighborhood is also designed to incorporate current best urban planning practices such as: mixture of land uses and housing typologies; buildings constructed with minimal setback distances

from the adjacent public realm, pedestrian mobility and walkability via sidewalks, raised bike lanes, and sidewalk separations from the on-street parking and roadways; landscaped street rights-of-way, public gathering/meeting spaces, and high quality building architecture and designs. A map illustrating existing development within the neighborhood is included with this RFP as Attachment ‘B’.

The primary vehicular access point into the River’s Edge is currently N. 41st Street; however, this will change to N. 40th Street once the Iowa Department of Transportation completes construction of Segment 4 of the Council Bluffs Interstate System Program in 2023-2024. A complete overview of the Council Bluffs Interstate System Program can be viewed online by visiting the following website: <http://councilbluffsinterstate.iowadot.gov/>. Avenue B serves as a secondary vehicular access point.

All properties within River’s Edge have access, or are planned to have access, to full utilities such as sanitary sewer, storm sewer, water, electricity, natural gas, and telecommunications. Individual service lines may need to be extended to accommodate projects on the subject properties. 5G internet/telecommunication technology is also available within the neighborhood.

All of the properties included in this RFP are zoned R-4/High Density Multi-Family Residential District with an adopted PR/Planned Residential Overlay/development plan assigned to them. Per Section 15.11 of the Council Bluffs Municipal Code (Zoning Ordinance), the R-4 District is intended *“to provide for development of high density multi-family housing. This district allows for a mixture of compatible uses with high density urban neighborhoods. This district is most appropriate in central areas of the community or in areas which have full services”*. A copy of the complete R-4 District zoning regulations is included with this RFP as Attachments ‘C’ and ‘D’.

River’s Edge is subject to an adopted master development plan that was last amended and approved by the Council Bluffs City Council in 2014 (see Attachment E). This development plan functions as the primary regulatory document relative to: building setbacks and heights, architectural designs, block designs and mix of land uses, public art, on and off-street parking, street connectivity and design, pedestrians and cyclists, and other special design requirements within the neighborhood. All subject properties in this RFP have a preferred land use and building typology identified in the adopted master development plan, as follows:

- **Parcel A:** This property contains 1.72 acres of land and is situated at the base of the Bob Kerry Pedestrian Bridge/River’s Edge Pavilion with picturesque views of the Downtown Omaha skyline. The master development plan identified this property as an ideal location for a mid-rise condominium tower on top of a pedestal building that contains structured parking. The condominium tower and associated pedestal building must have a minimum combined height of 10-12 stories, and a total minimum assessed value of \$34 million.
- **Parcel B:** This property contains .81 acres of land and is situated south of Avenue B, west of N. 40th Street, and north of River’s Edge Parkway. The westerly half of the property was recently developed with off-street parking spaces that will be shared with the property located at 4040 Rivers Edge Parkway. The master development plan identified this property as an ideal location for a mixed residential/commercial structure that ranges between 3-4 stories in height. The total minimum assessed value for a mixed commercial/residential structure on this property is negotiable.
- **Parcel C:** This property contains .86 acres of land and is situated south of Avenue B, east of N. 40th Street, and north of River’s Edge Parkway. This property is located immediately east of the aforementioned Parcel ‘B’ and is identified as an ideal location for a mixed

residential/commercial structure that ranges between 3-4 stories in height. The total minimum assessed value for a mixed commercial/residential structure on this property is negotiable.

- **Parcel D:** This parcel contains three separately platted lots of record that are being marketed together due to the uniqueness of their size, shape, and location within the Playland Park (River's Edge) Neighborhood. The City anticipates these lots may be need to be replatted into one or two parcels in order to assist with development efforts. The total combined land area for Parcel D is 1.52 acres and its located west of N. 40th Street, south of River's Edge Parkway, and east of N. 41st Street. The parcel is an ideal location for new a multi-family apartment building(s), and/or a mixed commercial/residential building with ~~and~~ associated off-street parking. The total minimum assessed value for a multi-family apartment and commercial/retail buildings on these properties is negotiable.

River's Edge is also subject to a set of private covenants which contains specific standards for items including, but not limited to, the following: signage, landscaping, building architecture, site development (i.e. maximum building heights, parking, trash enclosures, exterior lighting, etc.), cross access easements, utilities, etc. The covenants also establish and provide clarity on the duties and powers of the River's Edge Master Property Owners Association and the River's Edge Architectural Control Committee. A copy of the covenants are included with this RFP as Attachment 'F'. The City encourages all interested developers to review these covenants in advance of designing and submitting their proposals for consideration. Furthermore, any requested amendments to these covenants must be clearly stated in the submitted proposal for the City and the Architectural Control Committee to review.

All subject properties included in this RFP are located in flood zone X (protected by levee).

Value of the Property

In December 2021, the City of Council Bluffs hired the firm Mitchell & Associates, Inc., to complete an updated appraisal of the subject properties. The most recent market value for each property is stated below:

- Parcel A: Block 1, River's Edge Subdivision (\$190,000.00)
- Parcel B: Lot 2, Block 3, River's Edge Subdivision, Replat 2 (\$88,000.00)
- Parcel C: Block 4, River's Edge Subdivision (\$94,000.00)
- Parcel D: Total combined market value (\$166,000.00)
 - a. Lot 1, Block 5, River's Edge Subdivision, Replat 2 (\$82,000.00)
 - b. Lot 3, Block 5, River's Edge Subdivision, Replat 2 (\$38,000.00)
 - c. Lot 2, Block 5, River's Edge Subdivision, Replat 2 (\$46,000.00)

The City intends to sell each property for at least fair market value. A copy of the appraisal report completed January 1, 2022 can be made available upon request.

Inquiries, Questions and Deadlines

All inquiries/questions regarding this RFP must be directed via the electronic submission system at <https://cbiabids.ionwave.net/>. Any changes or additions to the RFP information will be sent to via Ion Wave. Any other contact in reference to this RFP prior to the time of an award decision will not be addressed.

RFP Issued: August 23, 2022

Q&A Ends: September 12, 2022 at 3:00 pm (CST)

Answers Posted: September 16, 2022 by 3:00 pm (CST)

RFP Due: October 4, 2022 by 5:00 p.m. (CST)

Proposals submitted by mail, facsimile transmission (fax) or electronic mail (email) will not be accepted. Proposals received after the submission deadline will not be accepted.

Proposal and Submittal Requirements

In a clear and concise manner, developers must submit proposals that demonstrate the developer's capacity to satisfy the requirements of this RFP. Proposals do not need to be elaborate or costly, but should be prepared in a professional manner. The following information to be submitted for consideration:

1. Application – must be completed and attached as proposal cover page (see Attachment G).
2. Project Summary – A brief written description of the project.
3. Project Plans – A scaled plot plan of the proposed development. The plot plan should illustrate the location of structures, parking areas, ingress and egress, open or landscape areas, etc. The developer must also submit additional information such as elevation drawings, photos of similar projects, typical floor plans, etc.
4. Developer Experience – Provide a listing of previous projects completed, especially with regard to projects that are relevant to the proposed development.
5. Project Timeline – A timeline for the project design, bidding, construction and occupancy.
6. Financial Summary – Developer must provide a proposed cost and source of funding for the project, including a minimum 10-year project proforma. Developer must also outline expected funding sources and projected date all financing will be secured.
7. Project Contingencies – Indicate any special assistance needed to implement the project, such as financial assistance, state or federal applications, or other public participation.

Proposal Evaluation

The project proposals will be reviewed based on the following evaluation criteria:

1. Design, Aesthetics and Quality of Construction Materials and Landscaping (40%): River's Edge is a master planned, mixed-use development. The City has an adopted master plan that functions as the primary regulatory document relative to: building setbacks and heights, architectural designs, block designs and mix of land uses, public art, on and off-street parking, street connectivity and design, pedestrians and cyclists, and other special design requirements within the neighborhood. All buildings and their associated architectural appearance/site layouts shall be designed in manner that is deemed compatible with this master development plan and existing development within the neighborhood. A list of materials and visual renderings of the site layout, units and exterior design must be provided as a part of this submittal.

2. Developer's Experience and Capacity (25%): The makeup/description of the developer's project team. The preferred developer will have significant experience in the construction of urban-style, mixed-use commercial and residential development. The names of individuals involved and the roles they will perform must be listed. Provide a description of the qualifications and experience of the specific individuals who will be involved in the work described in this RFP, including staff and other professionals.
3. Number of Units Proposed and Unit Sizes, Building Square Footage, and Minimum Assessed Value (20%): Preference will be given to developers who maximize the number of units, building square footage, and minimum assessed values on each of the identified properties. Proposals will also be scored on the length of time it will take to construct and occupy the project.
4. Funding Sources (15%): Preference will be given to Developers not utilizing either 4% or 9% Low Income Housing Tax Credits (LIHTC). No income restrictions are applicable to the property. Preference will be given to developers who propose projects with 80% or more market rate housing. Provide a list of proposed funding sources and when the funds are expected to be awarded/confirmed.

The above information will be used to select qualified developers. Upon developer selection, development agreements will be negotiated and executed.

Potential Development Incentives Available

- The property may be eligible for Tax Increment Financing and/or property tax exemption and these items will be negotiated by the city on a project specific basis.
- Possible energy incentives may be obtained from MidAmerican Energy and Black Hills Energy depending on project design. Consultation should be initiated with each company prior to final design.
- Possible land contribution or reduced purchase price.

General Provisions

- 1) Submittal Ownership/Costs: Upon submission, all information becomes the property of the City of Council Bluffs. The City has the right to use any or all ideas presented in any submission in the response to this RFP, whether or not the submittal results in a contract with the submitting Developer. All costs for development of the written submittal and any oral presentation are entirely the obligation of the Developer and shall not be reimbursed.
- 2) Non-Warranty of Request for Qualifications: The City shall not be responsible for any error or omission in this RFP, nor for the failure on the part of the Developers to ensure that they have all the information necessary to affect their submittals.
- 3) Request for Clarification: The City reserves the right to request clarification of information submitted and to request additional information of one or more Developers, either orally or in writing.

- 4) Acceptance/Rejection of Submittals: The City reserves the right to accept or reject any or all submittals in whole or in part, with or without cause, to waive technicalities, or to accept submittals or portions thereof, which, in the City's judgment, best serve the interest of the City of Council Bluffs.

The City reserves the right to allow alterations, modifications or revisions to individual elements of the Scope of Services any time during the period of contract, which results from this RFP.

- 5) Indemnification: The selected Developer shall: (1) faithfully perform said Contract on City's part and satisfy all claims and demands incurred for the same; (2) fully indemnify and save harmless the City from all costs and damages which said City may suffer by reason of failure to do so; and (3) fully reimburse and repay said City all outlay and expenses which said City may incur in making good any default.

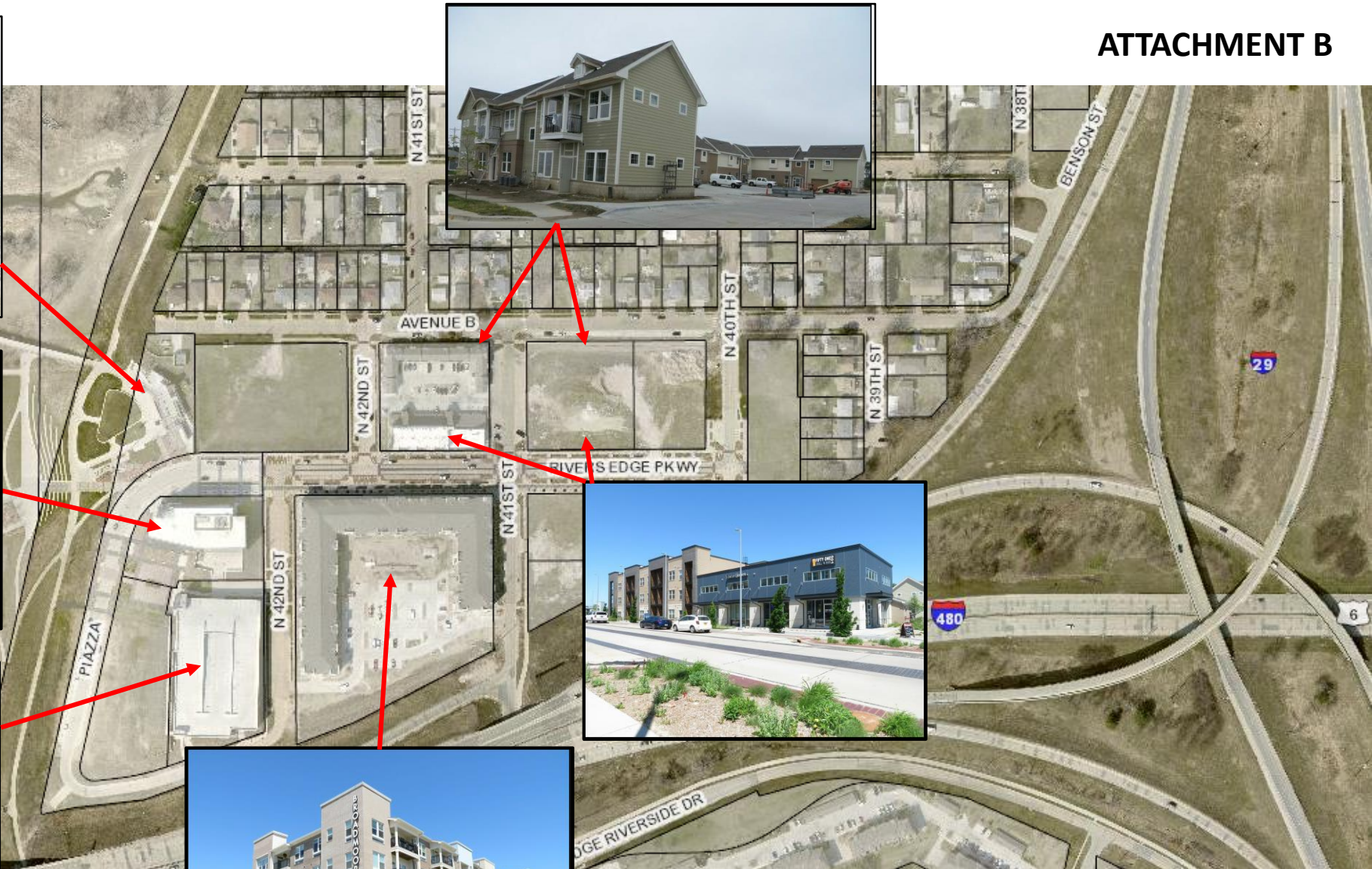
The selected Developer shall protect, defend, indemnify and save harmless the City, its agents, boards and employees, collectively referred to as "Indemnitees", from and against costs and suits, actions, claims, losses, liability or damage of any character, and from and against costs and expenses, including in part attorney fees, incidental to the defense of such suits, actions, claims, sickness, including death, to any person, or damage to property, including in part the loss of use resulting there from, arising from any act or omission of the Developer, or his employees, servants, agents, subcontractors or suppliers, or anyone else under the Developer's direction and control, and arising out of, occurring in failure of performance of any work or services called for by the Contract, or from conditions created by the performance or non-performance of said work or services. The Developer's indemnification hereunder shall apply without regard to whether acts or omissions of one or more of the Indemnitees would otherwise have made them jointly or derivatively negligent or liable for such damage or injury, expecting only that the Developer shall not be obligated to so protect, defend, indemnify and save harmless if such damage or injury is due to the sole negligence of one or more of the Indemnitees.

- 6) Insurance: The selected Developer shall carry and maintain during the life of the contract insurance as deemed appropriate by the City of Council Bluffs. Specific amounts and types of insurance will be detailed in the negotiated development agreement.
- 7) Collusion: The Developer, by submitting a Proposal, declares that the submission is made without any previous understanding, agreement or connections with any persons, Developers or corporations making a competing submission on the same project, and that it is in all respects, fair and in good faith without any outside control, collusion or fraud.
- 8) Consideration of Submittals: Proposals will be considered from Developers normally engaged in providing and performing services as specified in this RFP. The Developer must have adequate organization, facilities, equipment and personnel to ensure prompt and efficient service to the City. The City reserves the right to inspect the facilities and organization or to take any other action necessary to determine the ability to perform in accordance with specifications, terms and conditions before recommending any award.
- 9) Discrimination Clause: According to the City of Council Bluffs Municipal Code 1.40, discrimination of race, color, religion, creed, sex, sexual orientation, gender identity, national

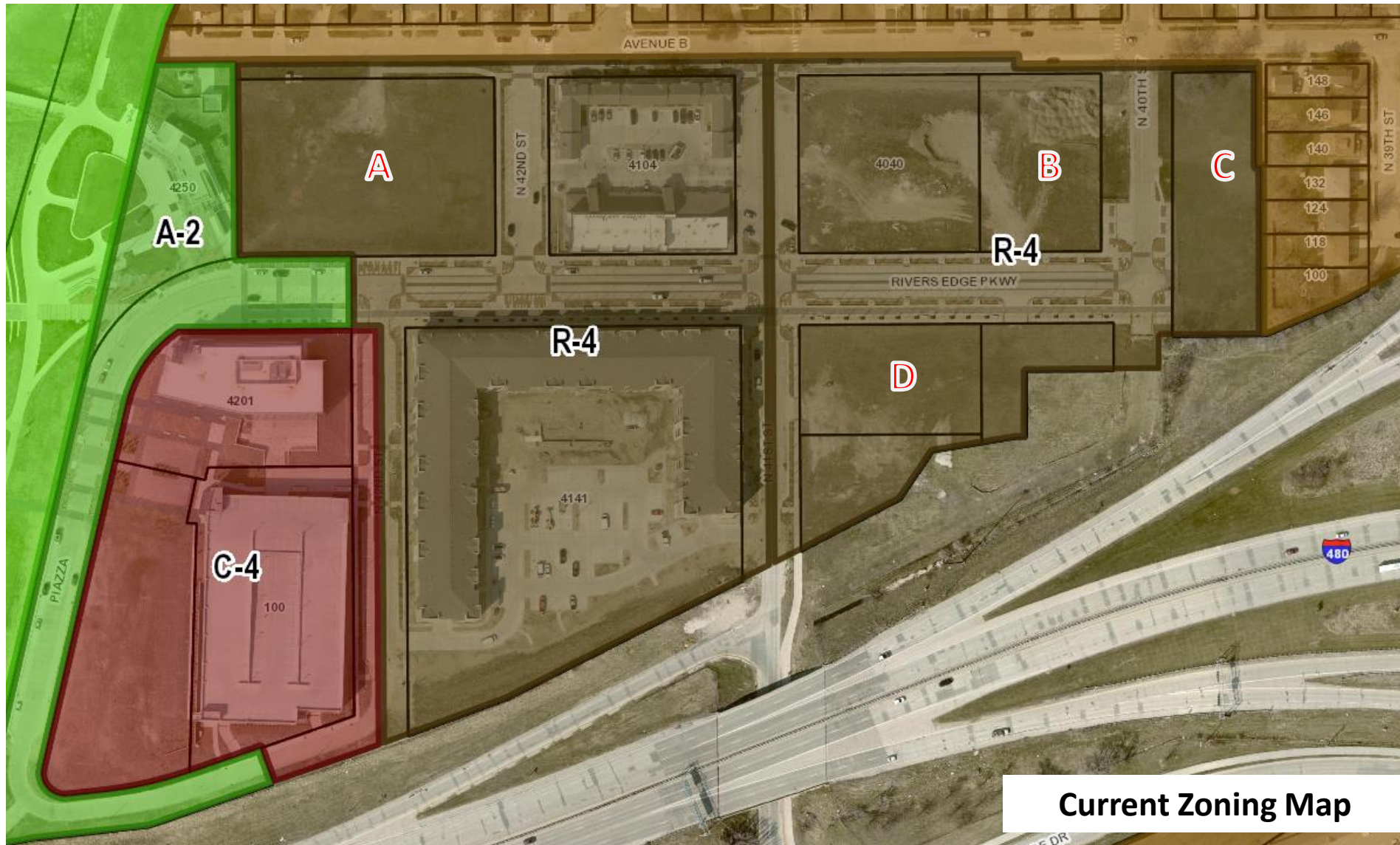
origin, age or mental or physical disability is prohibited in any form. This extends to any and all partner agencies and contractual obligations.



Property Identification	Legal Description	Parcel Size (Acres)
A	Block 1, Rivers Edge Subdivision	1.72
B	Lot 2, Block 3, River's Edge Subdivision, Replat 2	0.81
C	Block 4, River's Edge Subdivision	0.86
D	Lot 1, Block 5, River's Edge Subdivision Replat 2	0.75
	Lot 3, Block 5, River's Edge Subdivision Replat 2	0.35
	Lot 2, Block 5, River's Edge Subdivision Replat 2	0.42



**Existing Development
within the Playland Park
(River's Edge) Neighborhood**



Current Zoning Map

Chapter 15.11 - R-4/HIGH DENSITY MULTIFAMILY RESIDENTIAL DISTRICT

15.11.010 Statement Of Intent

15.11.020 Principal Uses

15.11.030 Conditional Uses

15.11.040 Accessory Uses

15.11.050 Site Development Regulations

15.11.060 Additional Regulations

15.11.070 Signs

15.11.010 Statement Of Intent

This district is intended to provide for development of high density multiple-family housing. This district allows for a mixture of compatible uses with high density urban neighborhoods. This district is most appropriate in central areas of the community or in areas which have full services.

(Ord. 5308 § 1 (part), 1996)

15.11.020 Principal Uses

The following principal uses shall be permitted outright in an R-4 district:

- A. Boarding, lodging rooming house, or bed and breakfast;
- B. Business, professional office;
- C. Community recreation services;
- D. Congregate housing, life care facility or nursing home;
- E. Consumer service establishment;
- F. Day care services;
- G. Dwelling, multifamily;
- H. Dwelling, single-family attached;
 - I. Dwelling, single-family detached;
- J. Dwelling, townhouse;
- K. Dwelling, two-family;
- L. Family home;
- M. Group care home;
- N. Local utility services;
- O. Park and recreation services;
- P. Private parking lot;
- Q. Public parking lot;
- R. Public safety services;
- S. Religious assembly;
- T. School.

(Ord. 5918 § 1, 2007)

15.11.030 Conditional Uses

The following conditional uses shall be permitted in an R-4 district, when authorized in accordance with the requirements set forth in CBMC 15.21:

- A. Cemetery;
- B. College or universities;
- C. Commercial recreation (indoor and outdoor);
- D. Cultural service;
- E. Commercial storage;
- F. Governmental maintenance facility.

(Ord. 5918 § 2, 2007)

15.11.040 Accessory Uses

The following uses shall be permitted in an R-4 district:

- A. Uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

(Ord. 5308 § 1 (part), 1996)

15.11.050 Site Development Regulations

Minimum Lot Size

Use	Lot Area
Single-family detached	5,000 square feet
Single-family attached and two-family dwellings	5,000 square feet except when a single-family attached or two-family dwelling is divided by a lot line coinciding with the common wall separating the two units. The minimum lot area shall be 2,500 square feet.
Townhouse dwelling	7,500 square feet except when a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units, the minimum lot area shall be 2,500 square feet
Multifamily dwelling	
(3 to 4 units)	7,500 square feet
(5 or more units)	9,000 square feet plus an increase of 750 square feet per each additional unit

Minimum Setbacks	Principal Structure	Accessory Structure

Front yard:	20 feet	Greater of 20 feet or existing front setback line of principal structure
Street side yard:	15 feet	15 feet
Interior side yard:	5 feet with one foot indentation for every story above the first floor	3 feet
Rear yard:	20 feet	3 feet
Maximum height:	100 feet	18 feet
Lot coverage: all structures	60% maximum	

(Ord. 5308 § 1 (part), 1996)

15.11.060 Additional Regulations

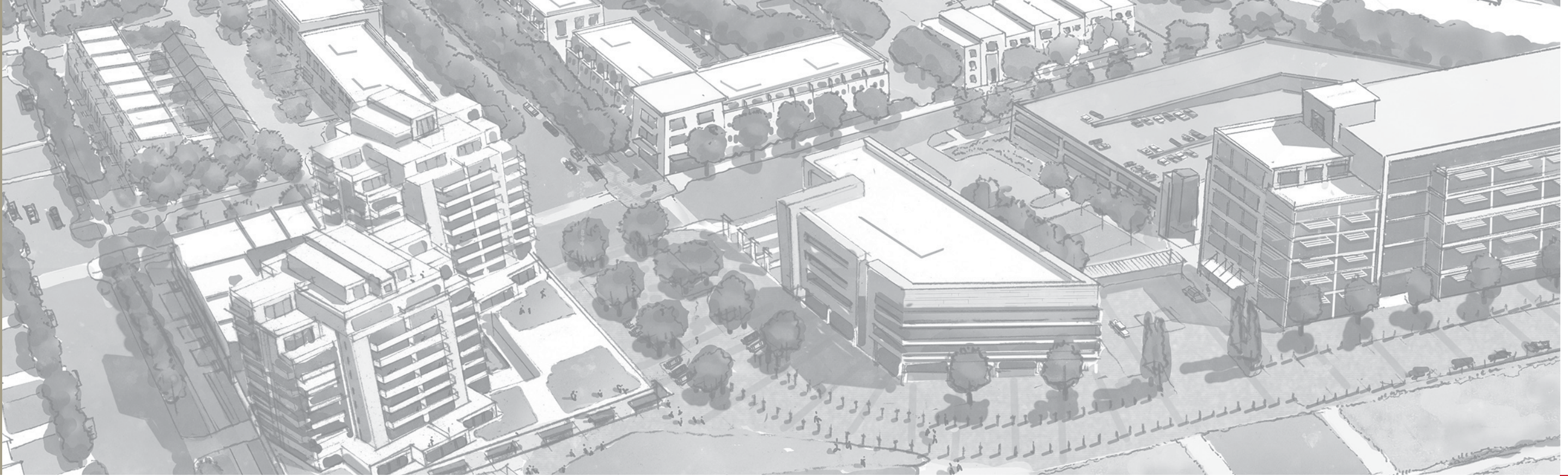
A. Reserved.

(Ord. 5308 § 1 (part), 1996)

15.11.070 Signs

Signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5308 § 1 (part), 1996)



Playland Park Master Plan

Amendment #2

October 2014







Contents

01 Context	5
02 Master Plan	9
03 Framework Elements	13
04 Development Opportunities	24
05 Design Guidelines	26

Executive Summary

Strategically located in the West End of Council Bluffs, along the east bank of the Missouri River and across the Bob Kerrey Pedestrian Bridge from Downtown Omaha, the Playland Park Neighborhood features a pedestrian-oriented, mixed-use design. The plan for Playland Park strives to revitalize and invigorate the area by creating a newfound sense of place and community in a location that was once a thriving amusement park and now overlooks the new and successful Tom Hanafan River's Edge Park. The design framework for the neighborhood is contextual to, and compliments, the existing neighborhoods to the north and east, and is designed to accommodate future interstate access configurations.

The design features a diverse living, working, and retail environment, with a park-fronting "piazza" and a pedestrian bridge landing "porch" that provide a formal and active linkage to the Bob Kerrey Pedestrian Bridge. In addition, the plan establishes Avenue 'A' as a grand axial street, with a pedestrian promenade, a cycle track, green stormwater infrastructure, and on-street parking.

Situated adjacent to the "Piazza" and "Porch" are two medium office buildings that overlook the riverfront and two mid-rise condo towers that sit atop a pedestal base that contains community space, retail uses, and townhouses. These uses will enliven the pedestrian bridge landing, complimenting the recreational uses along the riverfront and providing a destination for those crossing the bridge from the Nebraska side of the river. Further to the east, apartments, townhouses, and mixed-use buildings line the streets, providing "rooftops" and density to help stimulate the retail proposed for the site. Parking is provided on-street, in surface parking lots tucked behind buildings, and in parking structures.



The Playland Park Neighborhood site, looking east from above the CenturyLink Center Omaha

01 Context



View of the downtown Omaha skyline from the Playland Park Neighborhood site

Past Master Planning Efforts

Since 2007, the Playland Park site has undergone a number of master planning efforts. The first of these efforts led to a plan very similar to this current effort. The plan established a pedestrian-oriented, mixed-use neighborhood center, with a condo tower, apartments, townhouses, and mixed-use structures, all oriented on a "town square" at the base of the pedestrian bridge. However, the design of the square contained an operable gate in the levee, which would allow direct access to the riverfront and could be closed during flooding events. With major flooding in the eastern part of the state in 2008, the U.S. Army Corps of Engineers tightened requirements for levees, which ultimately led to a revision of the 2007 concept.

Instead of a levee gate structure, the 2009 plan update contained a levee landing structure that allowed connections between the wet and dry sides of the levee via a grand stair case. Minor tweaks in the plan included the addition of a second condo tower, additional apartments, and repositioned townhouses. The City issued a Developer RFP based on this plan; however, the RFP was issued at the on-set of the Great Recession, and response to it was less than desired.

Desiring to wait until the market turned around, the City and consulting staff met with many prospective developers as the recession was nearing its end in order to gauge their interest in the site. During these meetings, a number of items were discussed, including the health of the market, potential product and unit mix, site design, and urban design elements. Based on these meetings, a revised site plan was developed and a new developer RFP was issued.

This process ultimately led to the selection of a master developer for the site. Following meetings with the City, the master developer, several sub-developers, and the design team for the "Porch" and "Piazza", the Neighborhood Master Plan was revised into its current form, and is ready for the initial phase of implementation.



Concept Plan used in the 2012 Developer RFP



2009 Playland Park Update Plan



Original 2007 Playland Park Concept

Pedestrian Bridge & Landing Plaza

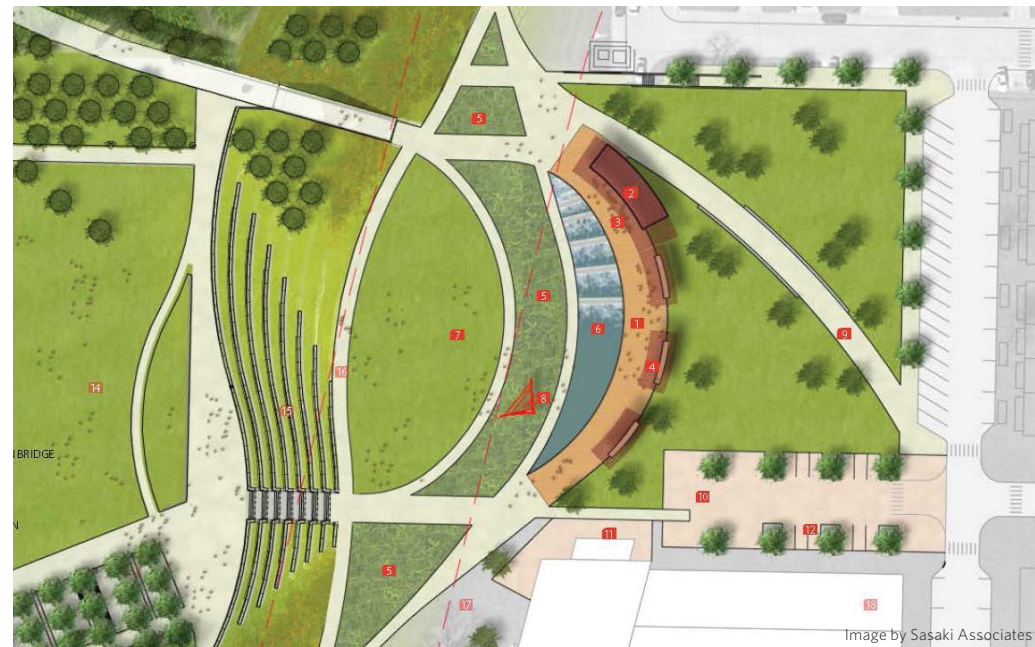
The Missouri River is the dominant natural physical feature of the metro area. Flowing north to south past the west side of the site, the river separates Council Bluffs, IA from Omaha, NE. The two neighboring cities are connected in this vicinity by the I-480 Bridge and the Bob Kerrey Pedestrian Bridge.

The pedestrian bridge, with its unique cable-stay design, lands on the Missouri River levee and is a key amenity for the site. The bridge serves both a utilitarian function (for those recreating and/or walking/biking to jobs on both sides of the river) and as a tourist/visitor attraction (serving those who want to experience both the riverfront, bridge, and connecting trail system). In order to take advantage of the Missouri River, the pedestrian bridge, Tom Hanafan River's Edge Park, and the downtown Omaha skyline, the Playland Park Master Plan orients itself to the riverfront, with buildings specifically sited to take advantage of the one-of-a-kind views.

Desiring to create a special amenity and a seamless transition between the proposed development and the riverfront, the City and Iowa West Foundation have contracted with Sasaki Associates to develop and refine plans for the pedestrian bridge landing. These plans include two major features: the "Porch" and the "Piazza".

The "Porch" is the plaza at the landing of the pedestrian bridge. It will contain a pavilion, an interactive water fountain, and site furnishings, and will provide a grand overlook looking out to the new riverfront park, river, and Omaha skyline in the background. It will be designed to be an active terminus to the pedestrian bridge, and will be "framed" on its east by the proposed condo towers overlooking the riverfront.

The "Piazza" is the shared-space plaza/street at the western terminus of Avenue 'A.' It will be designed to be shared equally among pedestrians, bicyclists, and vehicles, and will link the pedestrian bridge and riverfront trail with the pedestrian promenade and cycletrack along Avenue 'A.' In addition, it will provide on-street parking in strategic locations, and will connect, and integrate, the landing and "Porch" with the adjacent building frontages.



Original Plan for the "Porch" overlooking Tom Hanafan River's Edge Park

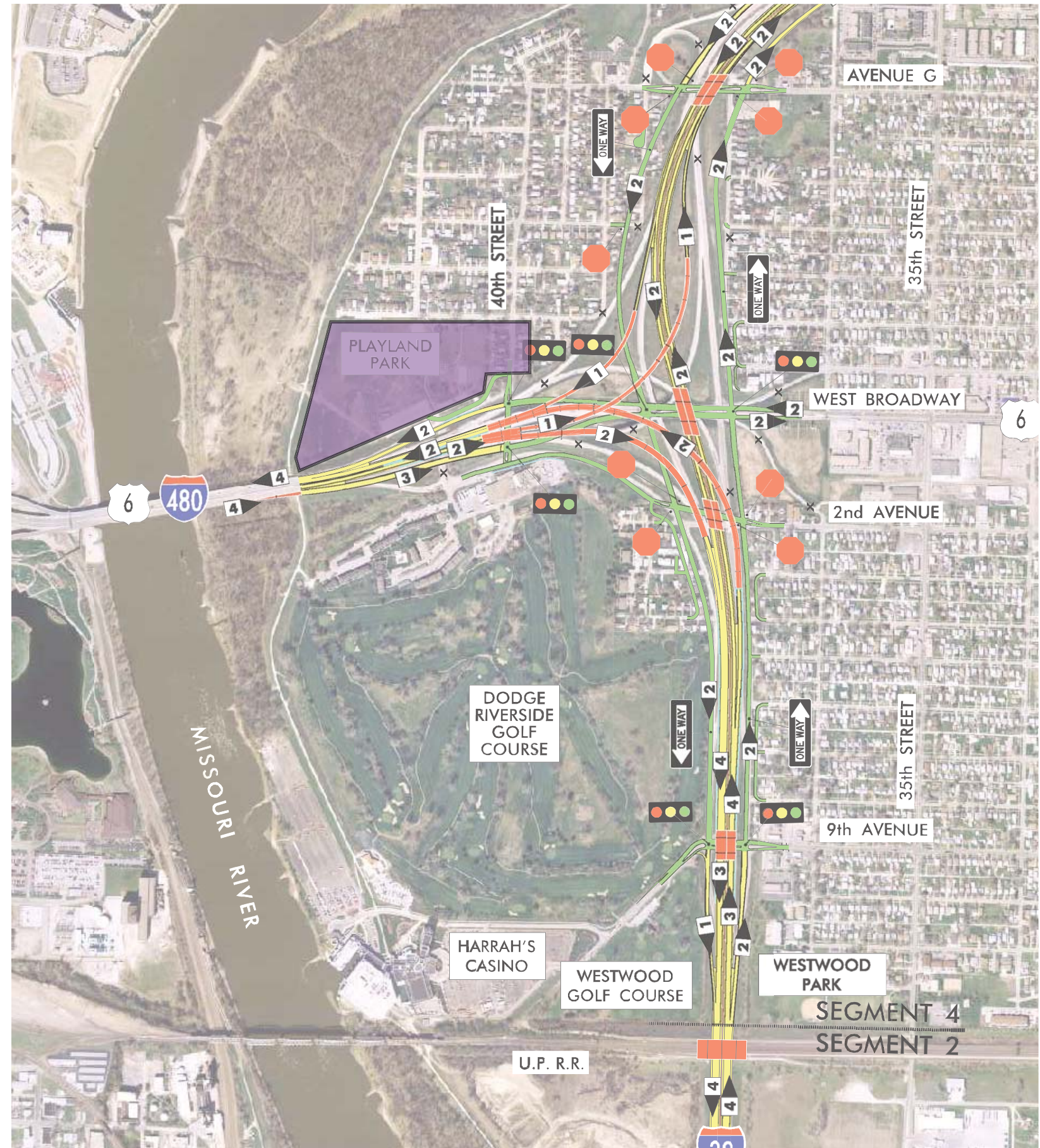


View of the Missouri River and downtown Omaha from the "Porch"

Council Bluffs Interstate System

The Council Bluffs Interstate System (I-29, I-80, and I-480) is in the process of being completely reconstructed over the course of the next several years. This reconstruction will impact the Playland Park site and affect interstate access to, and from, the surrounding neighborhoods. Segment 4 of the reconstruction project includes the section of I-480 that runs adjacent to the Playland Park site on the south and the portion of I-29 that runs adjacent to the site on the east. Along with the realignment and reconstruction of the I-29/480 system interchange, reconstruction of Segment 4 will include new frontage roads along I-29, enhanced connectivity with West Broadway, and changes in access to the Playland Park site.

Because the timeframe for Segment 4 has not been finalized, the Playland Park Neighborhood Master Plan was designed to accommodate both current and future access. Currently, 41st Street provides interstate access to the site. The new interstate alignment will make 40th Street the primary access. 40th Street will be extended to the south, and provide a direct, at-grade connection with West Broadway, the primary arterial through Council Bluffs. In anticipation of this new access, the master plan orients future development with the proposed alignment in mind, placing key entrance features near the site entry points and concentrating the mixed-use "main street" along 40th Street, the future collector street leading into the neighborhood.



One of two proposed concepts for the Reconstruction of the I-29 / I-480 System Interchange

02 Master Plan



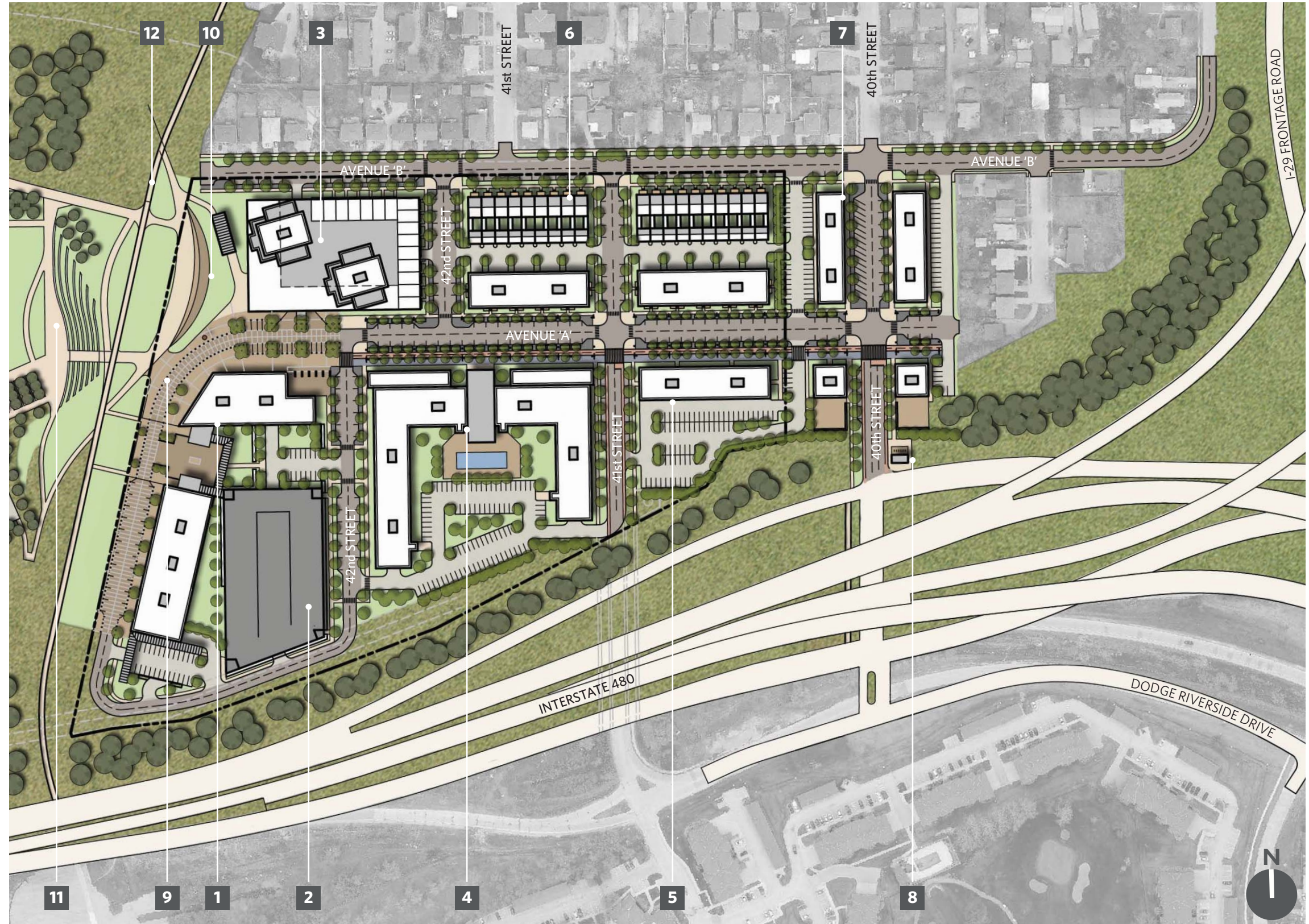
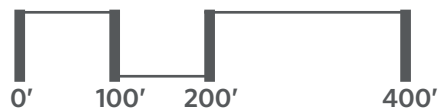
Master Plan

As mentioned in the previous section, the Playland Park Neighborhood Master Plan is designed to accommodate current and future site access from I-480 along either 41st Street or 40th Street. The defining site feature is Avenue 'A,' which functions as a grand east-west axial street through the neighborhood, terminating on the west at the "Porch" and the "Piazza". Avenue 'A' will contain a grand pedestrian promenade, a cycle track, green stormwater infrastructure, and enhanced streetscaping.

Key development sites include the office block (containing two multi-story office buildings and a parking structure) at the southwest quadrant of the site, the mid-rise condo tower block (two towers) fronting onto the "Porch" at the northwest quadrant of the site, the mid-blocks containing apartments and townhomes, and the "Main Street" block on the east, which contains mixed use buildings located at the future main entrance to the site along 40th Street.

Higher density uses are situated on the west end of the site along the riverfront frontage or to the south between Avenue 'A' and I-480. Lower density townhomes front onto existing single-family homes along Avenue 'B', and parking for site uses is accommodated either on-street, in surface parking lots tucked into the interior of blocks, or in parking structures.

- 1** Office Buildings
- 2** Parking Structure
- 3** Condominium Towers on top of Parking Pedestal with Retail, Community Use and/or Townhouse Liner
- 4** Podium Apartments with Ground-Level Retail Liner
- 5** Tuck-Under Apartments
- 6** Townhomes
- 7** Mixed-Use Buildings
- 8** Future Transit Stop
- 9** Piazza
- 10** Landing "Porch"
- 11** Tom Hanafan River's Edge Park
- 12** Riverfront Trail



Perspective Rendering

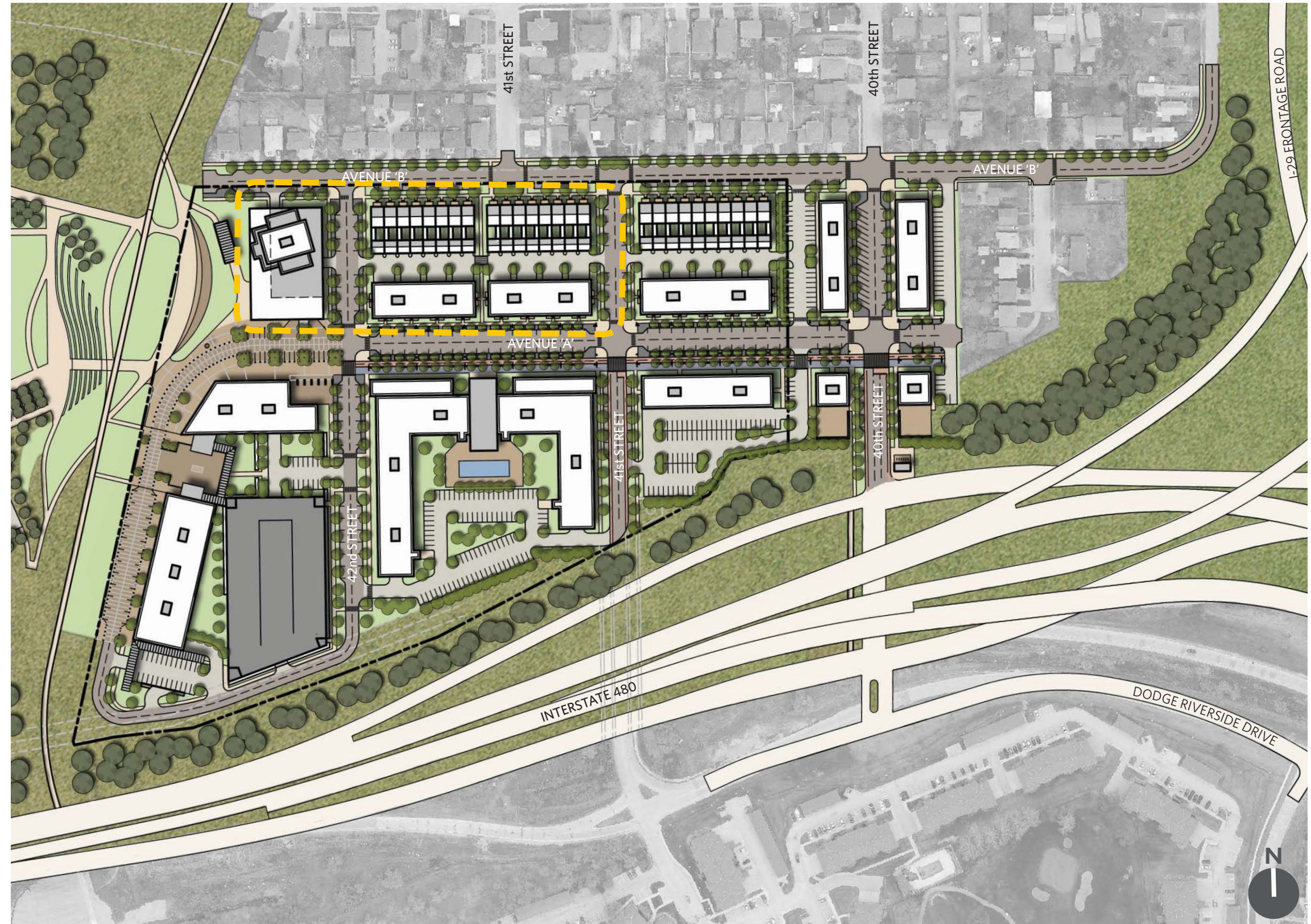


Bird's-eye perspective rendering of the Playland Park Neighborhood, looking southeast from above the Bob Kerrey Pedestrian Bridge

One Tower Option

The Playland Park Neighborhood Master Plan identifies a mid-rise condo tower block containing two condo towers at the northwest quadrant of the site. The condo towers are located on top of a pedestal that contains structured parking and is lined on the north and east by townhouses and on the south and west by commercial uses and/or community facilities that front onto the "Porch" and "Piazza".

Depending on the developer selected and the depth of the market, it may not be feasible to develop two condo towers on the site. In this case, the Master Plan identifies a one tower option. This option would contain a pedestal topped by only one condo tower. The pedestal would lose the townhouses on the north and east, but would still include commercial uses and/or community facilities on the south and west. Because the pedestal would not need to be sized to accommodate parking for two condo towers, its size could be decreased, enabling the alignment of 42nd Street north and south of Avenue 'A.' This realignment would enable the westward expansion of the block north of Avenue 'A' between 41st Street and 42nd Street, resulting in an increase in both townhouses and apartments on the site.





03 Framework Elements

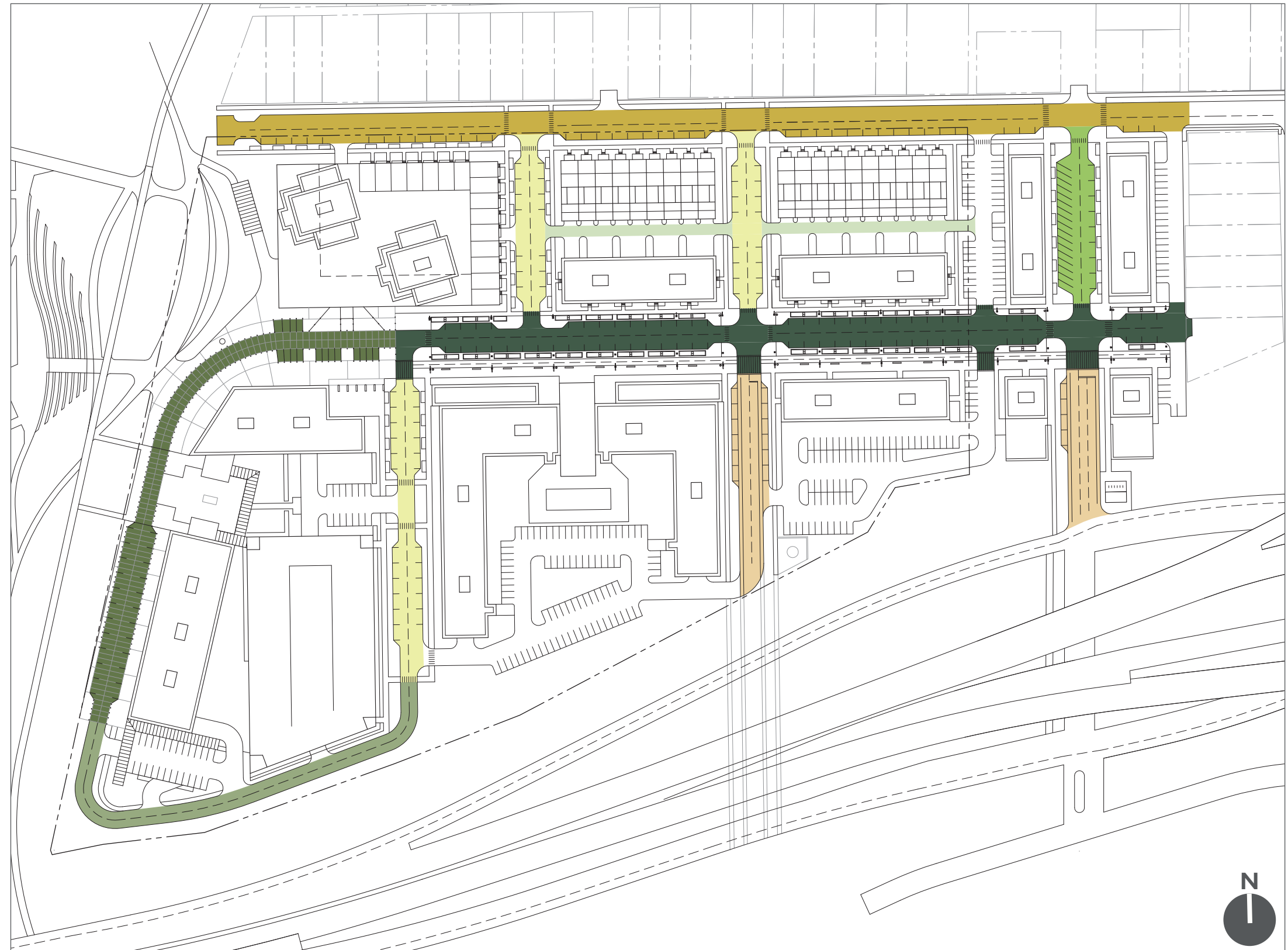
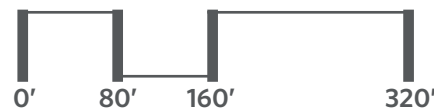


Axonometric rendering of the proposed Avenue 'A' Corridor

Street Types

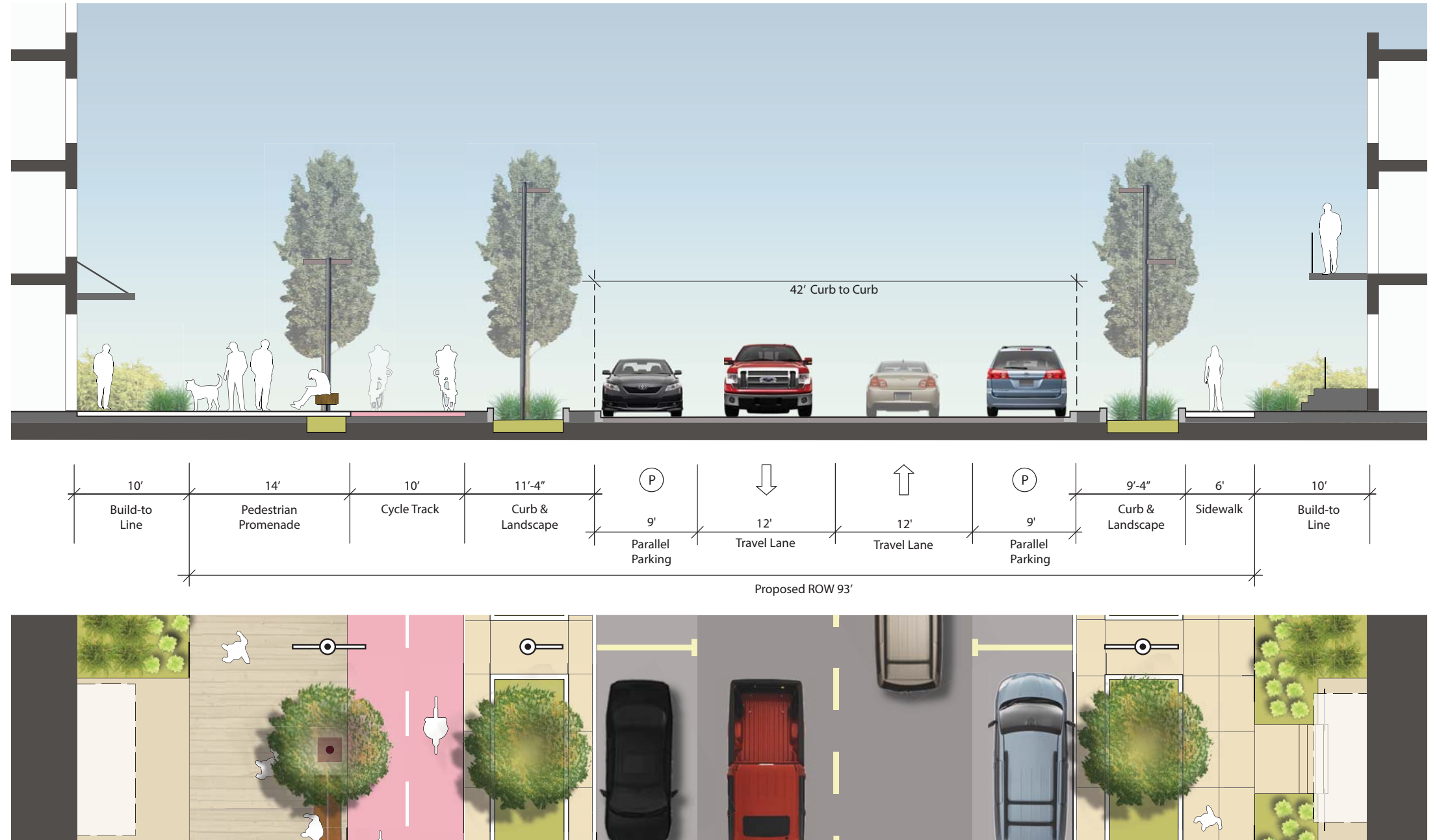
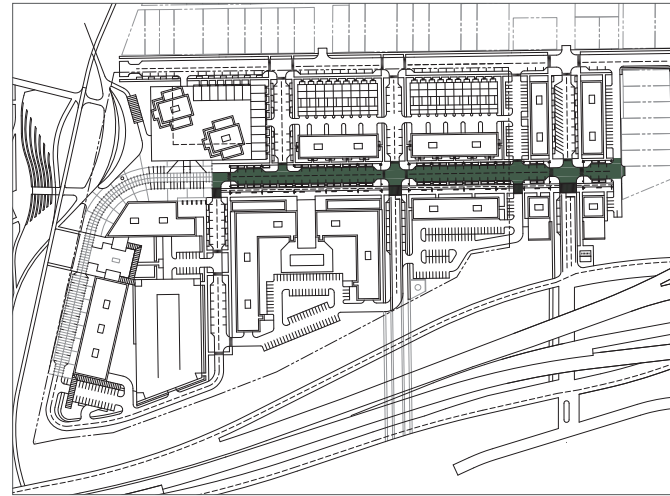
The street network for Playland Park is based on the block size typical of the West End of Council Bluffs, particularly the adjacent neighborhood to the north. Avenue 'A' is the primary east-west street running the entire length of the site. It is designed as a grand axial street, with a pedestrian promenade, cycle track, green infrastructure, on-street parking and a highly refined streetscape. 40th & 41st Streets will include bike lanes and minimal on-street parking south of Avenue 'A' as each will serve as the primary entrance route into the site at different times over the course of development. A shared-space "piazza" will terminate Avenue A along the riverfront. The piazza will equally accommodate pedestrians, bicyclists, and vehicles, and will provide access to the landing "Porch," riverfront trail, and Tom Hanafan River's Edge Park. North of Avenue A, 40th Street will be a mixed-use street with both parallel and back-in angled on-street parking and wide sidewalks to service the ground-level commercial space located on the first floor of adjacent buildings. Avenue 'B,' the northern boundary of the site, will maintain its current configuration with the exception of the addition of on-street parking and corner bulb-outs south of the street's centerline. Avenues 'A' and 'B' will be connected with lower profile residential side streets at 41st and 42nd Streets.

-  Avenue 'A'
-  Piazza
-  Mixed-Use Street
-  Residential Side Street
-  General Residential Street
-  Exist. Residential Street (Avenue 'B')
-  Side Street
-  Alley



Avenue 'A'

Avenue 'A' will function as the primary axial street through the Playland Park neighborhood. The corridor will be multimodal in nature, and will connect the "Main Street" mixed-use buildings located on the east side of the site with the Landing "Porch", "Piazza", and River's Edge Park on the west. The street will contain a 14-foot-wide pedestrian promenade with decorative pavers, ornate block benches and modern-style pedestrian lights. It will also include a cycletrack - an off-road bicycling facility that accommodates all levels of riders and is separated from the street by stormwater planters. The cycle track will have two 5-foot-wide riding lanes that will allow riders room to pass. On-street parallel parking will be provided on both sides of the street's two travel lanes. The north side of the street will include a 6-foot-wide sidewalk and similar streetscaping to that on the south side of the street.



Cycle Track and Pedestrian Promenade

Avenue 'A' will serve as a vital link for pedestrians and cyclists moving between the riverfront and River's Edge Park and the West End of Council Bluffs. Due to the importance of this connection, the Avenue 'A' corridor is proposed to include a cycle track and pedestrian promenade. These will be the two most prominent facilities for pedestrians and cyclists who live in, work in, or visit the neighborhood. The cycle track will be a 10-foot-wide, two-lane off-street bicycle path. The path will be marked for two-way traffic.

The cycle track is designed for riders of all experience levels as the path's width will allow faster riders to safely pass slower riders. Riders using the path will be separated from vehicles and pedestrians by landscaped stormwater planters, an arcade of columnar street trees and site furnishings.

The pedestrian promenade will be a 14-foot-wide sidewalk that will include specialty paving, urban site furnishings, modern-style pedestrian lights and landscaped planters. The pavement will be comprised of some mix of specialty concrete, clay and stone pavers. A 10-foot-wide clearway will be provided along the entire span of the promenade allowing for ease of movement.

The site furnishings will be placed in the remaining 4-foot amenity zone. The site furnishings, lighting, planters and trees along the promenade and cycle track will be evenly spaced along the entire corridor, unifying the various blocks and enhancing the user experience. Speed tables will be located at street and parking lot crossings along the corridor to emphasize the special nature of the street and to create a safe environment for bicyclists and pedestrians.

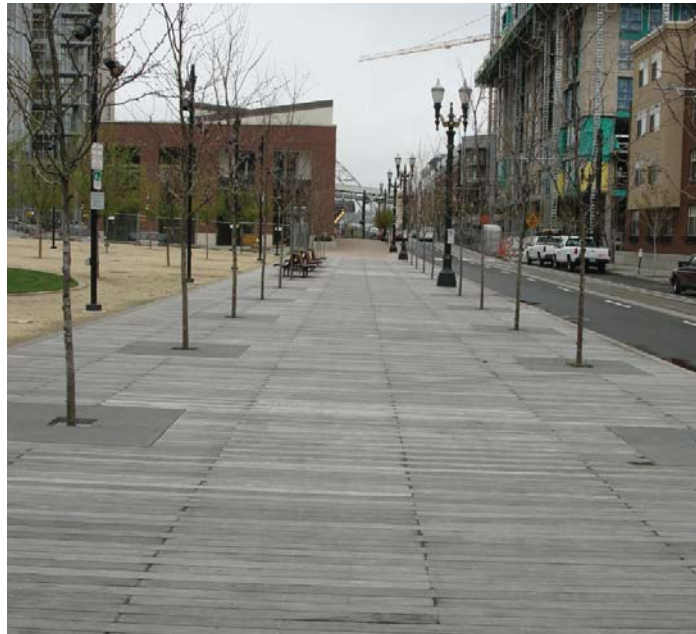


Cycle track in Munich, Germany



Perspective looking west down Avenue 'A' focusing on the Cycle Track and Pedestrian Promenade

Pedestrian Promenade and Cycle Track



Pedestrian promenade in Portland, Oregon

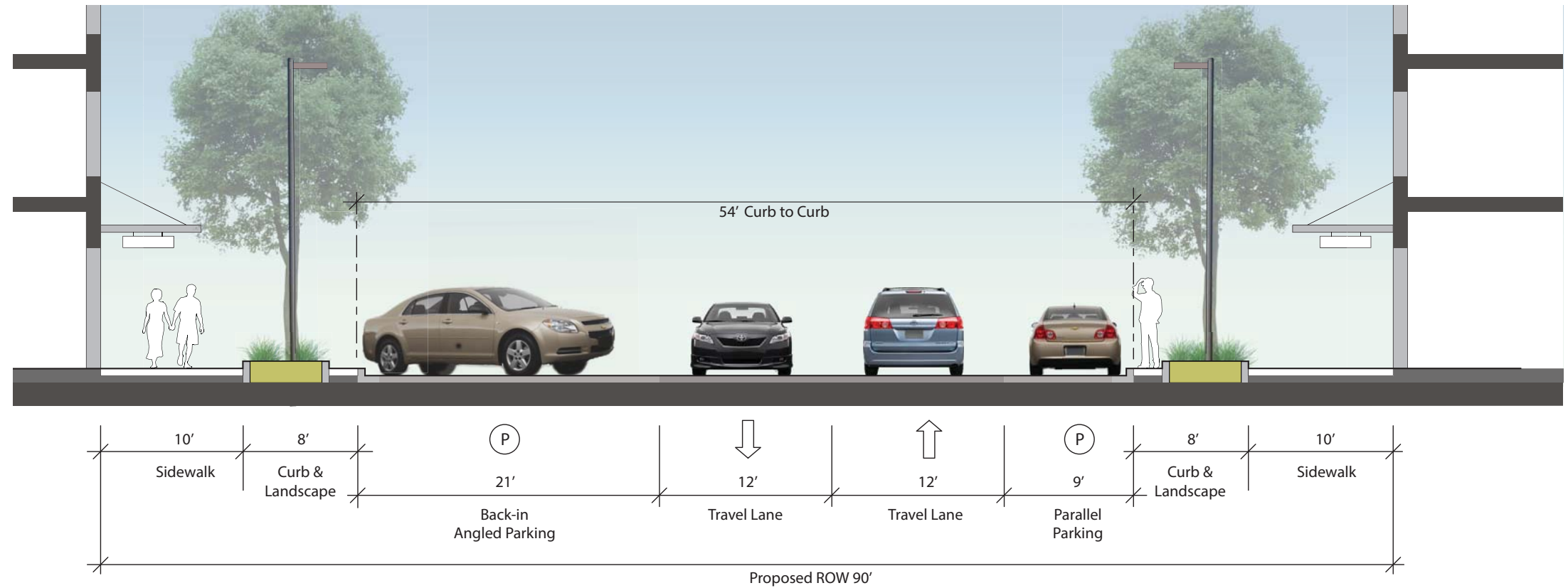
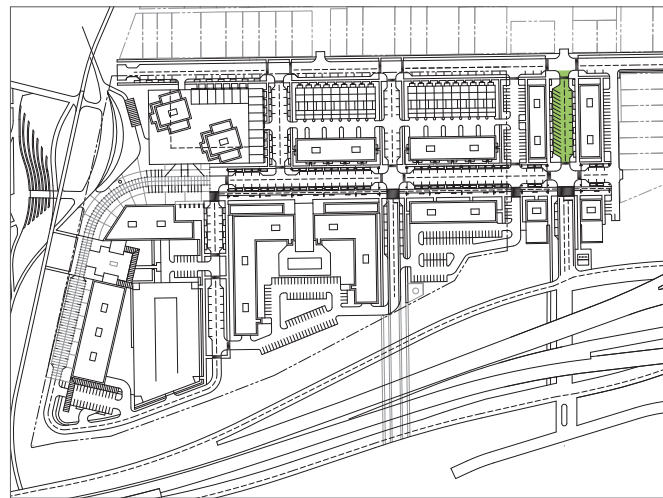
- Stormwater Planters
- Columnar Deciduous Street Trees
- Modern Bench
- Pedestrian Promenade (w/ Specialty Pavers)
- Modern-Style Pedestrian Lights
- Modern-Style Street Lights
- Cycle Track (w/ Colored Pavement)
- Speed Table @ Intersections



Enlarged section of axonometric rendering of Avenue 'A' illustrating specific streetscape features

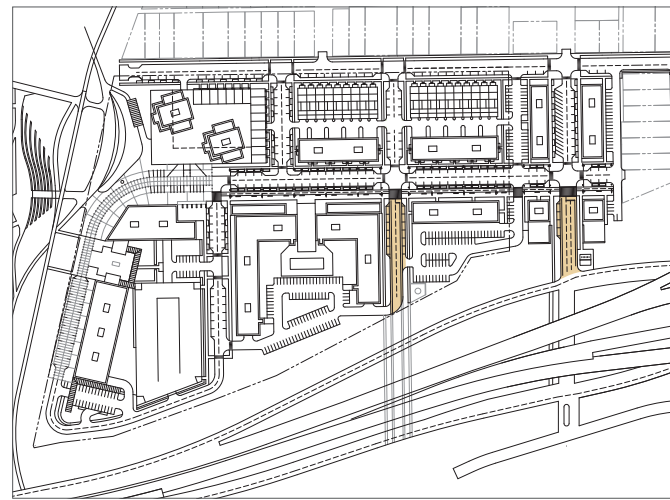
Mixed-Use Street

40th Street between Avenue A and Avenue B will be designed to function as the site's retail core. Its strategic location connecting the residential neighborhood to the north with the future main entrance into the site ensures that there will be a consistent volume of traffic on the street, suitable for street-level retail in the adjacent mixed-use buildings. As a mixed-use street it will be designed with on-street parking (both parallel and back-in diagonal), generous sidewalks, and planter beds and shade-providing street trees.

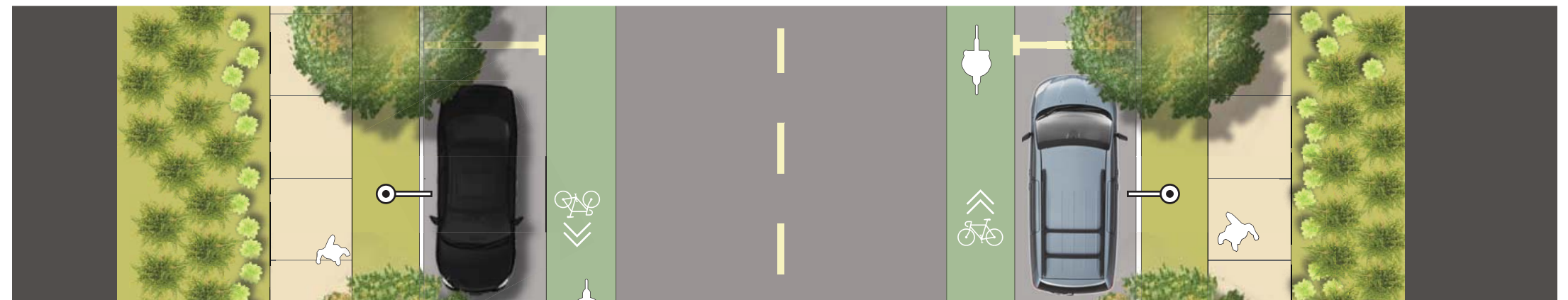
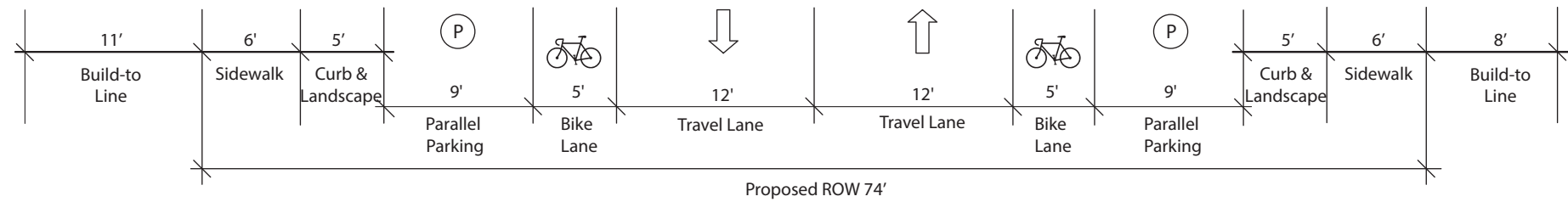
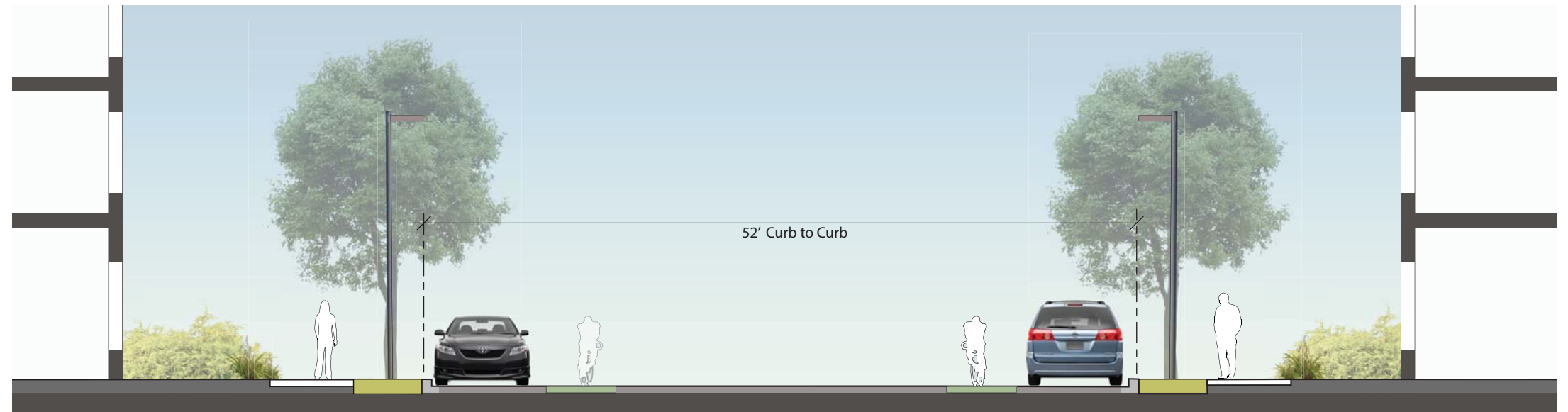


General Residential Street

South of Avenue A, both 40th Street and 41st Street are designed as General Residential Streets. Before Segment 4 of the interstate is reconstructed, 41st Street will provide direct interstate access to the site. Once the interstate is reconstructed, 41st Street will end at I-480 and access will transition to 40th Street. Because of this, each street needs to accommodate a variety of functions, including primary site access and parking for adjacent residential and commercial buildings. In addition, bicycle traffic between the cycle track on Avenue A and the future bicycle facility along the West Broadway corridor will use these streets as a direct link. As such, both streets will be designed to accommodate bi-directional bike lanes and have landscaped parkway strips.

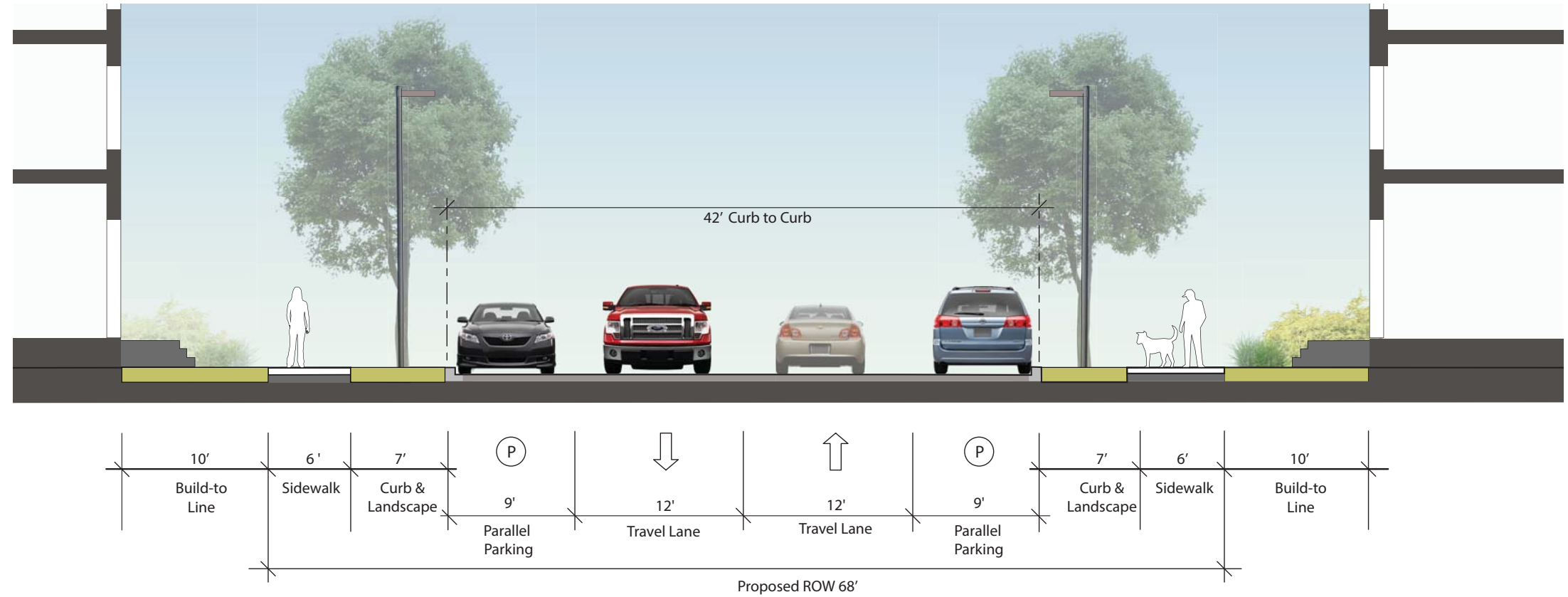
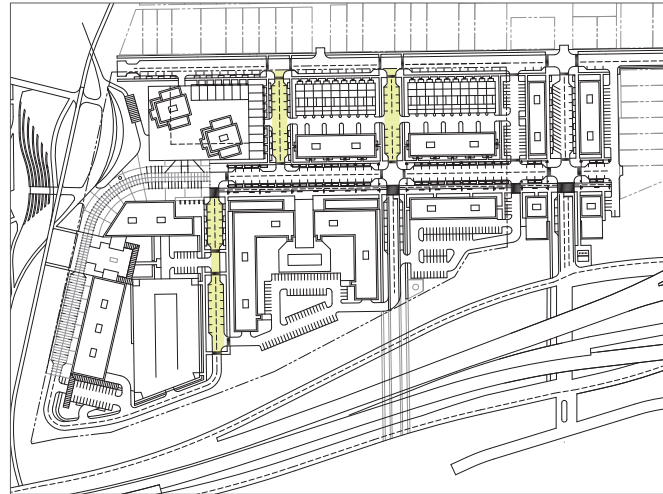


Designated bike lane and bike box



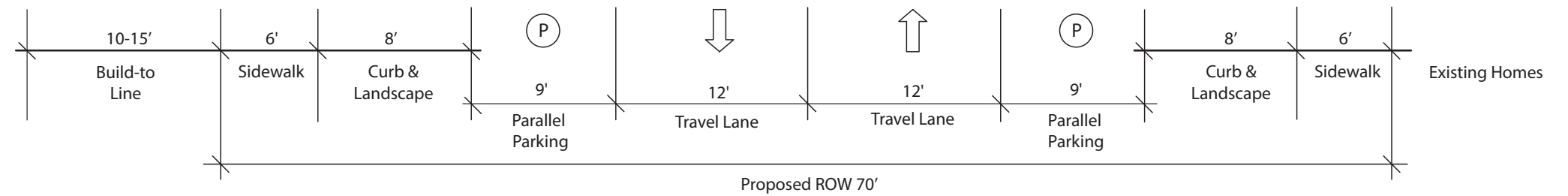
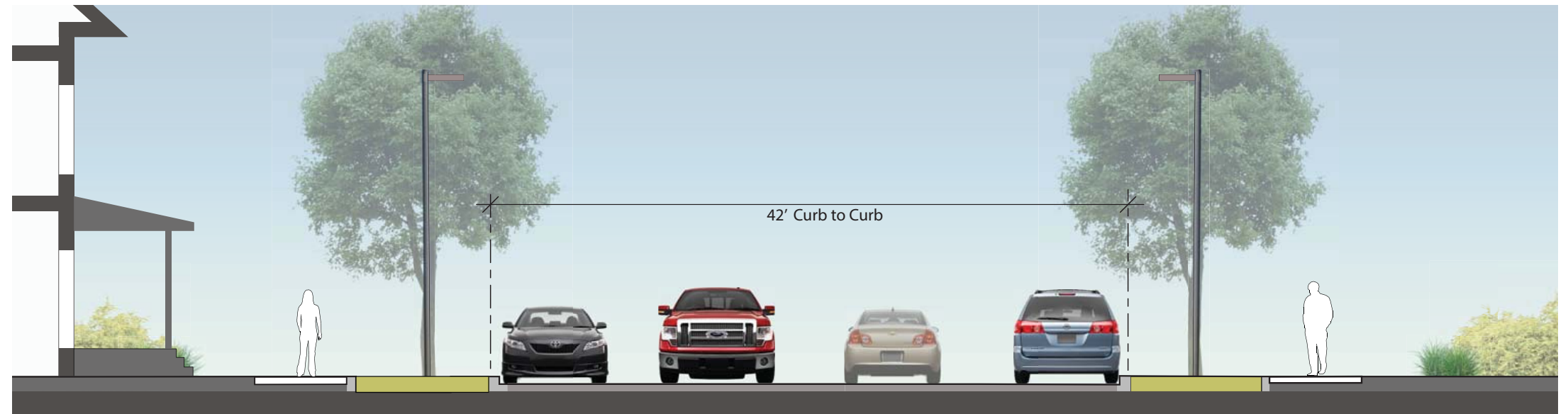
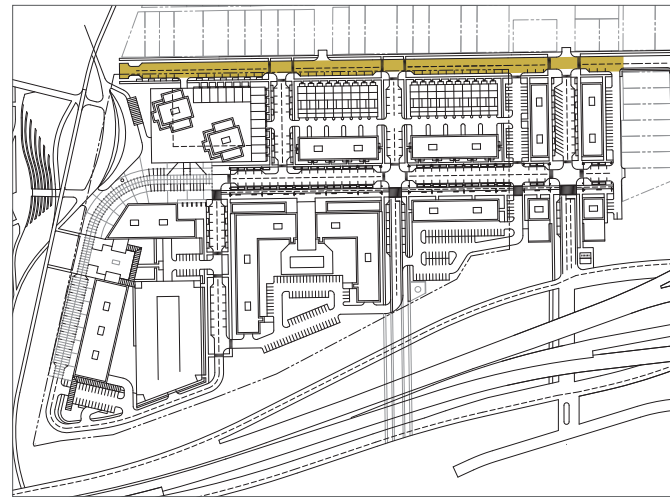
Residential Side Street

The remaining north-south streets on the site generally provide local access to adjacent apartments and townhouses. As a result, they are designed at a more residential scale, with on-street parallel parking and parkway strips with grass and street trees. Generous sidewalks are also included along each residential side street.



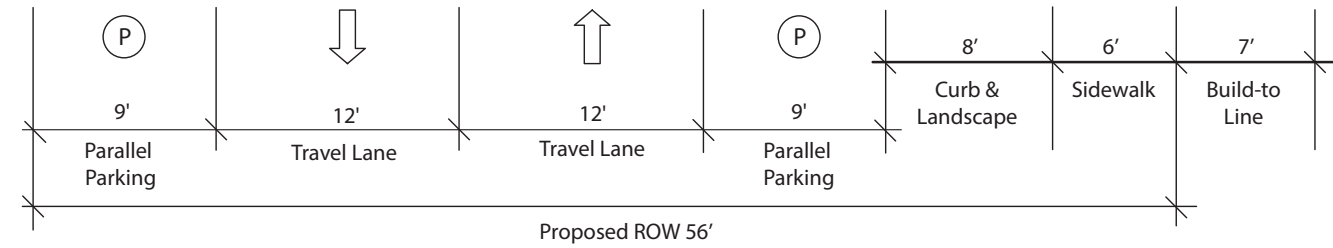
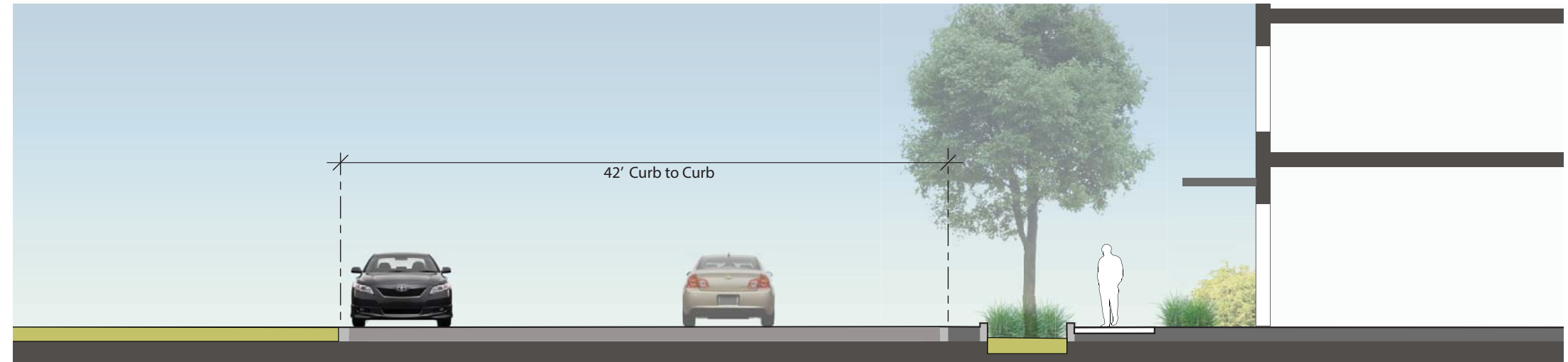
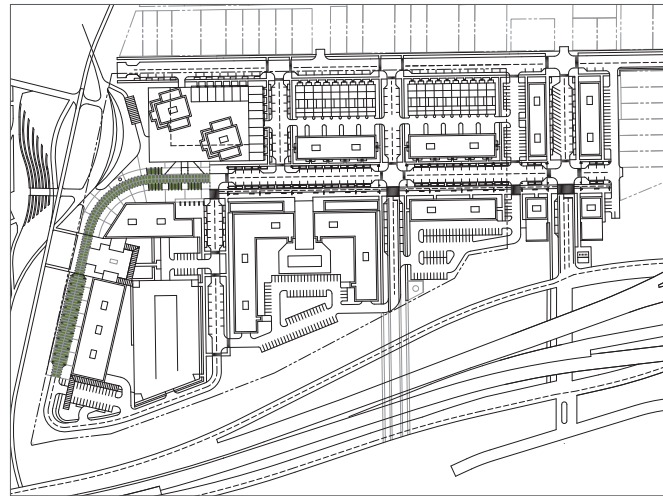
Existing Residential Street (Avenue 'B')

Avenue 'B' is the northern boundary of the Playland Park site. The existing street contains on-street parking and limited landscaping. As development of the site occurs, the right-of-way south of the street's centerline will be enhanced. This will include construction of a new parking lane and corner bump-outs to lessen the distance pedestrians have to cross the street and to protect parked vehicles from vehicular traffic. In addition, street trees and grass will be planted in the bump-outs and parkway strips.



Piazza

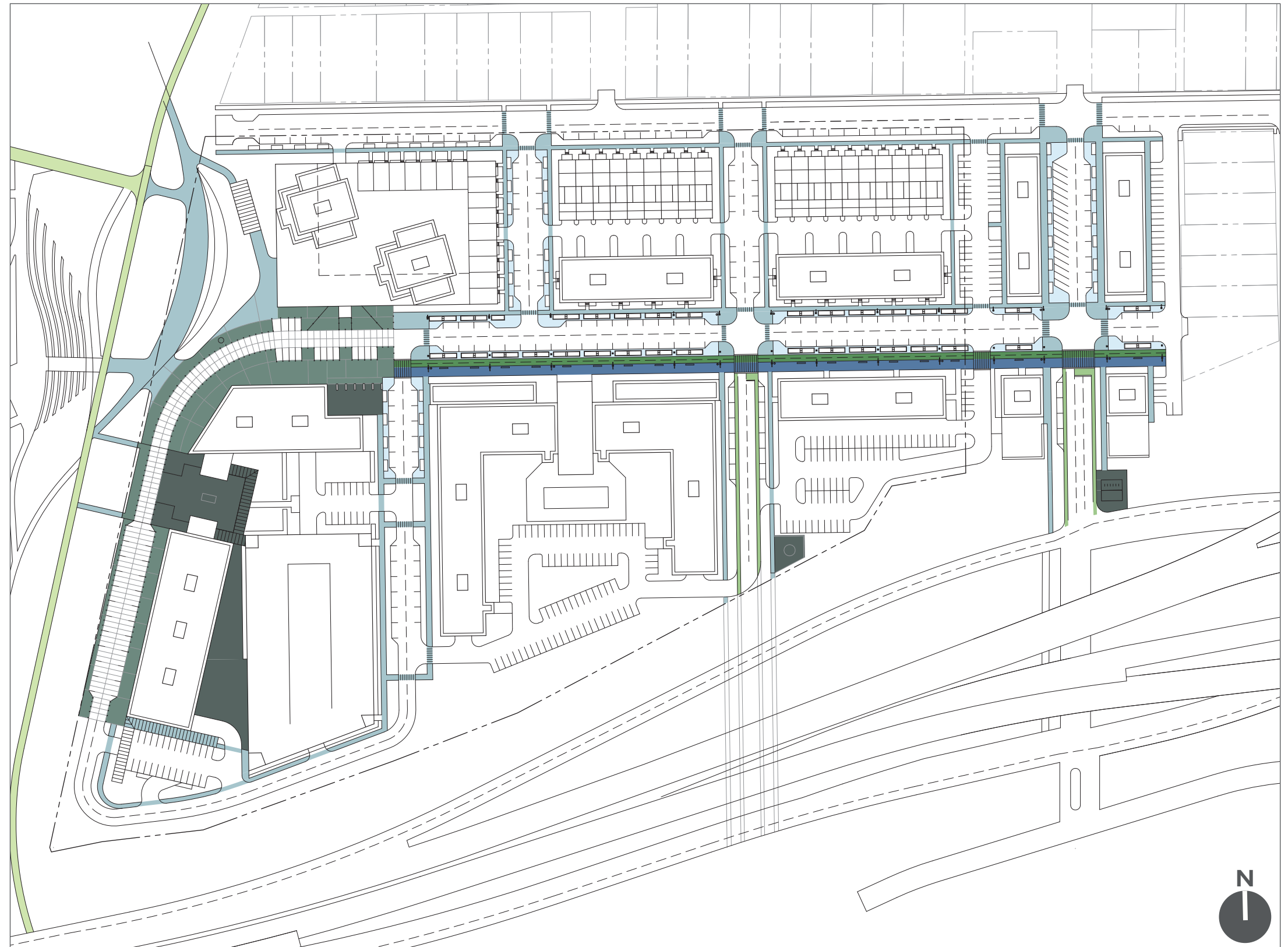
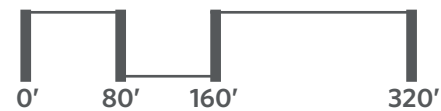
As mentioned earlier, the "Piazza" will be a shared-space street/plaza that equally accommodates pedestrians, bicyclists, and vehicles. It will be located at the western terminus of Avenue A, and will be designed to provide a seamless transition between buildings fronting onto the riverfront and the Landing "Porch," levee, and River's Edge Park. Sasaki Associates is in the initial stages of designing this feature. It is anticipated that it will contain no curbs or standard street signage. Various zones will be identified by bollards and paver colors and textures.



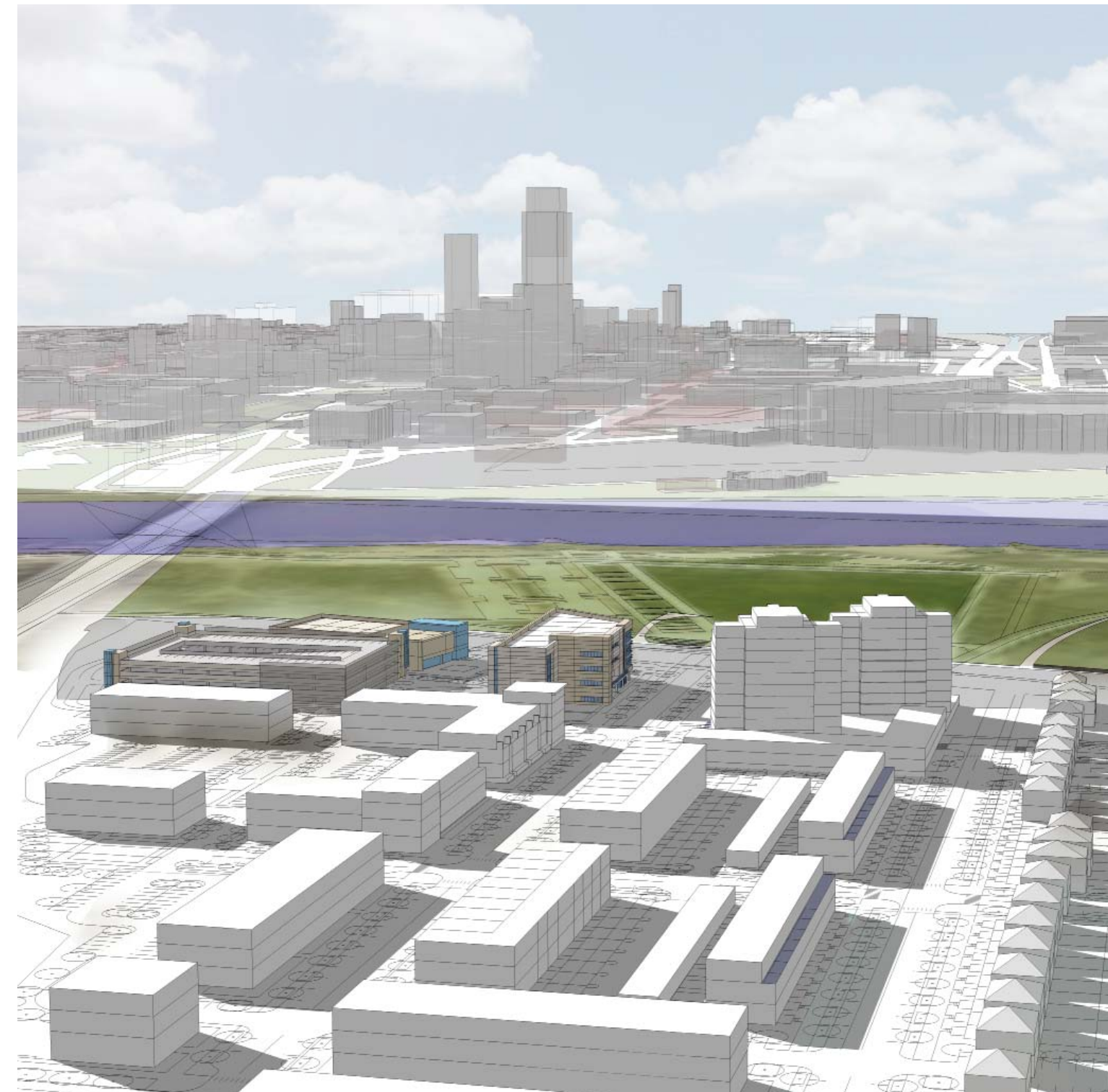
Bike / Pedestrian Network

With its multi-use development and adjacency to regional and local trail facilities, the Playland Park neighborhood will appeal to bicyclists and pedestrians alike. The pedestrian promenade and cycle track running the entire length of Avenue 'A' through the site will attract heavy use and serve as the primary corridor of movement through the neighborhood. Both features terminate at the Landing "Porch" and "Piazza," a shared-space street/plaza designed to create a public, high-activity front door to the neighborhood and Council Bluffs as a whole. Small pocket plazas are located off the main spine of the shared space to encourage more intimate gatherings or encounters. The piazza connects to the regional riverfront trail and River's Edge Park via the wide, sweeping sidewalks of the Landing "Porch." Playland Park's residential blocks are serviced by sidewalks that range in size from 6- to 8-feet wide with enlarged pavement sections located at the bulb outs at key street intersections. Two small plazas are proposed to mark the entrances of 41st and 40th Streets into the neighborhood.

- Plaza
- Shared Space
- Promenade
- Sidewalk
- Accent Paving
- Riverfront Trail
- Bike Lanes
- Cycle Track



03 Development Opportunities



Conceptual perspective of Playland Park developmental massing, looking west toward the Missouri River and downtown Omaha

Mixed-Use Development

One of the key features of the Playland Park neighborhood is its mix of uses. Unlike most new development projects, where uses are spread out horizontally, Playland Park strives to integrate uses both horizontally and vertically. By doing so, it is easier to create a rich tapestry where uses are layered upon each other, helping to activate the site and create an exciting and memorable experience.

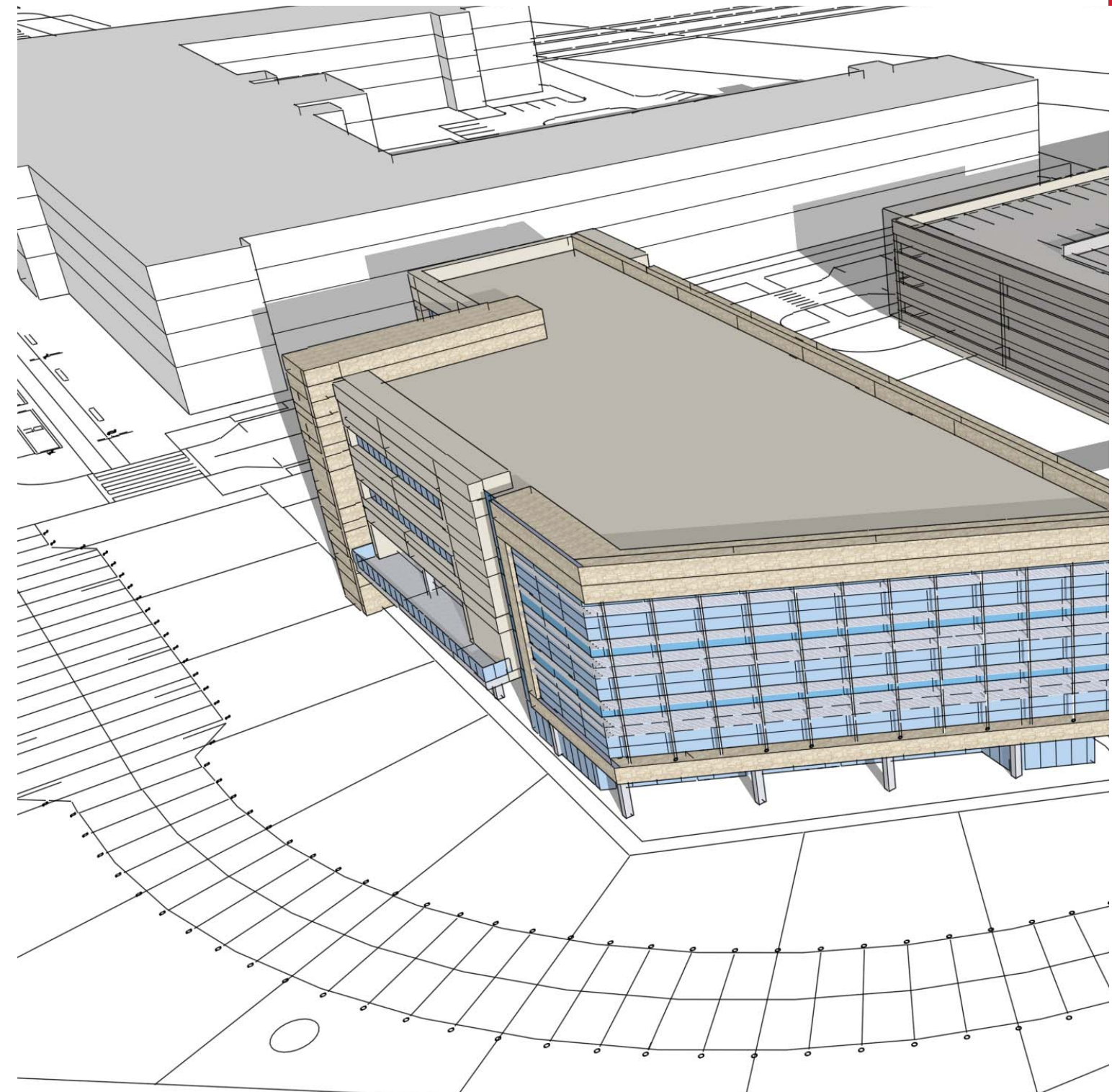
For instance, it is not enough to have a number of uses spread out evenly across the site. Instead, uses are encouraged to be combined within individual buildings. Take, for instance, the proposed condo towers. Instead of just containing condominium units, the buildings, as shown, contain a number of uses. The pedestal, or base of the building, not only contains integrated parking, but the parking is tucked behind a liner of townhouses and community/commercial space. The condo towers are then placed on top of this base. Instead of just one use activating the site, there are now at least four different kinds of uses (community, commercial space, townhouse units, parking, and condos) drawing people to and from the site, helping ensure street-level activation of the site throughout the course of the day. Other locations within the neighborhood that contain mixed-use buildings include the retail liner on the apartment building fronting onto Avenue A and the “main street” mixed use buildings lining both sides of 40th Street on the east side of the site



Elevation and Section/Elevation views of the Condominium Towers and Parking Pedestal with Retail, Community Use and/or Townhouse Liner, looking north



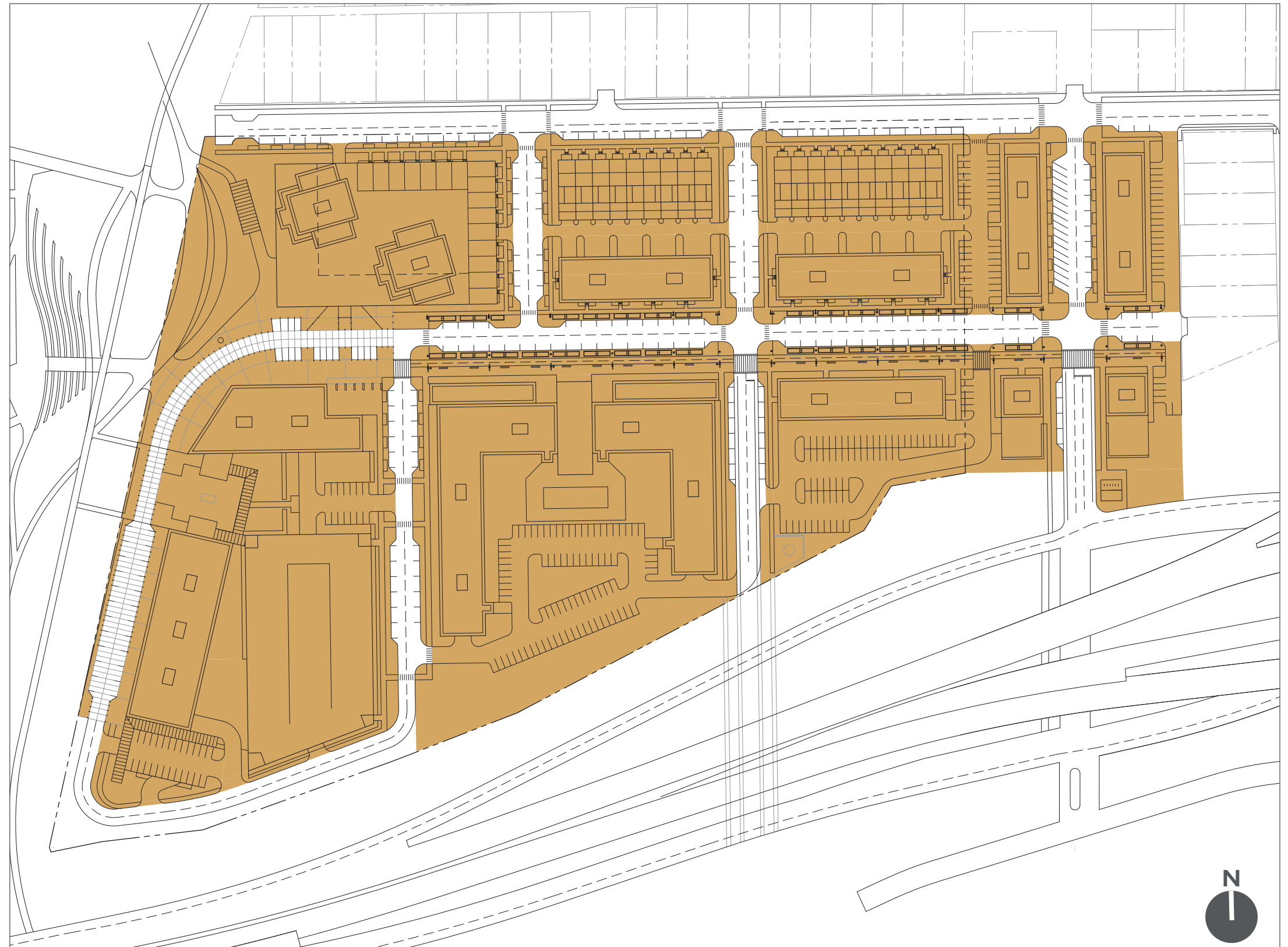
03 Design Guidelines



Bird's-eye perspective of the conceptual layout of the Piazza, North Office Building and Shared Auto Court







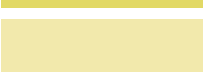




Development Blocks

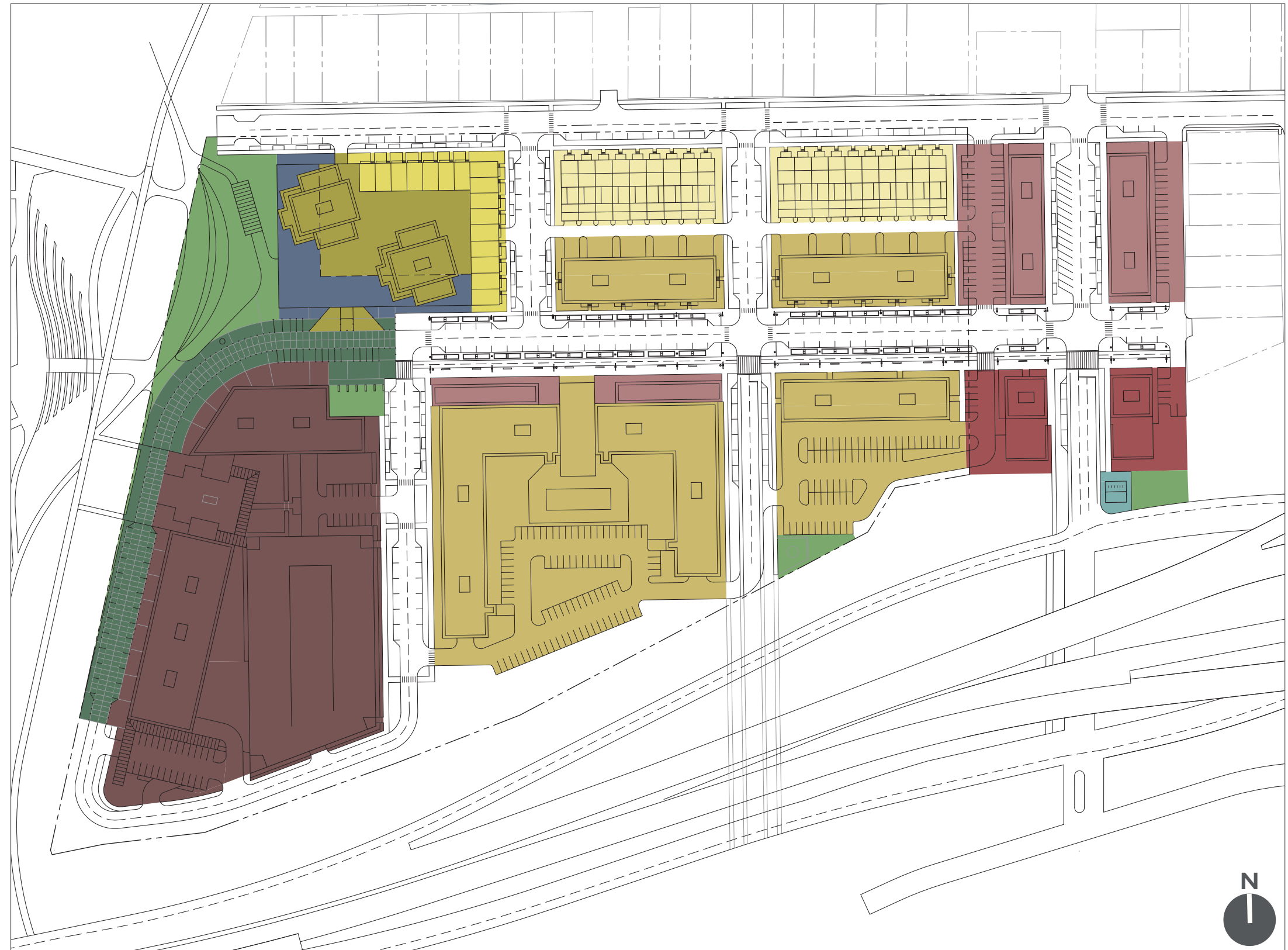
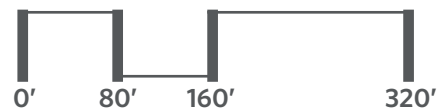
The block structure for the Playland Park neighborhood is based on the standard block size and pattern of the West End. Avenue 'B' will function as the northern boundary for the development. 41st Street will be the initial main entrance into the site. This function will transition to 40th Street once Segment 4 of the interstate reconstruction is complete. 41st Street, along with Avenue 'A,' each bisect the site, generally creating four neighborhood sub-areas. Block sizes gradually increase from east to west. The smaller eastern blocks are sized primarily for low-density residential and commercial uses with small internal surface parking lots. The three large blocks on the west side of the neighborhood accommodate larger buildings with higher parking demands. These blocks also include public space that will draw larger crowds from throughout the community.



Land Use

In order to become an active and exciting destination, Playland Park will need to accommodate a variety of land uses, and integrate them both horizontally and vertically. The mix of uses will encourage diverse activity throughout the day, resulting in a comfortable pedestrian environment. The central portion of the neighborhood is planned primarily for residential uses of various densities. Podium and tuck-under apartment buildings will line Avenue 'A,' with a limited amount of ground-level commercial use along the south side of the street. Townhomes will front onto Avenue 'B,' helping to maintain the scale of the existing neighborhood to the north. Community and civic uses are proposed at the neighborhood's entrances, with the western edge of the site having a large shared space adjacent to the office and condominium tower blocks. The two office buildings will share a parking structure and auto court. The condominium tower base will include street-fronting community and retail space to help activate the Piazza. Mixed-use and destination commercial uses are planned along both sides of 40th Street.

-  Office
-  Mixed-Use
-  Destination Commercial
-  Condominium Tower
-  Apartments
-  Tuck-Under Townhomes
-  Townhomes
-  Community Mixed-Use
-  Shared Space
-  Civic
-  Plaza



Land Use



Condominium tower with liner townhomes and internal parking pedestal



Apartment building with ground-level retail



Three-story townhomes



Riverfront office building sited to capture river views



Two and three story apartment building with rear tuck-under parking

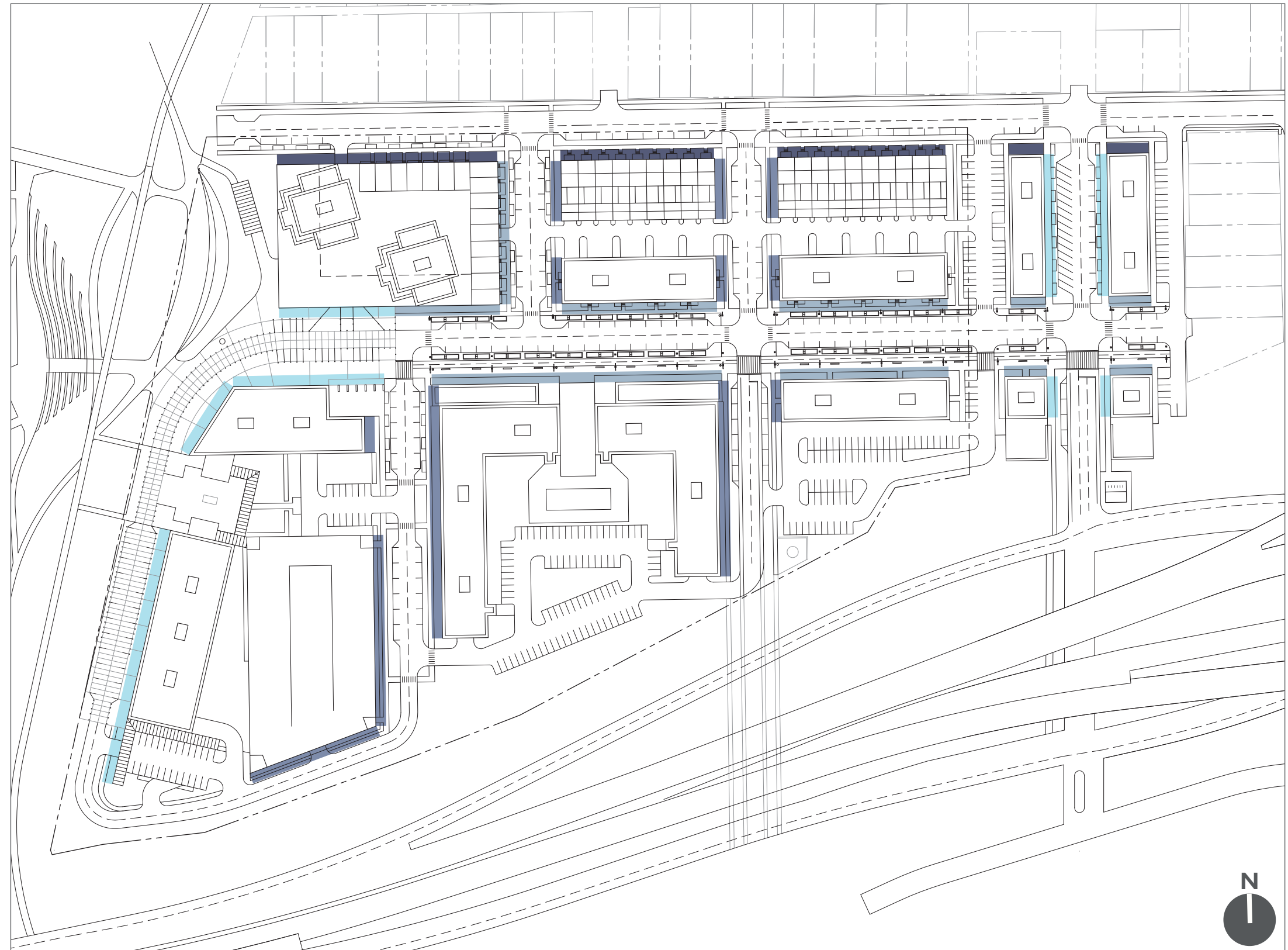
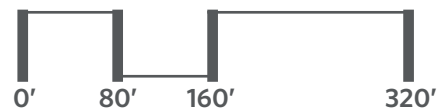
Building Setbacks

The Playland Park neighborhood will employ standard setbacks to establish a strong urban fabric, with a consistent building wall and the creation of a unified public realm. The mixed-use buildings fronting onto 40th Street, along with the office buildings and condominium block pedestal that front onto the "Piazza" and Landing "Porch," will generally have 0-to-5' setback requirements. This allows the adjacent sidewalk to become an activity zone that is suitable for community gatherings, outdoor dining areas and window shopping.

The setbacks along Avenue 'A' from 42nd Street to east of 40th Street will be 10' along the entire corridor. This consistency will channel views down the corridor and create continuity of space as users move along the neighborhood spine. The 10-foot front yard, combined with the stoop condition, allows for privacy for those residents whose units front onto this major circulation spine.

Residential side streets will employ setback requirements between 12' and 15'. This increased distance will scale down the sense of enclosure in these areas, signifying to the individual that they are moving out of the high-activity portions of the neighborhood. The townhomes fronting along the south side of Avenue 'B' will have setbacks of 16-to-20' to best replicate the condition of the single-family residential properties across the street.

- 0' - 5' Setback
- 10' Setback
- 12' - 15' Setback
- 16' - 20' Setback



Building Setbacks



0' setback along active street frontage



10' setback along pedestrian promenade



Townhomes with a 12' - 15' setback to allow stoop frontage

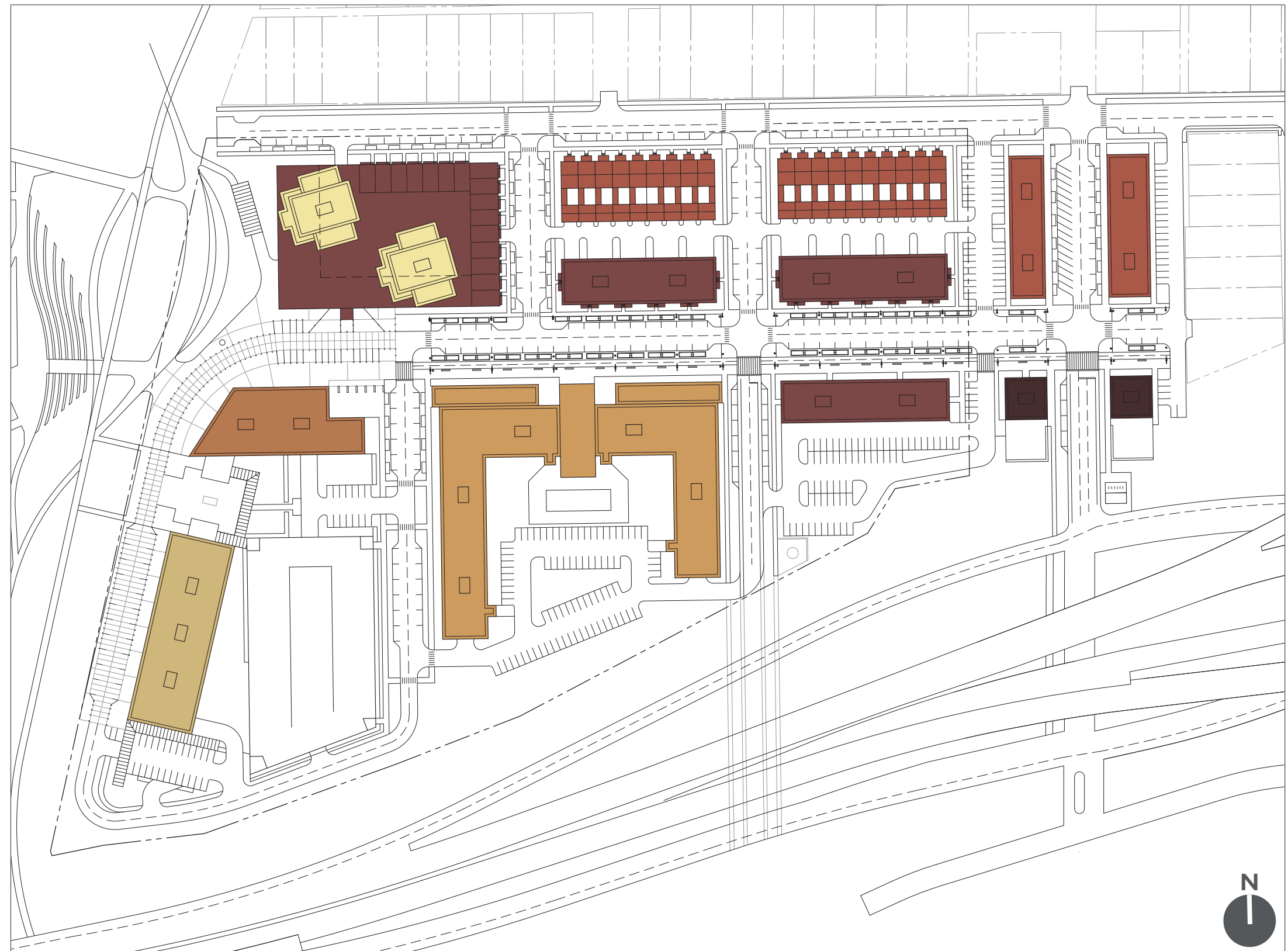
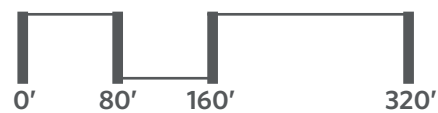
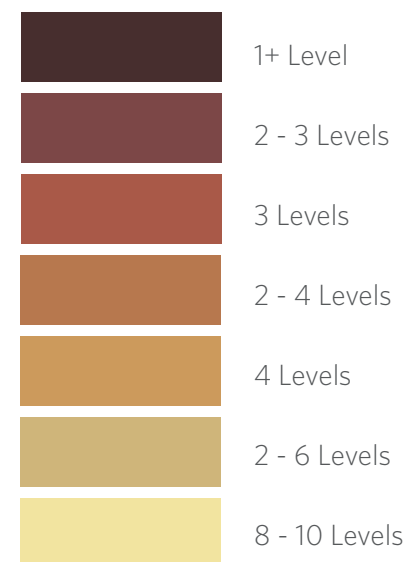


Townhomes with a 16' - 20' setback have similar scale and setback as single family homes on the north side of Avenue B

Building Heights

The flexibility of the Playland Park Neighborhood Plan will allow for a variety of options with regard to building heights. The heights are based on the desired urban form of the development and are reflective of a preliminary understanding of what the market is demanding with regard to total square footage or number of units for each land use. The 8-to-10 level condominium towers will elevate residents above the street, providing them with great views west to the Missouri River and Downtown Omaha skyline, while eastern views will include downtown Council Bluffs and the Loess Hills. The pedestal and liner structure for the condo towers could range from one level for a retail or community use to three levels for liner townhomes.

The two office buildings will each be at least two levels tall. The north building could rise up to four levels while the south building could reach six. This relationship is important to create desired view corridors for the 4-level apartment building directly to the east, as well as to visually orient the block toward the Landing "Porch." The tuck under apartment buildings along Avenue 'A' will be 2-to-3 levels, providing a moderate sense of enclosure to the street. The townhomes fronting onto Avenue 'B' and the mixed-use buildings along 40th Street will be a standard three stories in height. The scale and mass of the townhomes should help transition new development down to the existing neighborhood to the north.



Building Heights



Four-story office building



Five-story mixed use building



Three-story townhomes



One-story stand-alone retail building



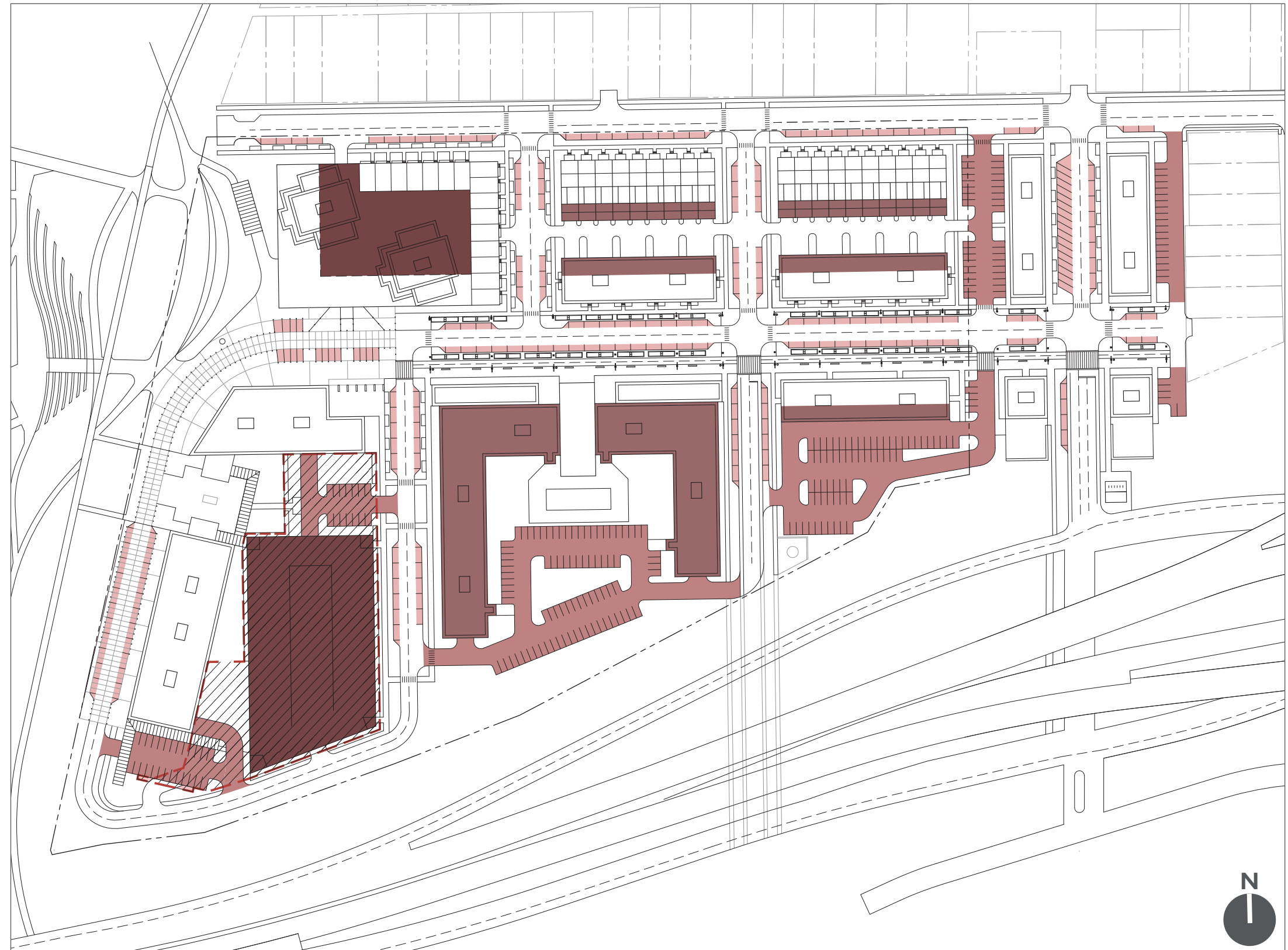
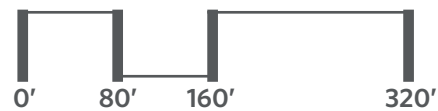
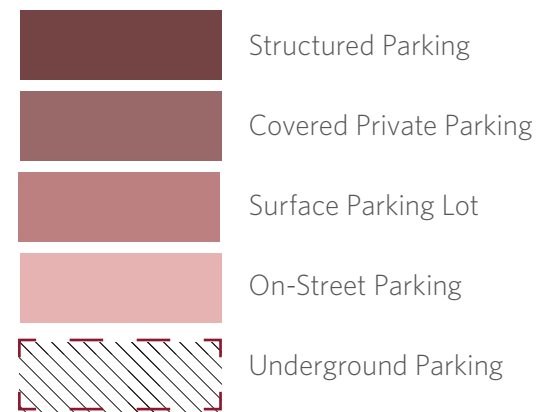
Five-story office building



Ten-story condo tower

Parking

The Playland Park neighborhood will provide a number of parking options for residents, tenants and visitors. In keeping with urban design principles, all surface lots are positioned to the rear of buildings, away from high-activity and high-visibility areas. Private parking for townhomes and apartment buildings will be located on the back sides of the structures and accessed via alleys or surface lots. On-street parking is provided along the majority of streets, helping to slow vehicular traffic and activate the streetscape. The condominium block building will have an internal parking structure surrounded by liner units. A stand-alone parking structure will serve the two office buildings and will be placed behind the buildings away from the active shared space Piazza. If demand warrants, the parking structure will include one level of parking below street grade. In terms of ratios, residents will be provided with either one or two parking stalls per unit, depending on type. Commercial areas will require 5 stalls per 1,000 square feet. The office buildings will require 3.5 stalls per 1,000 square feet, a standard measure for similar mixed-use developments in the region.



Parking



Townhomes with detached garages



Parking garage with enhanced facade



Surface parking lot located behind liner buildings



Apartment building with internal parking pedestal



On-street back-in diagonal parking



On-street parallel parking



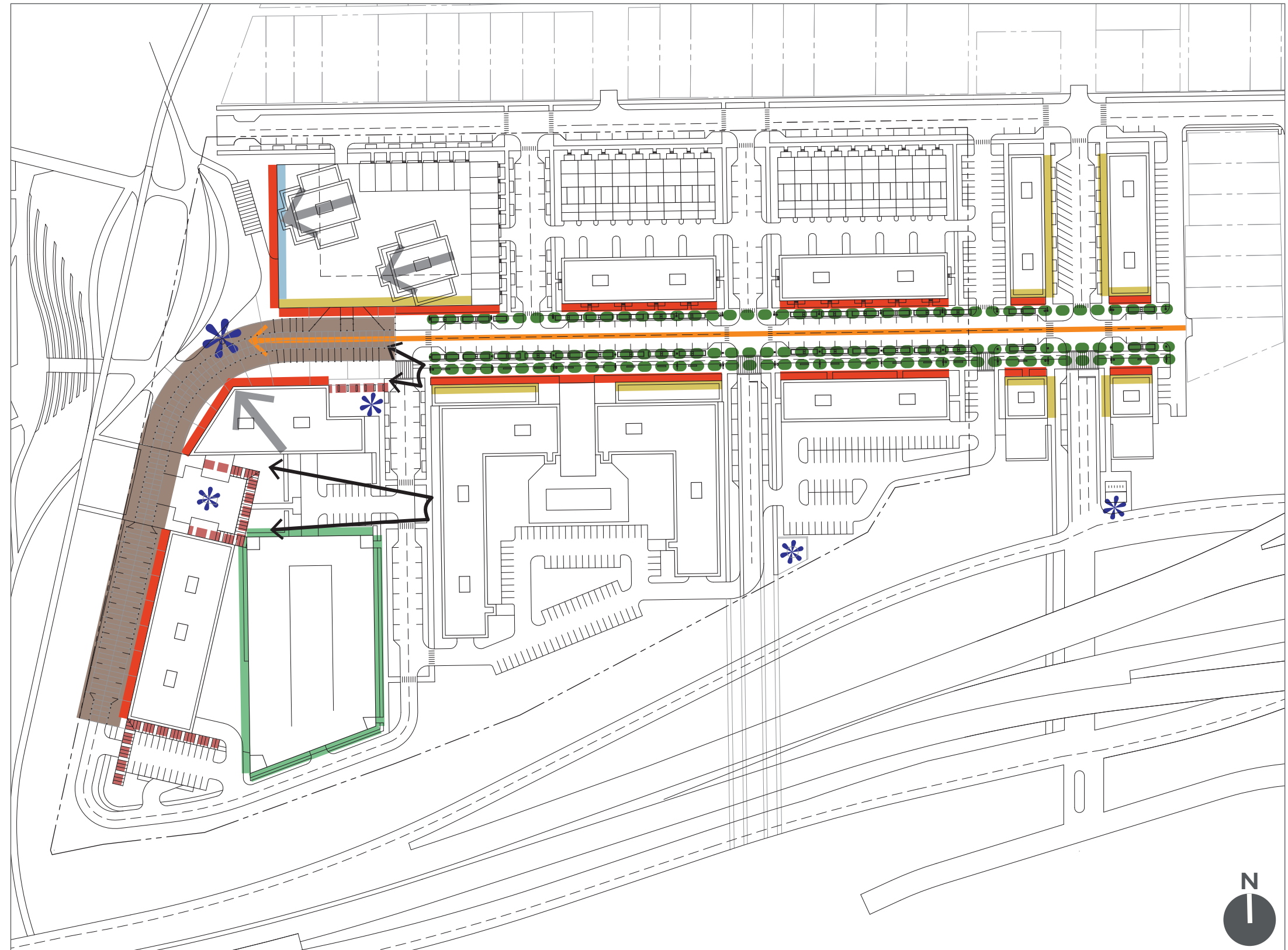
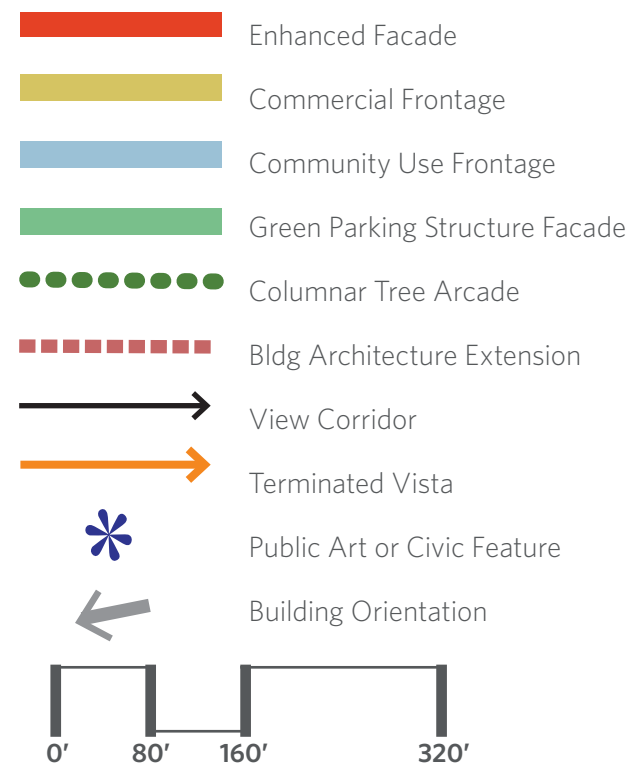
Townhomes with tuck-under garages

Special Requirements

To successfully create a great walkable, mixed-use neighborhood, a number of special requirements will need to be included in the Playland Park Neighborhood Plan. The grand Avenue 'A' corridor and vista will need to be terminated by a vertical element of significance, such as a monumental piece of public art. Other art installations or civic features should be located at other important civic sites to encourage both movement and moments of reflection.

A triple row of columnar street trees will add interest to, and soften, the scale of the Avenue 'A' corridor. Building facades facing onto Avenue 'A' and toward the Landing "Porch" and "Piazza" should receive special architectural consideration and include elements that are distinctive from the other buildings. The areas calling for commercial or community use frontages should be required to provide the designated use at sidewalk level and provide clear glass on 70% of exterior walls, as well as functional canopies that overlap the sidewalk.

The office buildings should include canopied walkways and architectural screen walls designed in a similar aesthetic to extend the building architecture into the public realm. The orientation of the condominium towers and north office building should respond to the positioning of the Landing "Plaza" and primary views of Downtown Omaha.



Special Requirements



Strategically placed public art



Example of an axial view with a terminated vista



Example of enhanced facade utilizing special materials and massing



Columnar street trees



Architectural extension of a building facade



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR RIVER'S EDGE SUBDIVISION
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

The City of Council Bluffs (the "City"), a municipal subdivision of the state of Iowa, hereby execute this DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") as of the dates set forth beneath their respective signatures hereto.

RECITALS

A. In 2015, the City made that certain Plat of the Rivers Edge Development as recorded in Book __, Page __ of the Deed Records of Pottawattamie County, Iowa (the "River's Edge Plat") attached hereto as Exhibit A.

B. Prior to the filing of this Declaration, certain property within the River's Edge development owned by the City was subdivided pursuant to that certain Final Plat of Rivers Edge Development dated May 18, 2015 and recorded as Document No. _____ in the Deed Records of Pottawattamie County, Iowa (the "River's Edge Subdivision").

C. By agreement of all parties, this Declaration shall supersede, amend and replace all previous covenants, conditions and restrictions affecting the property subject to this Declaration.

D. As of the date of this Declaration, the City owns: Blocks 1-7, Rivers Edge Development addition to the City of Council Bluffs, Pottawattamie County, Iowa (the "River's Edge Area").

E. Rivers Edge Development Blocks 1-7 will be developed in accordance with the Playland Park Master Plan Amendment No. 2 (the "Master Plan"), attached hereto as Exhibit B and incorporated by this reference as if fully set forth herein.

D. The River's Edge Area is a part of a redevelopment project pursuant to the Playland Park Urban Renewal Plan. Each and every one of these covenants, conditions, reservations and restrictions is for the benefit of each owner of any land within the River's Edge project and shall inure to and pass with each and every tract, or any parcel, block, lot or site thereof and shall bind the respective assigns and successors in interest of the present owners (whether such successor owners acquire such property by grant, gift, foreclosure, deed in lieu of foreclosure or otherwise). These covenants, conditions, reservations and restrictions are each imposed upon the tracts, and are all to be construed as restrictive covenants running with the property and with each and every part thereof:

Section 1. Permitted Uses. Subject to the remaining provisions of this Declaration, each area may be used only for the following designated uses (the "Permitted Uses") and may be used for no other purpose. The area may be used only for purposes which may include, but shall not be limited to, retail, office (all types), entertainment, hotel, service, residential facilities and parking related thereto.

Section 2. Prohibited Uses and Improvements.

(a) First Class Environment. No use of any property in any portion of the River's Edge shall be inconsistent with a first-class environment, as determined in the reasonable discretion of the Architectural Control Committee.

(b) Industrial; Manufacturing; Excavation. No property in the River's Edge area may be used for industrial or manufacturing uses (other than prototype assembly in connection with research and development, refuse collection (other than refuse collection facilities for buildings within the River's Edge project which comply with the terms of this Amended Declaration) or related uses. No rock, gravel, clay or other material shall be excavated or removed from any property in any area for commercial purposes except strictly as necessary to prepare the site for permitted buildings and improvements.

(c) Nuisances; Hazardous Waste; Environmental Hazards. No noxious weeds or underbrush shall be permitted to grow or remain upon any property in any area, and no refuse pile, construction debris, unused motor vehicle, or other private nuisance of any kind shall be allowed to be placed or to remain anywhere in any area. No uses producing hazardous or toxic waste or other environmental hazards shall be permitted upon any property in any area. In the event that an owner of any property within any area shall fail or refuse to keep such property free from any such private nuisance, waste or environmental hazard, the Association (as defined in Section 4 of this Declaration) or its designated representative (the "Designated Representative") may enter upon such property and remove such nuisance, waste or hazard at the expense of the owner of such property, and such entry shall not be deemed a trespass.

(d) Gambling. No gambling or wagering of any kind shall be permitted within the River's Edge Project, except that Iowa State Lottery tickets may be sold at retail establishments in accordance with applicable laws and regulations.

(e) Sexually Oriented Commercial Activities. No portion of the River's Edge Property shall be used, whether by the owner or any lessee thereof, to engage in any commercial endeavor which primarily conducts, markets, promotes or sells items or activities of a sexually oriented nature.

(f) Temporary Buildings. No temporary buildings, trailers, manufactured homes or other structures, mobile homes or structures, modular facilities or other similar structures shall be allowed upon any property in any area, except that, with the prior approval of the Architectural Control Committee in connection with an approved construction plan, construction trailers and related temporary facilities may be permitted as reasonably required by construction contractors then engaged in constructing improvements in the area. Tents and other booths for festivals and events, including but not limited a "farmer's market" shall not be considered temporary buildings for the purpose of this Section 2. (f).

(g) Signage. Except for two neighborhood identification signs permitted by Council Bluffs Municipal Code Section 15.33.120, no stand-alone outdoor advertising signs or billboards shall be permitted upon any property in any area. Temporary signs advertising events within the River's Edge Area shall be excluded from this Section 2. (g).

(h) Temporary Landscaping. No undeveloped land shall remain in any area without a temporary landscaping plan installed and maintained by the owner of such property which presents an attractive appearance.

(i) Miscellaneous. No fireworks, auto or horse racing, or any activity which is reasonably anticipated to overburden available parking facilities, shall be permitted within the River's Edge Project.

Section 3. Site Development Regulations.

(a) Urban Design Principles. All development within the River's Edge Project shall be consistent with basic urban design principles as set forth in the Master Plan, including, but not limited to:

- (i) Wide, pedestrian-friendly sidewalks with extensive landscaping and specialty lighting;
- (ii) plazas and other small gathering spaces incorporated into the pedestrian system;
- (iii) buildings that front on the sidewalks with little or no setbacks; except where buildings are deliberately pulled away from the street to create public plazas, pedestrian areas, and other special community value areas;
- (iv) localized streets with on-street parking;
- (v) off-street parking facilities, either structures or surface lots, located behind and screened by buildings; and
- (vi) building architecture and design which presents a consistent theme, rhythm and use of materials.

(f) Densities. Minimum development densities for each block within the River's Edge Area must meet or exceed those shown on the Development Program.

(g) Exterior Appearance. All structures within the River's Edge Project must present a credible appearance on all sides consistent with a first-class development, and be subject to approval of the Architectural Control Committee as set forth in Section 5(b) of this Declaration.

(h) Maximum Height. The maximum height of any structure within the River's Edge Project shall not exceed the following Limits:

Block 1 10 stories of occupied stories

Block 2 3 stories of occupied stories

Block 3 3 stories of occupied stories

Block 4 3 stories of occupied stories

Block 5 5 stories of occupied stories

Block 6 5 stories of occupied stories

Block 7 8 stories of occupied stories

(i) Parking. Each owner shall make provisions for adequate off-street parking in accordance with the standards established by the Architectural Control Committee and the Design Guidelines. At no time may standards established by the Architectural Control Committee and/or Design Guidelines for the River's Edge Area be adopted or amended such that less than: (i) 4.01 stalls must be provided for each 1,000 square feet of usable retail space; (ii) 4.01 stalls must be provided per 1,000 usable square feet of office space; provided, however, that in no event shall the usable square feet of any office space be less than 87% of the rentable square feet in said space; (iii) 1.25 stalls must be provided per residential unit; and/or (iv) 1.0 stalls must be provided for each hotel room (collectively, the "Parking Ratios"). Under no circumstance shall parking stalls on city streets be included in determining compliance with the foregoing parking requirements. All parking areas shall be either properly landscaped hard surface lots or parking structures. Furthermore, until December 31, 2019, all non-residential parking areas in the River's Edge Area shall be free of charge and open to the public for all hours of the day except between 8:00 a.m. and 5:00 p.m. on non-holiday weekdays, which exclusionary period shall hereinafter be referred to as "Business Hours."

(j) Cross Parking Easements. Each owner of any land within the River's Edge Area (collectively, the "Cooperating Owners") hereby grants and conveys to every other Cooperating Owner and such Cooperating Owner's lessees, customers and invitees conducting business within the River's Edge Area a non-exclusive easement to park passenger vehicles on any portions of such Cooperating Owner's land which are paved and striped for parking from time to time (collectively, the "Parking Areas"). The grant of cross parking rights expressed in the preceding sentence (the "Parking Easement") shall not apply to parking stalls designated exclusively by the Cooperating Owner for residential uses or during Business Hours. Each Cooperating Owner, at its sole cost and expense, shall (i) maintain, repair and replace the Parking Areas located on such Cooperating Owner's property, so as to keep them at all times in a safe, functional and first class manner, clean and free from snow, ice, refuse and rubbish; (ii) repave, restripe and replace markings on the surface of the Parking Areas and driveways in the Parking Areas from time to time as and when necessary so as to provide for the orderly parking of automobiles and shall place and maintain adequate exit and entrance and other traffic control signs to direct traffic in and out of the Parking Areas; and (iii) maintain all landscaping in the Parking Areas. The configuration of the driveways, curb cuts, landscaping and parking areas within the Parking Areas may be reconfigured, moved or otherwise modified in any manner so long as each Cooperating Owner provides the minimum parking required by this Declaration.

(k) Loading Areas; Trash Receptacles; Mechanical Equipment. All loading areas and loading docks, trash receptacles, antennae and mechanical equipment shall be off-street and screened from adjacent streets and sidewalks.

(l) Exterior Lighting. Owners shall install or cause to be installed sufficient exterior lighting so as to properly illuminate drives, parking facilities, streets and sidewalks. Where appropriate, decorative lighting will be employed in accordance with the requirements of the Design Guidelines.

(m) Landscaping. Upon completion of any building or parking facility (or the next available planting season), the owner shall install landscaping in accordance with the requirements of the Design Guidelines.

(n) Signage. No exterior signs incorporating flashing, pulsating or rotating lights shall be permitted, and no exterior walking or message signs (except time and temperature) shall be permitted. No pole signs or roof signs shall be permitted.

(o) Utilities. All permanent utilities providing local service to the River's Edge Property shall be underground.

Section 4. Master Property Owners Association.

(a) Formation. A Master Property Owners Association (the "Association") shall be formed for purposes of (i) accepting the dedication of use easements for certain common areas; (ii) owning certain common areas; and (iii) improving and maintaining such common areas within the River's Edge Area.

(b) Organization. Except for owners of condominium interests or owners in fee simple of residential property comprising less than one acre in size (which the declarants have intentionally chosen to exclude from voting), each owner of land within the River's Edge Area shall be a member of the Association (collectively, "Voting Owners"). Except as otherwise set forth in this Declaration, decisions of the Association shall be determined by a majority of the total number of authorized votes ("Authorized Votes") at the time such decision is made. Initially, Authorized Votes shall be allocated to each block within the River's Edge (such blocks are shown on the Development Program map attached as Exhibit D based on projected full build out assessed value of each such block). The initial Authorized Votes for each such block shall be as follows:

Block 1: 28

Block 2: 2

Block 3: 5

Block 4: 3

Block 5: 3

Block 6: 12

Block 7: 47

As a block is fully developed, in the event that there is a substantial difference between (i) the actual assessed value of the block and (ii) the initial projected assessed value, then the Association may make appropriate pro rata adjustments to the number of Authorized Votes assigned to that block and the total number of Authorized Votes. In the event that a block is subdivided and/or title to a portion of a block is transferred to another party, then the owner subdividing or transferring title may allocate all or a portion of the Authorized Votes for that block to the subdivided and/or transferred parcel, such transfer to be totally at the option of the transferring owner and to become effective upon notice to the Association from the transferring owner of the member of Authorized Votes transferred and the name of the receiving party.

(c) General Assessments. The Association shall assess its members for the costs of owning, maintaining and improving those common areas which provide general benefit for the entire River's Edge. Such common areas will include, but not be limited to, the public open space, landscaping and streetscape features within and immediately adjacent to public street rights-of-way, storm water structures and detention basins, and other areas or features accepted by the Association as common areas. Assessments for owning, maintaining and improving common areas (O&M costs) shall be apportioned to each member pro rata based on the number of each member's Authorized Votes.

(d) Duties; Authority. The Association shall have authority to enforce the covenants, conditions and restrictions set forth in this Declaration, assess owners for costs, and place and foreclose liens on property for unpaid assessments in accordance with Section 6 of this Declaration. Owners with unpaid assessments shall have their voting rights in the Association suspended until such time as such assessments are paid in full. The Association shall carry appropriate forms and amounts of insurance.

(e) Sub-Associations. Owners of certain parcels within the River's Edge Area, including owners of condominium interests and/or owners in fee simple of residential property consisting of less than one acre in size, may form sub-associations ("Sub-Associations") for the purpose of owning, improving, maintaining and operating certain common areas and facilities which provide specific benefits for those particular parcels, including, but not limited to, parking facilities. Each Sub-Association shall have the same authority and obligations as the Association with respect to the parcels included within the Sub-Association. Each Sub-Association shall establish its own boundaries, membership and voting procedures, which membership and voting procedures may be different from that of the Association. Each Sub-Association may establish additional use restrictions, design standards or performance standards as long as they do not diminish the standards set forth in this Declaration or in the Master Plan, Development Program or Design Guidelines.

Section 5. Architectural Control Committee.

(a) There is hereby established the Architectural Control Committee, which shall consist of three members, one member of which shall be appointed by Block 6, one member of which shall be appointed by Block 7, and one member of which shall be appointed by the City as long as the City owns any block within the River's

Edge Property. The right to appoint a member of the Architectural Control Commission may be assigned or transferred, as applicable, so long as such assignment or transfer is made to another individual or entity owning property within the River's Edge Property.

(b) At such time as the City no longer owns any property within the River's Edge Area, then nominations to fill the third member of the Architectural Control Committee shall be made by the owners of Blocks 1, 2, 3, 4, and 5 which do not already have a right to appoint a member of the Architectural Control Committee pursuant to the foregoing Section 5(a). Once nominations have been received, the owners entitled to submit nominations shall then elect the third member of the Architectural Control Committee utilizing the same number of votes allocated to said owners pursuant to Section 4(b). Each member of the Architectural Control Committee shall serve at the pleasure of their appointing entity, and may be replaced by such appointing entity at any time upon notice to the remaining members. The Architectural Control Committee shall meet as required at such place and at such time as is mutually agreeable to the members thereof.

(c) Before commencing the construction, addition, installation, modification, demolition or alteration of any building, enclosure, landscaping, fence, parking facility, sign, light pole, fence or fixture, or any other structure or temporary or permanent improvements within the River's Edge Project (except for interior construction or remodeling), and except as expressly provided in this Declaration, the owner of the property upon which such development is located shall provide to the Architectural Control Committee for its approval the site plans, grading and utility plans, landscaping plans, sign and sign allocation plans, floor plans and building elevations, and materials plans, demolition plans and such other plans and specifications as may be appropriate (collectively, "Proposed Plans"). The Architectural Control Committee shall adopt, by majority vote, appropriate procedures for plan submission, review and approval. Approval of plans shall require the affirmative vote of two members of the Architectural Control Committee; provided, however, that so long as a representative of the City is a member of the Architectural Control Committee, then one of the affirmative votes must be from the representative of the City. Nothing in this Section shall expand or diminish the powers of the Association and/or its Designated Representative contained in Section 6 of this Declaration, and the remaining provisions of this Declaration.

(d) The Architectural Control Committee may adopt, by majority vote, the Design Guidelines with respect to each type of improvement within the River's Edge Area; provided, however, that so long as a representative of the City is a member of the Architectural Control Commission, then one of the affirmative votes must be from the representative of the City.

(f) The Architectural Control Committee may retain outside consultants to assist it in its activities, and may charge reasonable fees for plan review. The Architectural Control Committee may consult with other property owners as a part of its review process.

Section 6. Remedies For Violations; Liens. Upon a violation or breach of any of the covenants, conditions, reservations and restrictions set forth in this Declaration with respect to any property, subject to this Declaration, the Association or its Designated Representative shall have the right to proceed at law or in equity to compel compliance with the terms hereof or to prevent the violation or breach of any of them. The failure promptly to enforce any of the covenants, conditions, reservations and restrictions contained herein shall not bar their enforcement or be deemed a waiver of any future violations. Upon the failure or refusal of the Association or its Designated Representative to enforce any of the covenants, conditions, reservations and restrictions set forth herein, any individual member of the Association shall have the right, but not the obligation, to proceed at law or equity to compel compliance therewith or to prevent or enjoin any actual or threatened violation or breach of the same. In addition to the foregoing rights, the Association or its Designated Representative shall have the right, whenever there exists any condition on the River's Edge Property which is in violation of this Declaration and such violation has not been cured within 30 days after written notice to the breaching party, to enter upon the property where such violation exists and summarily abate or remove the same at the expense of the owner, payable within 30 days after such breaching party is billed. Any such entry and abatement or removal shall not be deemed a trespass. The cost of such abatement or removal, if not paid within such 30-day period, shall be a lien in favor of the Association against the breaching owner's property and, subject to the provision of Section 14 below, may be foreclosed by the curing party in like manner as any other lien against real estate.

Section 7. Waiver and Variance By Architectural Control Committee. The owner of any property within the River's Edge Project may petition the Architectural Control Committee to waive compliance with or grant a variance to

any of the covenants, conditions, reservations or restrictions set forth in Sections 1, 2 and 3 of this Declaration. Subject to the limitations set forth below, and based on its reasonable discretion, the Architectural Control Committee is hereby given the power to waive or grant a variance to any such covenants, conditions, reservations or restrictions upon such request and upon a finding by the Architectural Control Committee that such request is in conformity with the general scheme for the development of the River's Edge Project as set forth in this Declaration. Such waiver or variance may be conditioned by the Architectural Control Committee upon the satisfaction of conditions or performance requirements set by the Architectural Control Committee. Such waiver or variance shall be effective only upon the unanimous consent of the Architectural Control Committee. Notwithstanding any other provision contained herein, if the Architectural Control Committee shall fail to approve or disapprove any such requests for waiver or variance within 30 days after such request has been submitted to the Architectural Control Committee, such request shall be deemed conclusively to have been disapproved unless or until the Architectural Control Committee takes further action on the same, if ever.

Section 8. Term and Extensions. Each covenant, condition, reservation and restriction contained in this Amended Declaration shall continue in effect indefinitely until terminated as provided below as of a Termination Date, the first of which shall be on June 15, 2045. At any time within one year prior to June 15, 2045, and each 30-year period thereafter (each such date being referred to herein as a "Termination Date"), by majority vote of the Voting Owners, the Association may, by written declaration signed and acknowledged by a majority of the approving Voting Owners and duly recorded with the Register of Deeds for Pottawattamie County, Iowa, terminate the covenants, conditions, reservations and restrictions herein, effective as of the next Termination Date. Failing such termination, the covenants, conditions, reservations and restrictions contained in this Declaration shall automatically be renewed and extended for successive periods of 30 additional years, subject to the right of the Association by a vote of the majority of the Voting Owners to terminate this Declaration at the end of each such 30-year period as provided in this paragraph.

Section 9. Interest. Whenever and as often as one party shall not have paid any sum payable hereunder to another party, or to the Association, any Sub-Association or the Architectural Control Committee, within 30 days of the due date, such delinquent party shall pay interest on such amount from the due date to the date such payment is received by the party entitled thereto, at an interest rate equal to the prime rate plus five percentage points.

Section 10. Estoppel Certificate. Each owner of any property within the River's Edge Project agrees that upon written request of any other party (which shall not be more frequent than three times during any calendar year by a single requester), it will issue to a prospective mortgagee or successor of such other owner or to such other party, an estoppel certificate stating to the best of the issuer's knowledge that as of such date:

- (a) whether the owner to whom the request has been directed knows of any default by the requesting party under this Declaration, and if there are known defaults, specifying the nature thereof;
- (b) whether this Declaration has been modified or amended in any way by the requested owner (and if it has, then stating the nature thereof); and
- (c) whether this Declaration is in full force and effect.

Such statement shall act as a waiver of any claim by the owner furnishing it to the extent such claim is based upon facts contrary to those asserted in the statement and to the extent the claim is asserted against a bona fide encumbrancer or purchaser for value without knowledge of facts to the contrary of those contained in the statement, and who has acted in reasonable reliance upon the statement; however, such statement shall in no event subject the owner furnishing it to any liability whatsoever, notwithstanding the negligent or otherwise inadvertent failure of such owner to disclose correct and/or relevant information.

Section 11. Notices. All notices, demands, statements and requests (collectively "Notices") required or permitted to be given under this Declaration must be in writing and shall be deemed to have been properly given or served as of the date hereinafter specified (a) on the date of personal service upon the person to whom the Notice is addressed or if such person is not available the date such Notice is left at the address of the person to whom it is directed, (b) on the date the Notice is postmarked by the United States Post Office, provided it is sent prepaid, registered or certified mail, return receipt requested and (c) on the date the Notice is delivered by a nationally recognized overnight courier service, postage prepaid and addressed to the person to whom it is directed. The

addresses of certain of the signatories to, or the anticipated ultimate owners of the blocks subject to, this Amended Declaration to which Notices shall be sent are set forth below.

if to the City:

City of Council Bluffs
Community Development Department
209 Pearl Street
Council Bluffs, Iowa 51503
Attention: Donald Gross, Director

if to Noddle:

Noddle Companies
2285 S. 67th Street, Suite 250
Omaha, Nebraska 68016
Attention: Jay Noddle

if to Broadmoor:

Broadmoor Development Company
809 N. 96th Street
Omaha, Nebraska 68114
Attention: Bob Stratton

The place for delivery of any Notice hereunder may be changed by any party (or its successor in interest) by written notice to the other parties delivered in the manner required by this paragraph. As to any successor owner, upon acquisition of ownership of a parcel within the River's Edge Project, such new owner may give notice of its address as provided in this Section. If the new owner gives such a notice, future Notices must be given to said owner at that address. If the new owner does not give such notice, future Notices shall be effective if sent to the address of the record owner of the property as shown on the real property tax records of Pottawattamie County, Iowa.

Section 12. Declaration Shall Continue Notwithstanding Breach. It is expressly agreed that no breach of this Declaration shall (a) entitle any party to cancel, rescind or otherwise terminate this Declaration or (b) defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to any part of the River's Edge Property. However, such limitation shall not affect in any manner any other rights or remedies which a party may have hereunder by reason of any such breach.

Section 13. Approval Rights. Unless provision is made for a specific time period (such as the time for approval as set forth in Section 5), approval or consent requested pursuant to this Declaration shall be given or withheld within 60 business days of the receipt of the request for approval. Except as otherwise provided in this Declaration, if a disapproval is not given within the required time period, the requested party shall be deemed to have given its approval. Except with respect to any approval or disapproval given by lapse of time under the terms of this Declaration, all approvals and disapprovals shall be in writing, but the failure to furnish such a writing shall not be deemed an approval.

Section 14. Lien For Expenses.

(a) The liens provided for in Section 6 above shall be effective only when a signed and acknowledged document providing notice of such lien is filed by the Association or its Designated Representative in the Office of the Register of Deeds for Pottawattamie County, Iowa, which notice shall contain at least:

- (i) a statement of the unpaid amount of costs and expenses;
- (ii) a description sufficient for identification of that portion of the property of the defaulting owner which is the subject of the lien; and
- (iii) the name of the owner or reputed owner of the property which is the subject of the alleged lien.

(b) The lien, when so established against the real property described in the lien, shall be prior and superior to any right, title, interest, lien or claim which may be or has been acquired or attached to such real property after the time of filing the lien. The lien shall be for the use and benefit of the Association, and may be enforced and foreclosed in a suit or action brought in any court of competent jurisdiction.

Section 15. Dispute Resolution. Expressly excluding matters to be determined by the Architectural Control Committee hereunder, all other disputes and controversies of every kind and nature between or among the parties hereto arising out of or in connection with this Declaration as to the existence, construction, validity, interpretation or meaning, performance, nonperformance, enforcement, operation, breach, continuance or termination hereof shall be submitted to arbitration pursuant to the procedure hereafter set forth:

(a) Any party may demand such arbitration by written notice to the remaining owners of all property within the River's Edge Project within 30 days after the controversy arises, which notice shall include the name of the arbitrator appointed by the party demanding arbitration, together with a statement of the matter in controversy.

(b) Within 15 days after such notice, the remaining parties shall name their respective arbitrator, or in default of such naming, such arbitrator or arbitrators shall be named forthwith by the Arbitration Committee of the American Arbitration Association.

(c) The arbitration costs and expenses of each party shall be borne by that party.

(d) The arbitration hearing shall be held on 15 days' notice to the parties at a neutral site in Council Bluffs, Iowa, to be selected by a majority of the arbitrators.

(e) The arbitration rules and procedures of the American Arbitration Association shall be utilized in the arbitration hearing, and the law of evidence of the State of Iowa shall govern the presentation of evidence at such hearing.

(f) The arbitration hearing shall be concluded within three days unless otherwise ordered by a majority of the arbitrators, and the award or determination on the hearing shall be made within 10 days after the close of the submission of evidence.

(g) An award or determination rendered by a majority of the arbitrators appointed under and pursuant to this Section 15 shall be final and binding on all parties to the proceeding, and judgment on such award or determination may be entered by any party in the highest court, state or federal, having jurisdiction over the matter.

(h) The parties stipulate that a decision rendered pursuant to the provisions of this Section 15 shall be a complete defense to any suit, action or proceeding instituted in any federal, state or local court or before any administrative tribunal with respect to any controversy or dispute arising hereunder and which is attributable as set forth in this Section 15. The arbitration provisions of this Section 15 shall, with respect to such controversy or dispute, survive the termination of any party's ownership of any one of the Tracts. Nothing contained in this Section 15 shall be deemed to give the arbitrators any authority, power or right to alter, change, amend, modify, add to or subtract from any of the provisions of the Amended Declaration.

Section 16. Effect of Sale By Owner. If any owner of any property in the River's Edge Project sells or otherwise transfers its property, then after the date of sale such owner shall have no further obligation under this Declaration with respect to such property sold; provided, however, the selling owner and acquiring owner shall be jointly liable for obligations incurred prior to said sale or transfer.

Section 17. Default in Payment of Expenses. Notwithstanding any of the provisions of this Declaration, a breach of any of the conditions and covenants contained herein shall not defeat, affect or render invalid the lien of any mortgage or deed of trust made in good faith and for value, but such conditions and covenants shall be binding

and effective against any owner of any property or any portion thereof whose title thereto is acquired by foreclosure, trustee's sale or otherwise.

Section 18. Rule Against Perpetuities. In the event the provisions hereunder are declared void by a court of competent jurisdiction by reason of the period of time herein stated for which the same shall be effective being contrary to applicable law or prohibited by the "rule against perpetuities" or any similar law, then in that event only the term hereof shall be reduced to the maximum period of time which does not violate such law or the rule against perpetuities as set forth in the laws of the State of Iowa.

Section 19. Waiver. No delay or omission on the part of the Architectural Control Committee, the Association, any Sub-Association or the owners of any property in the River's Edge Project in exercising any rights, power or remedy herein provided, in the event of any breach of the covenants, conditions, reservations or restrictions herein contained, shall be construed as a waiver thereof or acquiescence therein, and no right of action shall accrue nor shall any action be brought or maintained by anyone whatsoever against the Architectural Control Committee, the Association or any Sub-Association for or on account of its failure to bring any action on account of any breach of these covenants, conditions, reservations or restrictions.

Section 20. Severability. In the event any one or more of the foregoing covenants, conditions, reservations or restrictions is declared for any reason by a court of competent jurisdiction to be null and void, the judgment or decree shall not in any manner whatsoever affect, modify, change, abrogate or nullify any of the other covenants, conditions, reservations and restrictions not specifically declared to be void or unenforceable, but all of the remaining covenants, conditions, reservations and restrictions not expressly held to be void or unenforceable shall continue unimpaired and in full force and effect.

Section 21. Beneficiaries. These covenants, conditions, reservations and restrictions are made for the benefit of any and all persons who may now own, or who may in the future own, property in the River's Edge Project. Such persons are specifically given the right to enforce these restrictions and covenants by injunction or other legal or equitable procedure as provided herein, and to recover damages resulting from any violation thereof, including the cost of enforcing the same, which costs shall include court costs and reasonable attorneys' fees as permitted by law.

Section 22. Amendment. This Declaration may be amended at any time by the written agreement of two-thirds (2/3rds) of all Authorized Votes, effective upon the recording of such amendment in the official real estate records of Pottawattamie County, Iowa.

Section 23. Subsequent Amendments/Eminent Domain. In the event any improvement constructed in accordance with Proposed Plans approved by the Architectural Control Committee shall later be in violation of any provision of this Declaration solely by reason of (a) a subsequent amendment to this Declaration or (b) any eminent domain proceeding which may affect the location of public rights of way, then such improvement shall thereafter be deemed to comply with such provisions of this Declaration so long as the improvement is not materially modified or altered thereafter.

Section 24. Subsequently Acquired Property. In order to ensure the continued vitality and quality of the River's Edge Project, in the event any party hereto or any affiliate of such party should acquire ownership of any piece of property located within the boundaries of the River's Edge Project or adjacent thereto, said party shall be obligated to record this Declaration and take any other action(s) necessary to ensure that said acquired property is used in conformity herewith and becomes subject hereto, which obligation may be specifically enforced by the Architectural Control Committee but such additional property shall not be allocated Authorized Votes.

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The DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS for the River's Edge Subdivision are hereby approved on the ____ day of July 2015.

City of Council Bluffs, Iowa

By: Matthew Walsh 7/2/15
Matthew Walsh, Mayor Date

ATTEST: Marcia L. Worden 7/2/2015
Marcia L. Worden, City Clerk Date

PLAT DESCRIPTION

A PARCEL OF LAND BEING PART OF GOVERNMENT LOT 3 OF SECTION 28 AND PART OF GOVERNMENT LOT 1 OF THE NORTHWEST QUARTER OF THE SECTION 25...

RIVER'S EDGE SUBDIVISION FINAL PLAT

LEGEND

- Survey Corner: 18004 (Unless Otherwise Noted)
1/2" Rebar Cop
ROW Bol
Center Point
Pegged Distance
Pegged Bearing & Distance
Dead Distance
Minimum Protection Elevation
Center Line
1/4" Section Line
Easement Line

CITY COUNCIL
APPROVED BY MAYOR THE HONORABLE MATTHEW J. WALSH 7/1/15
ALLEGED TO BY:
MARGA L. WORDEN 7/1/15
COMMUNITY DEVELOPMENT DIRECTOR: DONALD G. GROSS 7/1/15

CERTIFICATE OF POTTAWATTAMIE COUNTY, IOWA
THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN RIVERS EDGE SUBDIVISION IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA VOSS

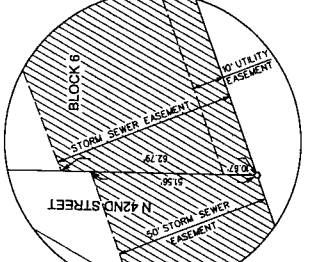
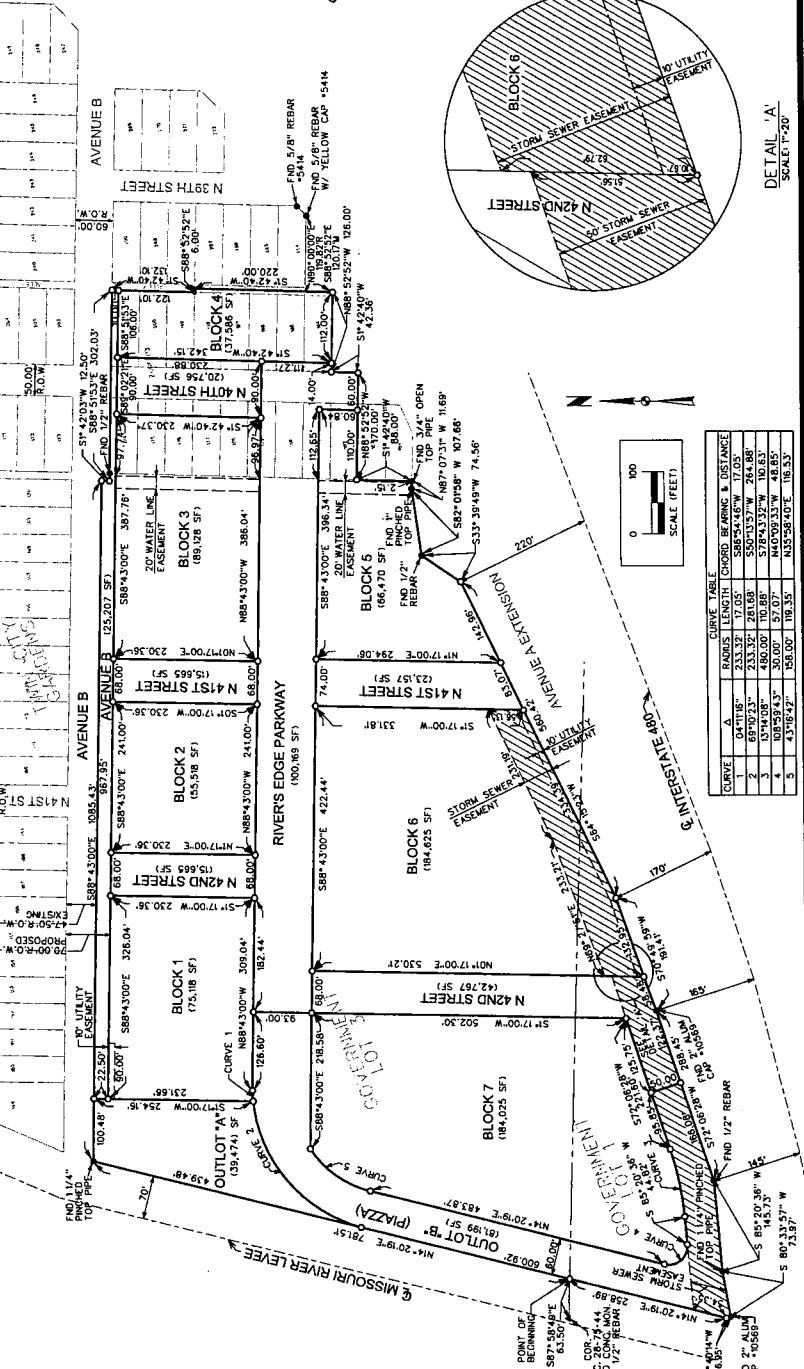


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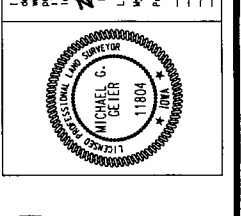
DEDICATION
I HEREBY CERTIFY THAT THIS EASEMENT AND THE CITY OF IOWA BEING THE SOLE OWNER...

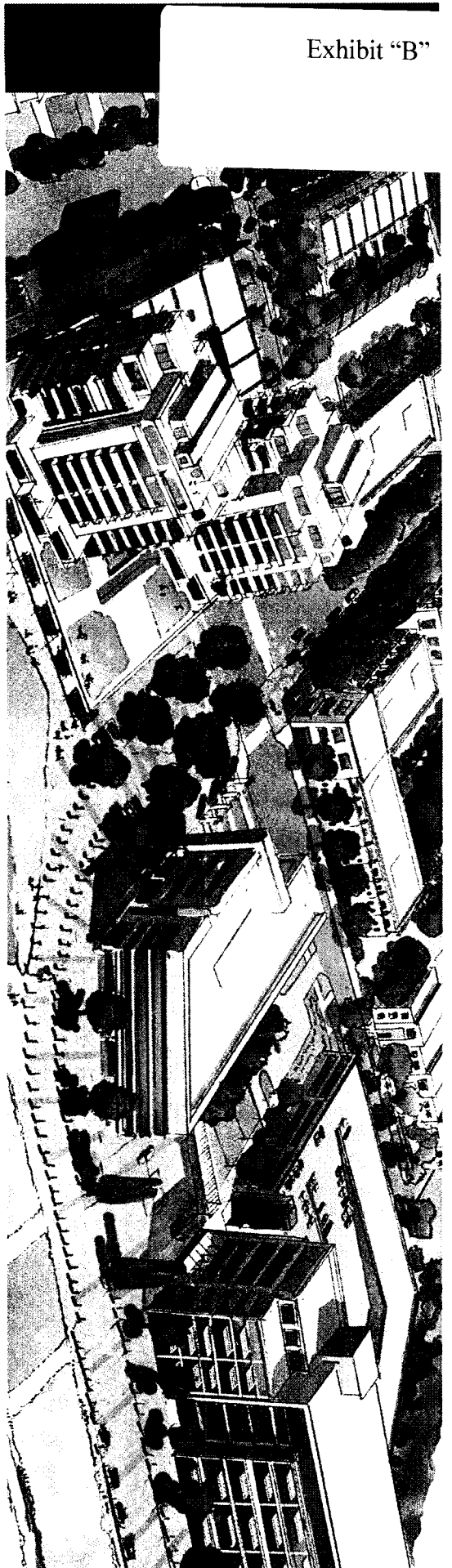
NOTE: COVENANTS WILL BE RECORDED IN A DOCUMENT SEPARATE OF THE PLAT
NOTICE: A 10.00 FOOT WIDE UTILITY EASEMENT ALONG FRONT AND 5.00 FOOT ALONG...

CITY OF COUNCIL BLUFFS
BY: Mayor Matthew J. Walsh
STATE OF IOWA
COUNTY OF POTTAWATTAMIE SS.

MARGA L. WORDEN
Commission Number 177909
MY COMMISSION EXPIRES 2-1-2016

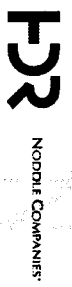
I HEREBY CERTIFY THAT THIS EASEMENT AND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION...



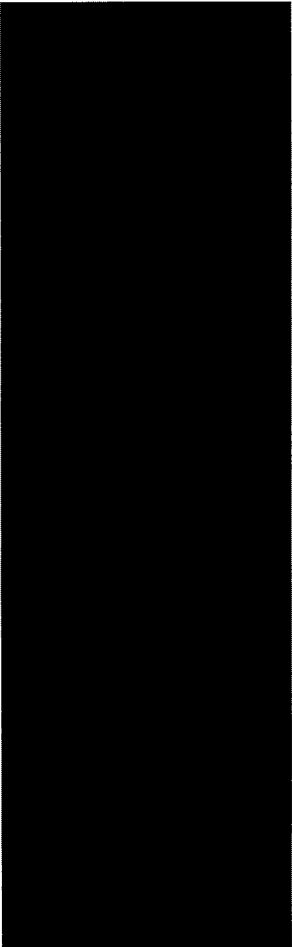


Playland Park Master Plan

October 2014







Contents

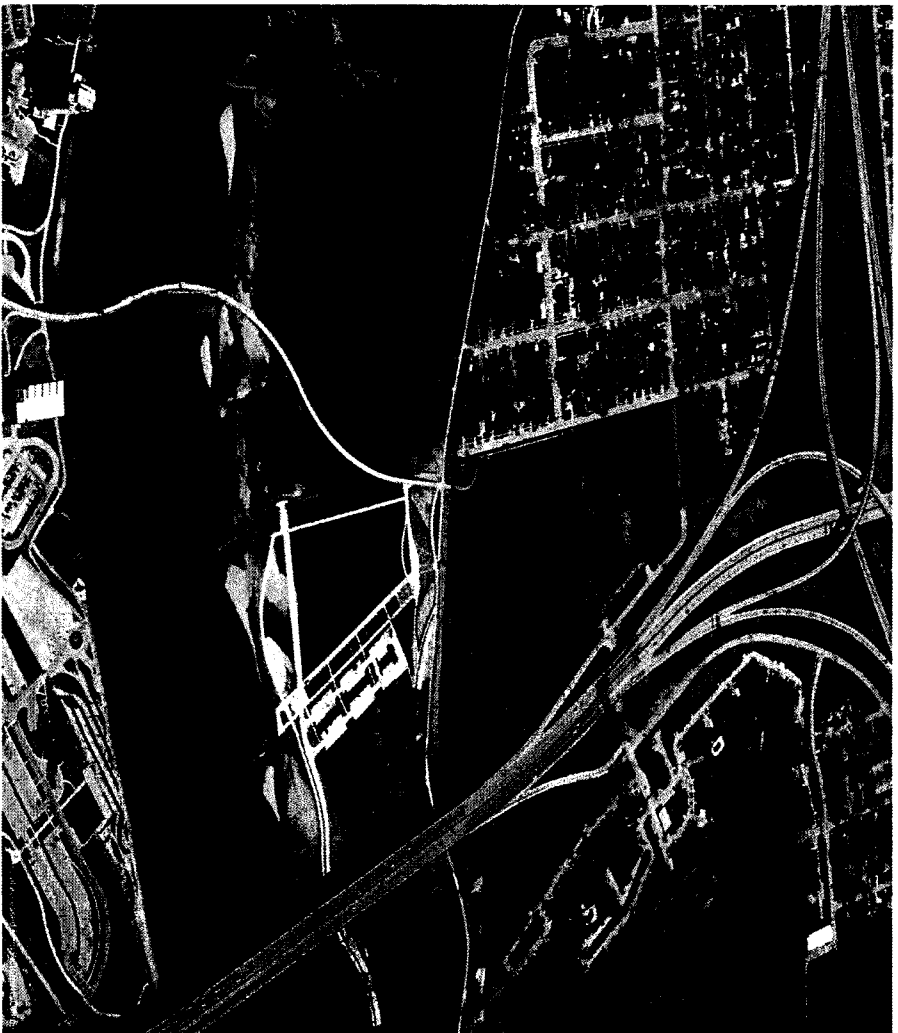
- 01 Context** 5
- 02 Master Plan** 9
- 03 Framework Elements** 13
- 04 Development Opportunities** 24
- 05 Design Guidelines** 26

Executive Summary

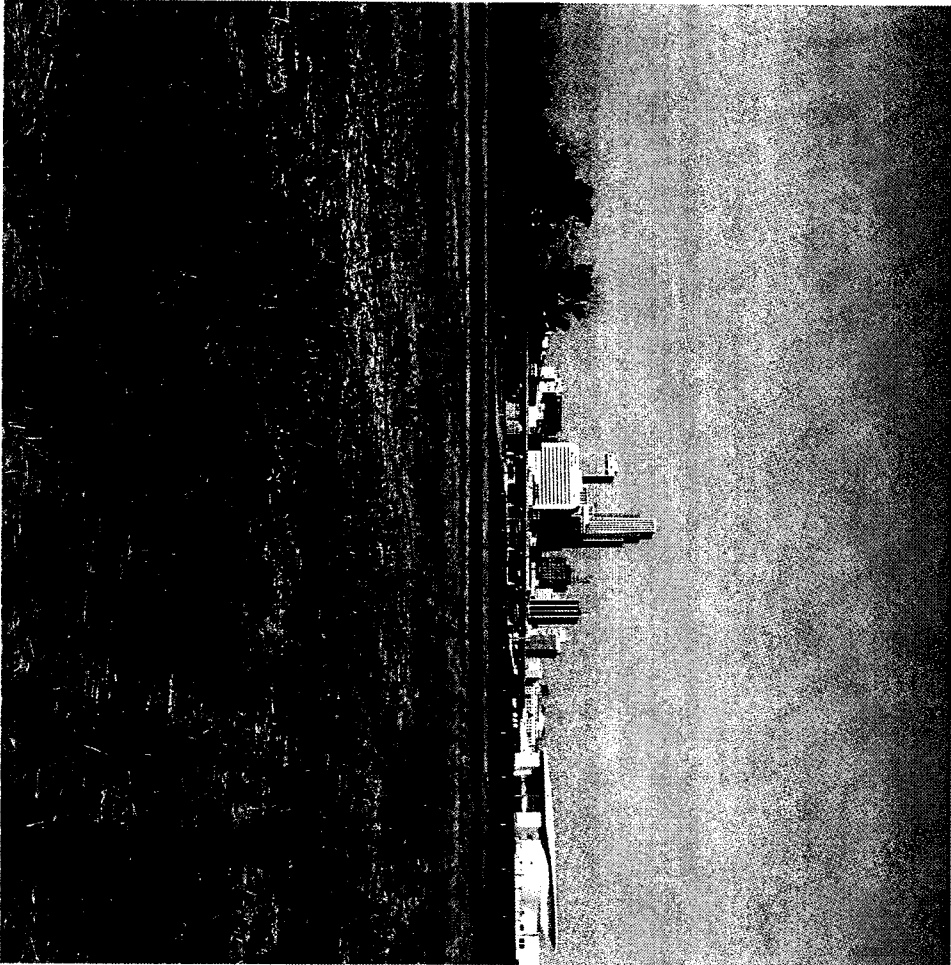
Strategically located in the West End of Council Bluffs, along the east bank of the Missouri River and across the Bob Kerrey Pedestrian Bridge from Downtown Omaha, the Playland Park Neighborhood features a pedestrian-oriented, mixed-use design. The plan for Playland Park strives to revitalize and invigorate the area by creating a newfound sense of place and community in a location that was once a thriving amusement park and now overlooks the new and successful Tom Hanafan River's Edge Park. The design framework for the neighborhood is contextual to, and complements, the existing neighborhoods to the north and east, and is designed to accommodate future interstate access configurations.

The design features a diverse living, working, and retail environment, with a park-fronting "piazza" and a pedestrian bridge landing "porch" that provide a formal and active linkage to the Bob Kerrey Pedestrian Bridge. In addition, the plan establishes Avenue 'A' as a grand axial street, with a pedestrian promenade, a cycle track, green stormwater infrastructure, and on-street parking.

Situated adjacent to the "Piazza" and "Porch" are two medium office buildings that overlook the riverfront and two mid-rise condo towers that sit atop a pedestrian base that contains community space, retail uses, and townhouses. These uses will enliven the pedestrian bridge landing, complementing the recreational uses along the riverfront and providing a destination for those crossing the bridge from the Nebraska side of the river. Further to the east, apartments, townhouses, and mixed-use buildings line the streets, providing "rooftops" and density to help stimulate the retail proposed for the site. Parking is provided on-street, in surface parking lots tucked behind buildings, and in parking structures.



The Playland Park Neighborhood site, looking east from above the CenturyLink Center Omaha



View of the downtown Omaha skyline from the Playland Park Neighborhood site

01 Context

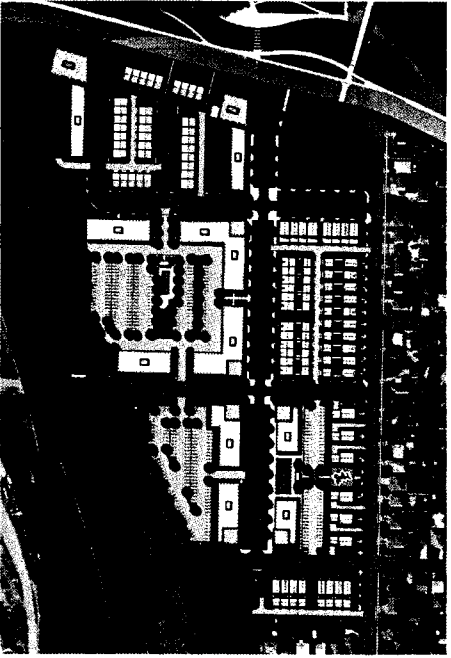
Past Master Planning Efforts

Since 2007, the Playland Park site has undergone a number of master planning efforts. The first of these efforts led to a plan very similar to this current effort. The plan established a pedestrian-oriented, mixed-use neighborhood center, with a condo tower, apartments, townhouses, and mixed-use structures, all oriented on a "town square" at the base of the pedestrian bridge. However, the design of the square contained an operable gate in the levee, which would allow direct access to the riverfront and could be closed during flooding events. With major flooding in the eastern part of the state in 2008, the U.S. Army Corp of Engineers tightened requirements for levees, which ultimately led to a revision of the 2007 concept.

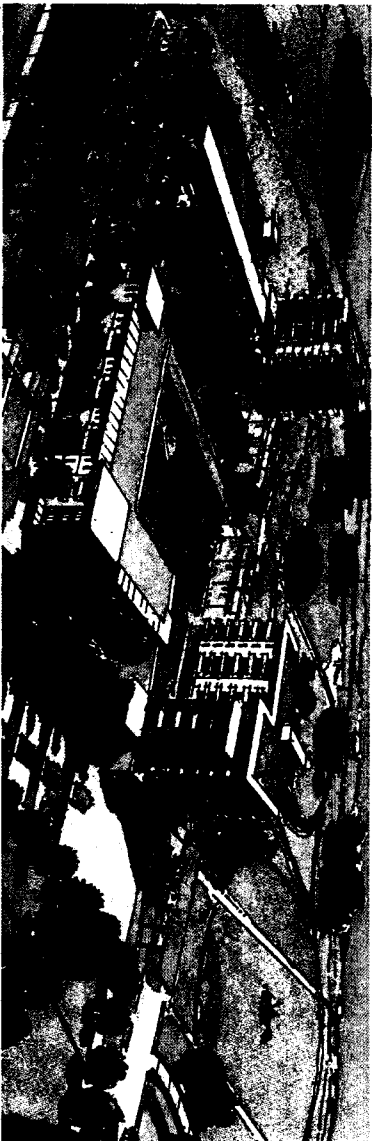
Instead of a levee gate structure, the 2009 plan update contained a levee landing structure that allowed connections between the wet and dry sides of the levee via a grand stair case. Minor tweaks in the plan included the addition of a second condo tower, additional apartments, and repositioned townhouses. The City issued a Developer RFP based on this plan; however, the RFP was issued at the onset of the Great Recession, and response to it was less than desired.

Desiring to wait until the market turned around, the City and consulting staff met with many prospective developers as the recession was nearing its end in order to gauge their interest in the site. During these meetings, a number of items were discussed, including the health of the market, potential product and unit mix, site design, and urban design elements. Based on these meetings, a revised site plan was developed and a new developer RFP was issued.

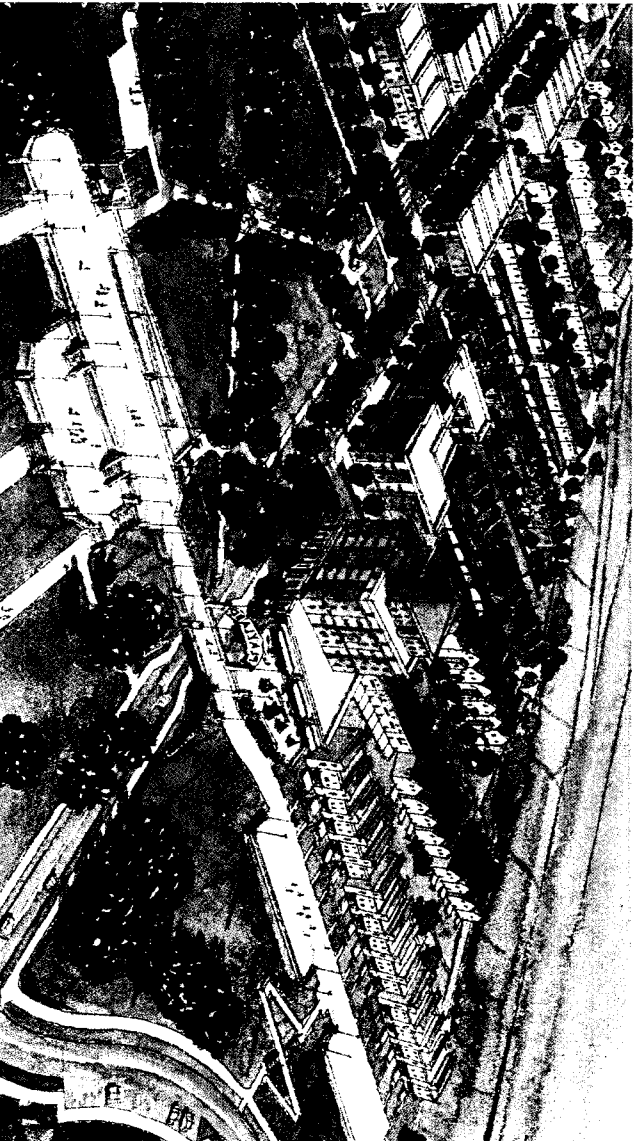
This process ultimately led to the selection of a master developer for the site. Following meetings with the City, the master developer, several sub-developers, and the design team for the "Port" and "Piazza," the Neighborhood Master Plan was revised into its current form, and is ready for the initial phase of implementation.



Concept Plan used in the 2012 Developer RFP



2009 Playland Park Update Plan



Original 2007 Playland Park Concept

Pedestrian Bridge, Tom Hanafan River's Edge Park & The Landing Plaza

The Missouri River is the dominant natural physical feature of the metro area. Flowing north to south past the west side of the site, the river separates Council Bluffs, IA from Omaha, NE. The two neighboring cities are connected in this vicinity by the I-480 Bridge and the Bob Kerrey Pedestrian Bridge.

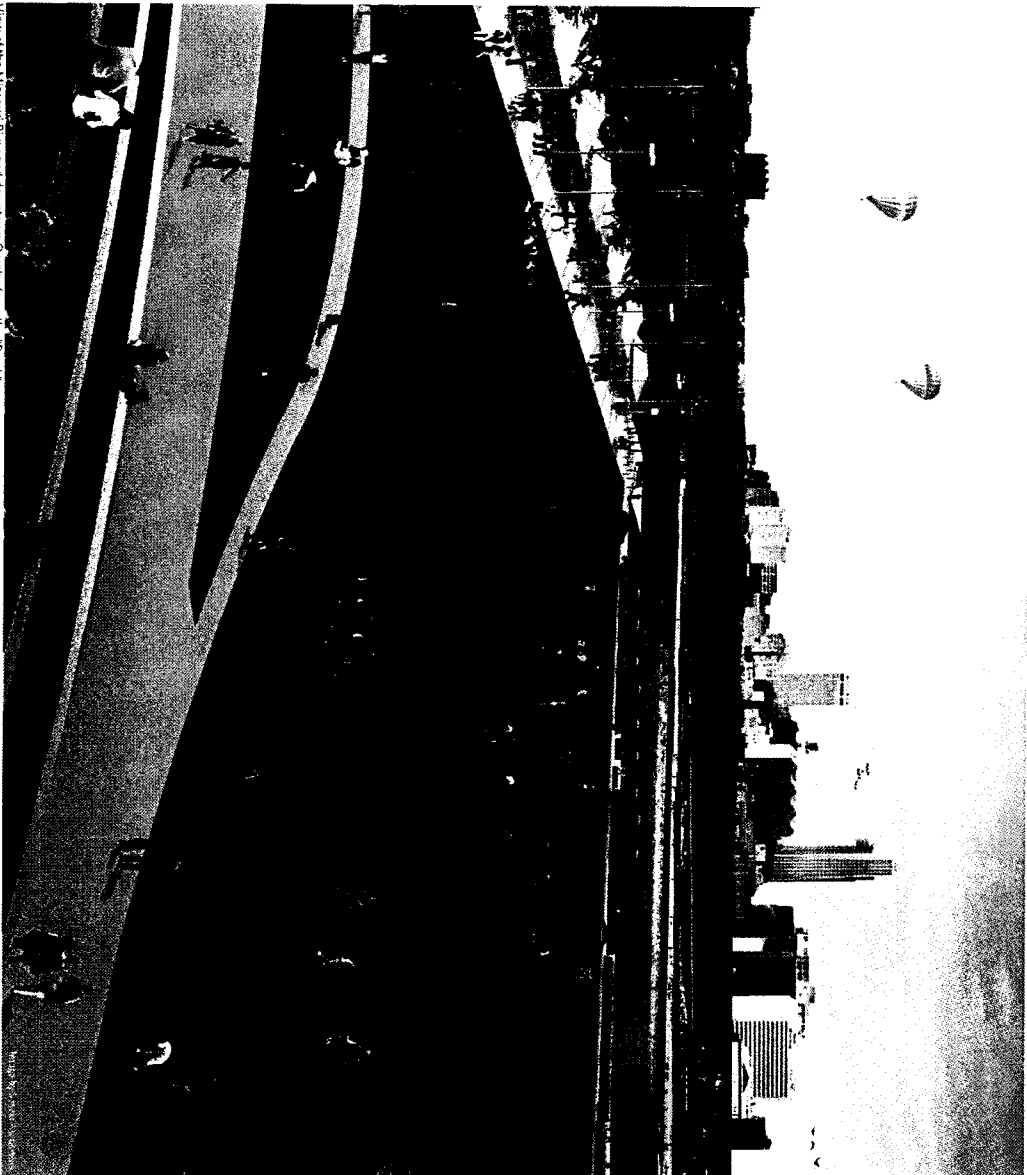
The pedestrian bridge, with its unique cable-stay design, lands on the Missouri River levee and is a key amenity for the site. The bridge serves both a utilitarian function (for those recreating and/or walking/biking to jobs on both sides of the river) and as a tourist/visitor attraction (serving those who want to experience both the riverfront, bridge, and connecting trail system). In order to take advantage of the Missouri River, the pedestrian bridge, Tom Hanafan River's Edge Park, and the downtown Omaha skyline, the Playland Park Master Plan orients itself to the riverfront, with buildings spect'ically sited to take advantage of the one-of-a-kind views.

Desiring to create a special amenity and a seamless transition between the proposed development and the riverfront, the City and Iowa West Foundation have contracted with Saski to develop and refine the preliminary plans for the Landing. As currently envisioned, these plans include two major features: the "Porch" and the "Plazza".

The "Porch" is the plaza at the landing of the pedestrian bridge. Facilities being considered include a pavilion, an interactive water fountain, site furnishings, and play elements are possible park amenities that will be coupled with a grand overlook looking out to the new riverfront park, river, and Omaha skyline in the background. It will be designed to be an active terminus to the pedestrian bridge, and will be "framed" on its east by the proposed condo towers overlooking the riverfront.

The City's construction of Tom Hanafan River's Edge Park has established a scale and quality of park design that must be continued on the Landing. The Landing will remain a very "public" space and its design must also address the needs of new park users who will be living, working and visiting the new Playland Park Neighborhood. Consideration for connections, views, the impact of the park elements and adjacent building upon each other, public access, the "edges" between the park and the development structures, and other issues are essential. To be successful, the City and the Development Team will address these issues together, insuring the resultant public space will be an asset for both the Playland Park Neighborhood and the public.

The "Plazza" is the shared-space plaza/street at the western terminus of Avenue A. In concept, this unique space will be designed to accommodate pedestrians, bicyclists, and vehicles, and will link the pedestrian bridge and riverfront trail with the pedestrian promenade and cycletrack along Avenue A. In addition, it will provide on-street parking in strategic locations, and will connect and integrate the landing and "Porch" with the adjacent building frontages.



View of the Missouri River and downtown Omaha from the "Porch"

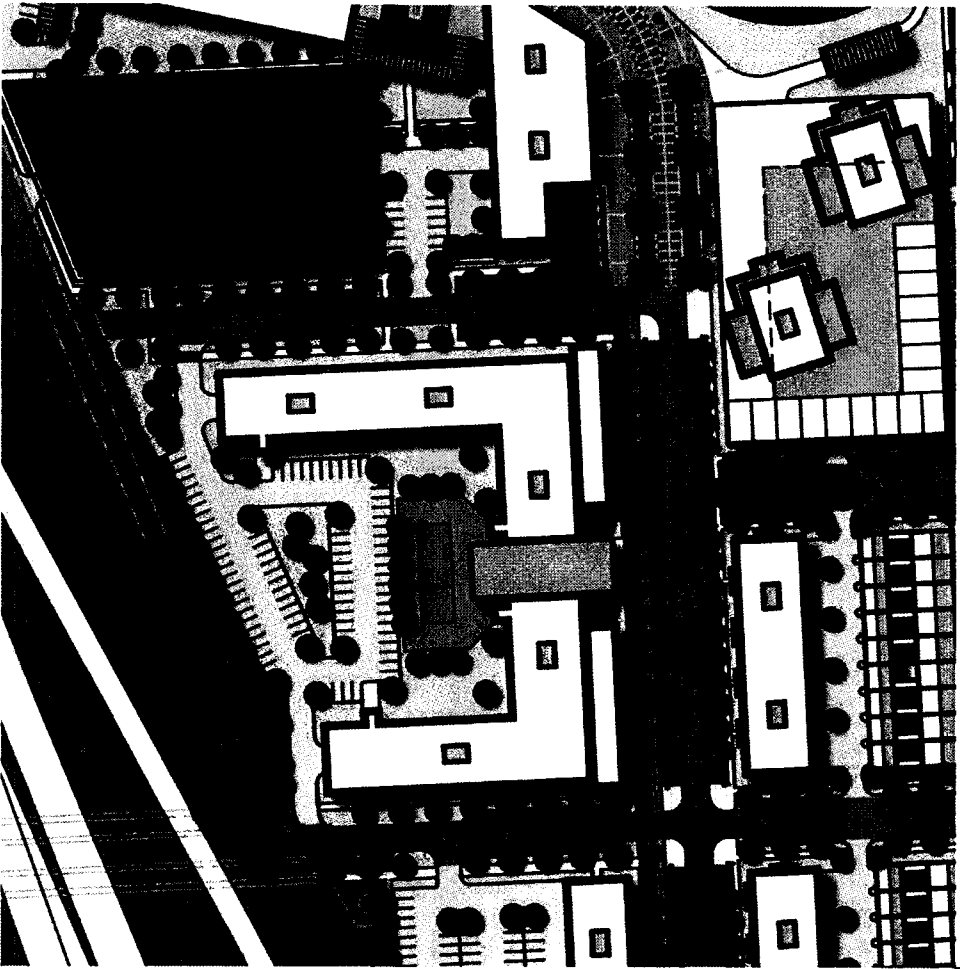
Council Bluffs Interstate System

The Council Bluffs Interstate System (I-29, I-50, and I-480) is in the process of being completely reconstructed over the course of the next several years. This reconstruction will impact the Playland Park site and affect interstate access to, and from, the surrounding neighborhoods. Segment 4 of the reconstruction project includes the section of I-480 that runs adjacent to the Playland Park site on the south and the portion of I-29 that runs adjacent to the site on the east. Along with the realignment and reconstruction of the I-29/480 system interchange, reconstruction of Segment 4 will include new frontage roads along I-29, enhanced connectivity with West Broadway, and changes in access to the Playland Park site.

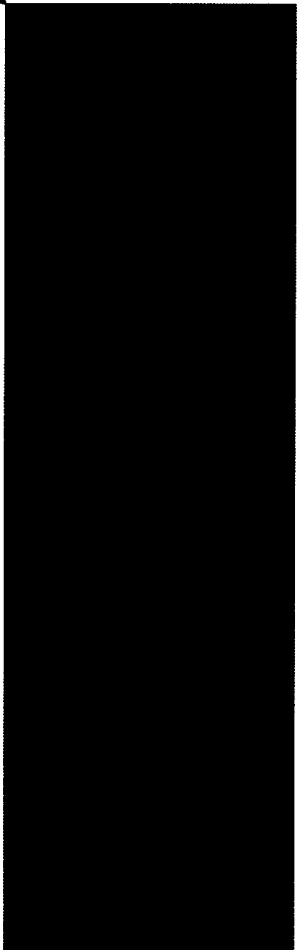
Because the timeframe for Segment 4 has not been finalized, the Playland Park Neighborhood Master Plan was designed to accommodate both current and future access. Currently, 41st Street provides interstate access to the site. The new interstate alignment will make 40th Street the primary access. 40th Street will be extended to the south, and provide a direct, at-grade connection with West Broadway, the primary arterial through Council Bluffs. In anticipation of this new access, the master plan orients future development with the proposed alignment in mind, placing key entrance features near the site entry points and concentrating the mixed-use "main street" along 40th Street, the future collector street leading into the neighborhood.



One of two proposed concepts for the reconstruction of the I-29 / I-480 System Interchange



02 Master Plan



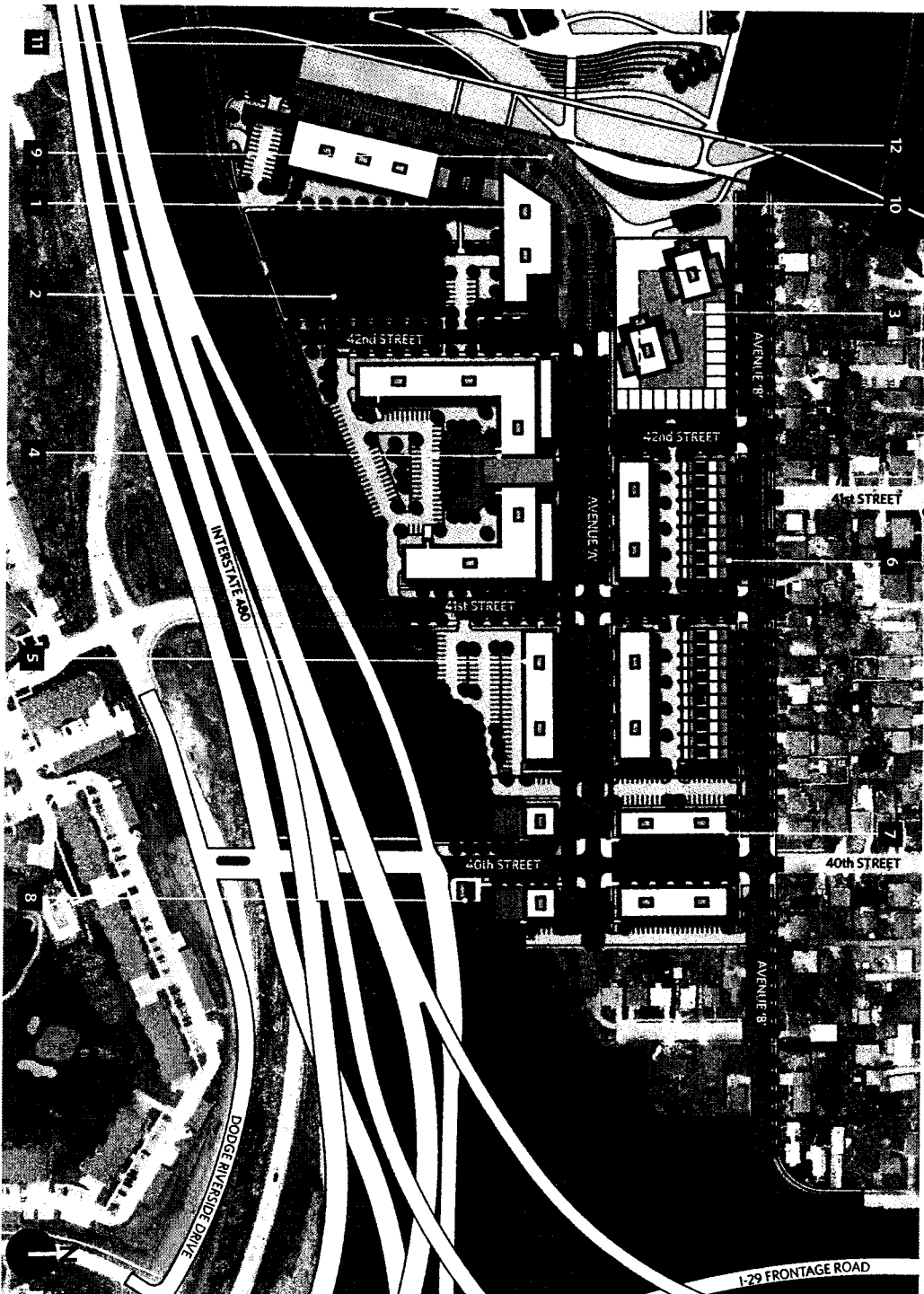
Master Plan

As mentioned in the previous section, the Playland Park Neighborhood Master Plan is designed to accommodate current and future site access from I-480 along either 41st Street or 40th Street. The defining site feature is Avenue 'A', which functions as a grand east-west axial street through the neighborhood, terminating on the west at the "Porch" and the "Plazza". Avenue 'A' will contain a grand pedestrian promenade, a cycle track, green stormwater infrastructure, and enhanced streetscaping.

Key development sites include the office block (containing two multi-story office buildings and a parking structure) at the southwest quadrant of the site, the mid-rise condo tower block (two towers) fronting onto the "Porch" at the northwest quadrant of the site, the mid-blocks containing apartments and townhouses, and the "Main Street" block on the east, which contains mixed use buildings located at the future main entrance to the site along 40th Street.

Higher density uses are situated on the west end of the site along the riverfront frontage or to the south between Avenue 'A' and I-480. Lower density townhouses front onto existing single-family homes along Avenue 'B', and parking for site uses is accommodated either on-street, in surface parking lots tucked into the interior of blocks, or in parking structures.

- 1 Office Buildings
- 2 Parking Structure
- 3 Condominium Towers on top of Parking Pedestal with Retail, Community Use and/or Townhouse Liner
- 4 Podium Apartments with Ground-level Retail Liner
- 5 Tuck-under Apartments
- 6 Townhomes
- 7 Mixed-Use Buildings
- 8 Future Transit Stop
- 9 Plaza
- 10 Landing "Porch"
- 11 Tom Handlan River's Edge Park
- 12 Riverfront Trail



Perspective Rendering

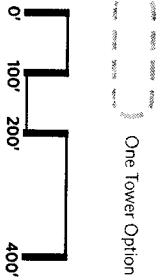
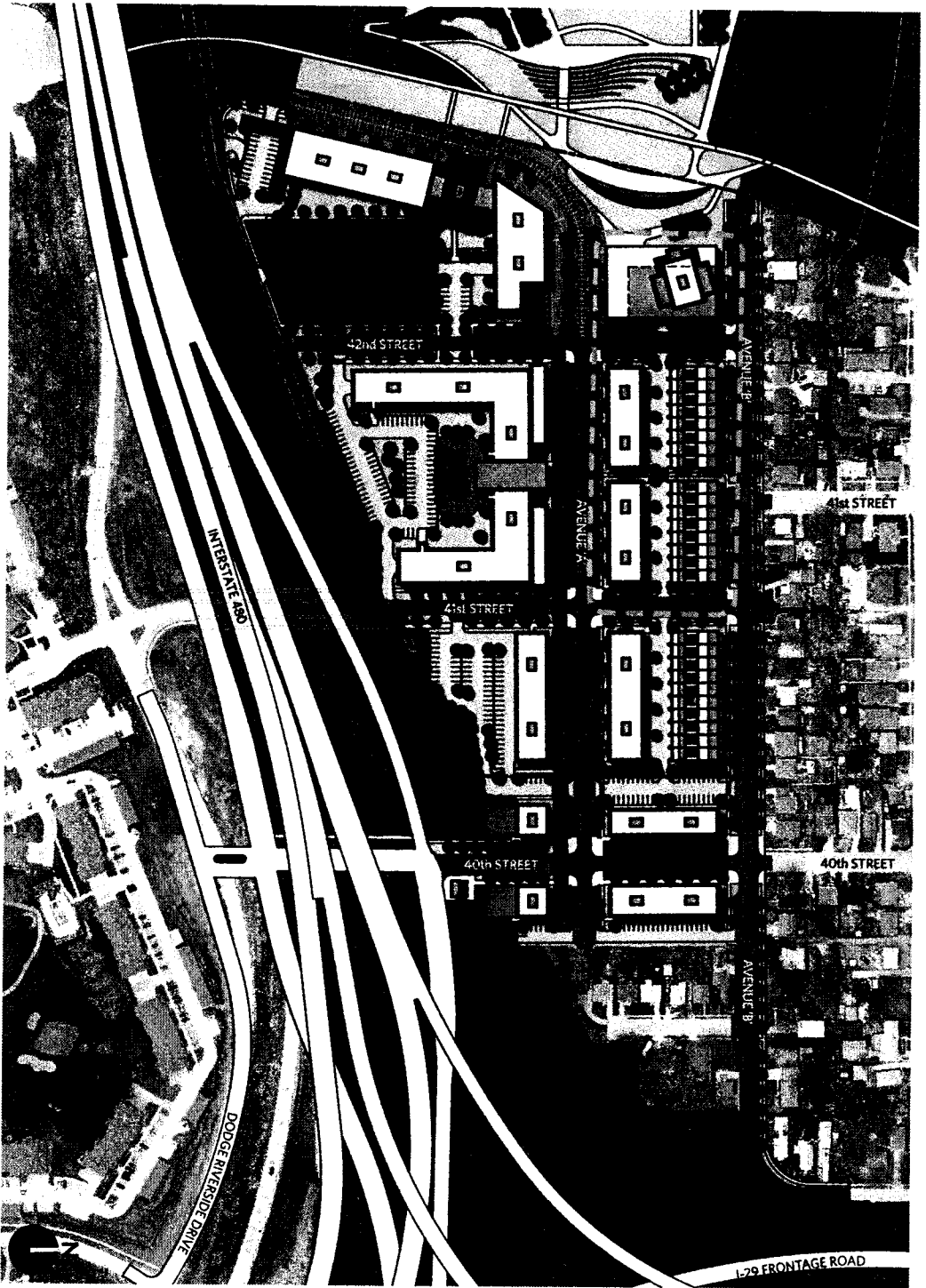


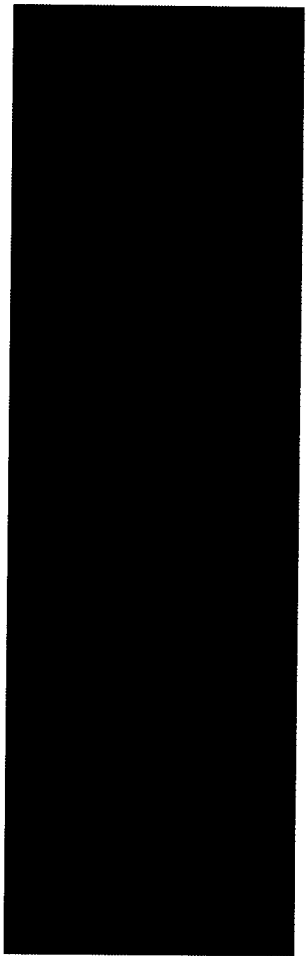
Bird's-eye perspective rendering of the Playland Park Neighborhood looking southeast from above the Bob Kerrey Pedestrian Bridge

One Tower Option

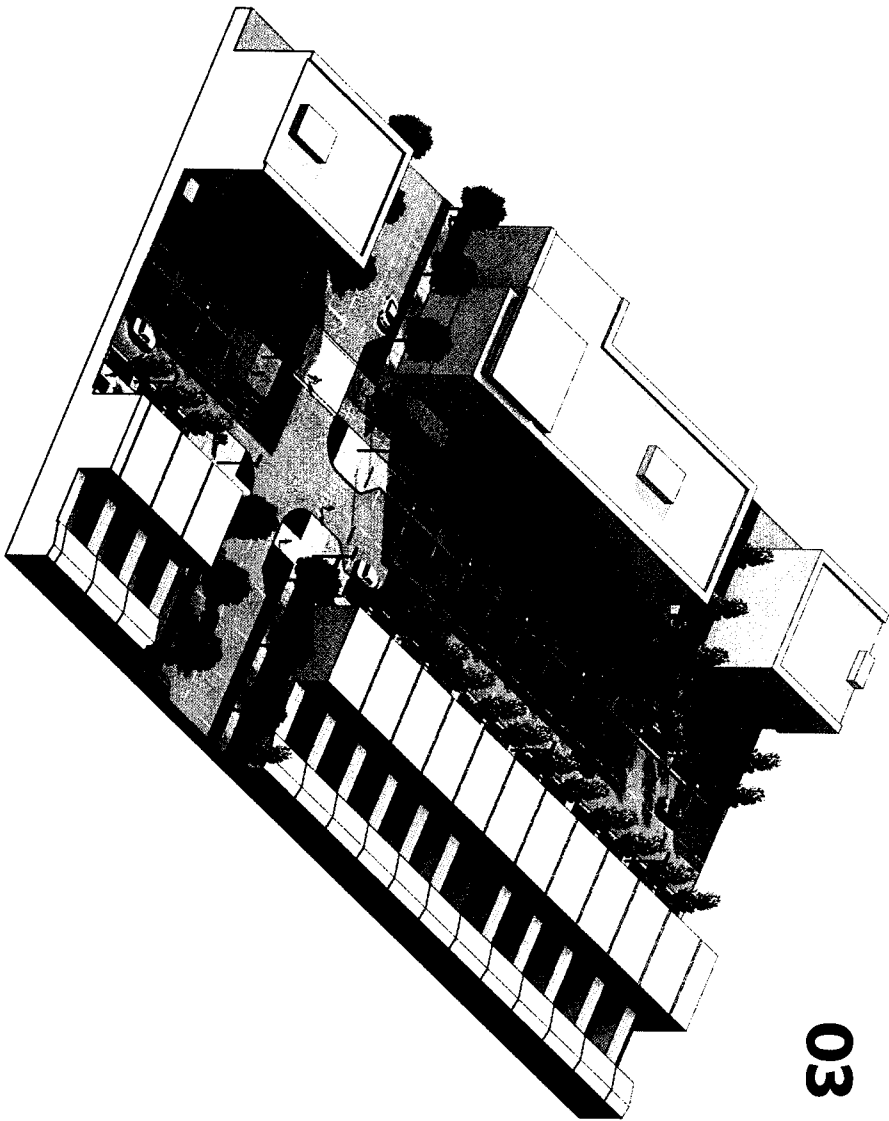
The Playland Park Neighborhood Master Plan identifies a mid-rise condo tower block containing two condo towers at the northwest quadrant of the site. The condo towers are located on top of a pedestal that contains structured parking and is lined on the north and east by townhouses and on the south and west by commercial uses and/or community facilities that front onto the "Porch" and "Piazza".

Depending on the developer selected and the depth of the market, it may not be feasible to develop two condo towers on the site. In this case, the Master Plan identifies a one tower option. This option would contain a pedestal topped by only one condo tower. The pedestal would lose the townhouses on the north and east, but would still include commercial uses and/or community facilities on the south and west. Because the pedestal would not need to be sized to accommodate parking for two condo towers, its size could be decreased, enabling the alignment of 42nd Street north and south of Avenue A. This realignment would enable the westward expansion of the block north of Avenue A, between 41st Street and 42nd Street, resulting in an increase in both townhouses and apartments on the site.





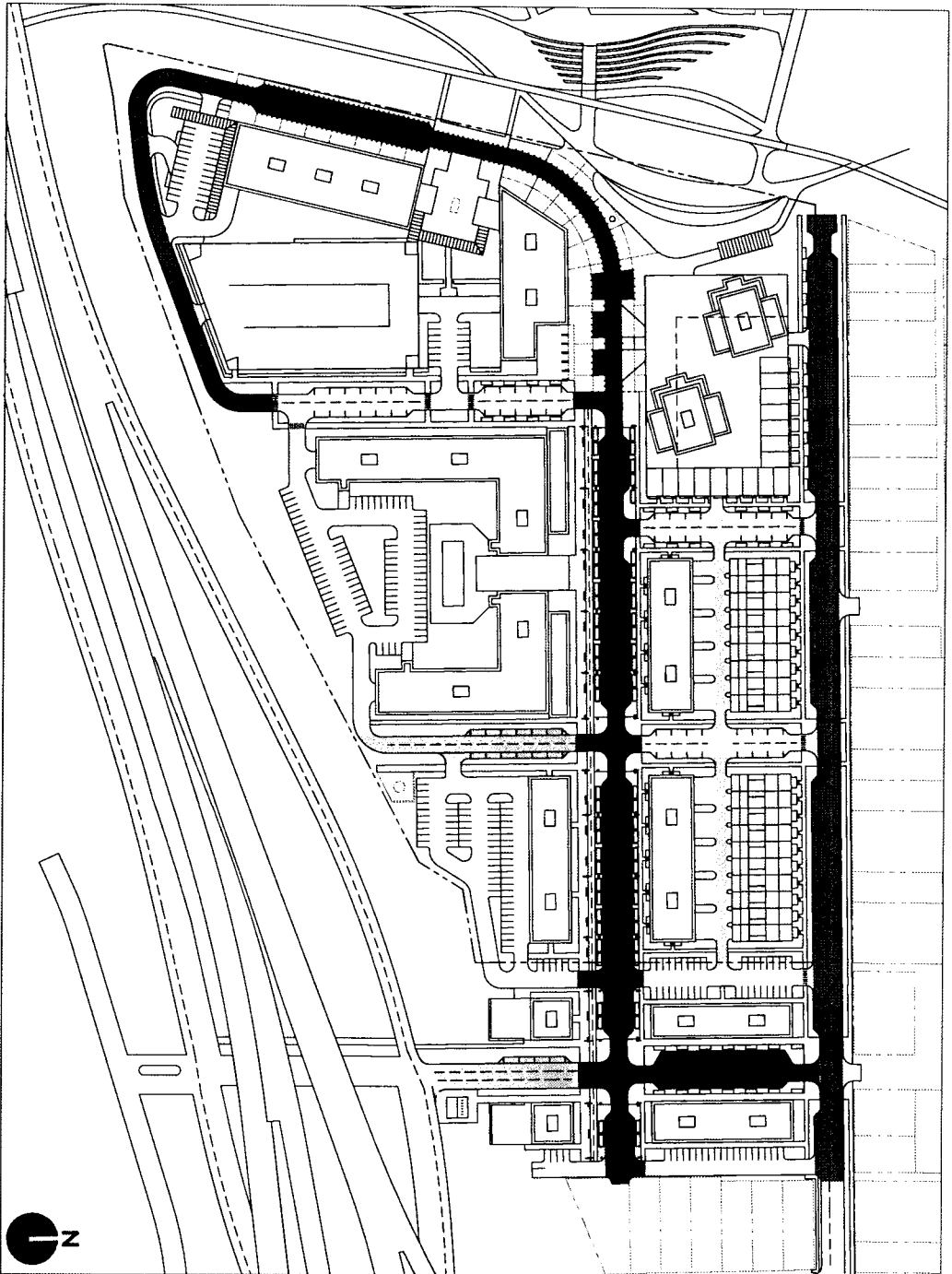
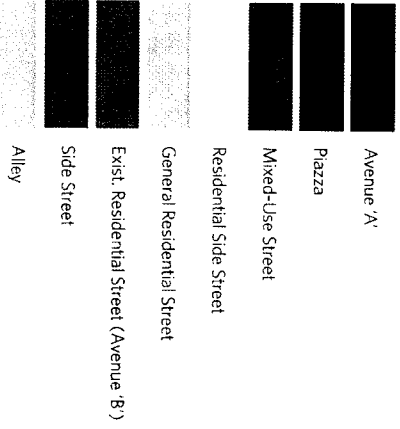
03 Framework Elements



Architectural rendering of the proposed Avenue 'A' Corridor

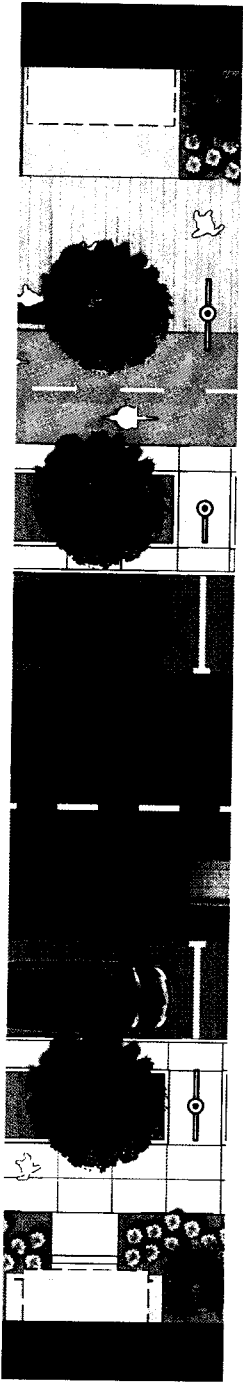
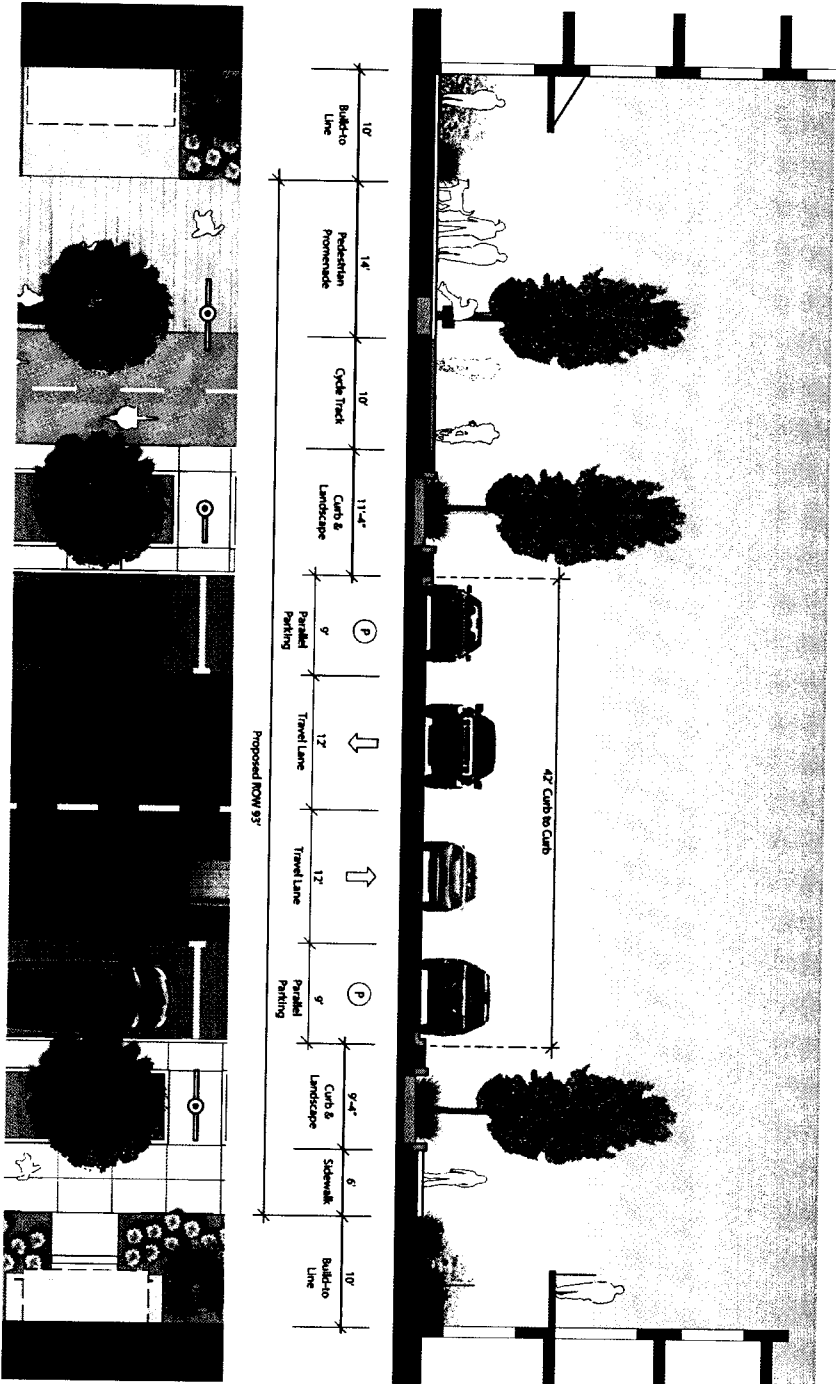
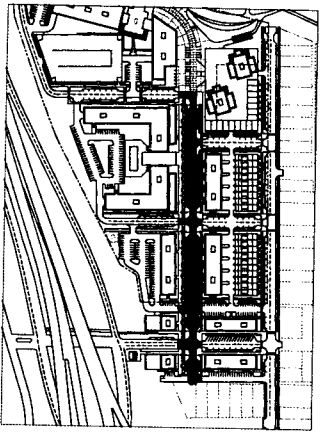
Street Types

The street network for Playland Park is based on the block size typical of the West End of Council Bluffs, particularly the adjacent neighborhood to the north. Avenue 'A' is the primary east-west street running the entire length of the site. It is designed as a grand axial street, with a pedestrian promenade, cycle track, green infrastructure, on-street parking and a highly refined streetscape. 40th & 41st Streets will include bike lanes and minimal on-street parking south of Avenue 'A', as each will serve as the primary entrance route into the site at different times over the course of development. A shared-space "plaza" will terminate Avenue A along the riverfront. The plaza will equally accommodate pedestrians, bicyclists, and vehicles, and will provide access to the landing "Porch," riverfront trail, and Tom Hanahan River's Edge Park. North of Avenue A, 40th Street will be a mixed-use street with both parallel and back-in angled on-street parking and wide sidewalks to service the ground-level commercial space located on the first floor of adjacent buildings. Avenue 'B', the northern boundary of the site, will maintain its current configuration with the exception of the addition of on-street parking and corner bulb-outs south of the street's centerline. Avenues 'A' and 'B' will be connected with lower profile residential side streets at 41st and 42nd Streets.



Avenue 'A'

Avenue 'A' will function as the primary axial street through the Playland Park neighborhood. The corridor will be multimodal in nature and will connect the "Main Street" mixed-use buildings located on the east side of the site with the Landing "Porch", "Piazza", and River's Edge Park on the west. The street will contain a 14-foot-wide pedestrian promenade with decorative pavers, ornate block benches and modern-style pedestrian lights. It will also include a cycletrack - an off-road bicycling facility that accommodates all levels of riders and is separated from the street by stormwater planters. The cycle track will have two 5-foot-wide riding lanes that will allow riders room to pass. On-street parallel parking will be provided on both sides of the street's two travel lanes. The north side of the street will include a 6-foot-wide sidewalk and similar streetscaping to that on the south side of the street.



Cycle Track and Pedestrian Promenade

Avenue 'A' will serve as a vital link for pedestrians and cyclists moving between the riverfront and River's Edge park and the West End of Council Bluffs. Due to the importance of this connection, the Avenue 'A' corridor is proposed to include a cycle track and pedestrian promenade. These will be the two most prominent facilities for pedestrians and cyclists who live in, work in, or visit the neighborhood. The cycle track will be a 10-foot-wide, two-lane off-street bicycle path. The path will be marked for two-way traffic.

The cycle track is designed for riders of all experience levels as the path's width will allow faster riders to safely pass slower riders. Riders using the path will be separated from vehicles and pedestrians by landscaped stormwater planters, an arcade of columnar street trees and site furnishings.

The pedestrian promenade will be a 14-foot-wide sidewalk that will include specialty paving, urban site furnishings, modern-style pedestrian lights and landscaped planters. The pavement will be comprised of some mix of specialty concrete, clay and stone pavers. A 10-foot-wide clearway will be provided along the entire span of the promenade allowing for ease of movement.

The site furnishings will be placed in the remaining 4-foot amenity zone. The site furnishings, lighting, planters and trees along the promenade and cycle track will be evenly spaced along the entire corridor, unifying the various blocks and enhancing the user experience. Speed tables will be located at street and parking lot crossings along the corridor to emphasize the special nature of the street and to create a safe environment for bicyclists and pedestrians.

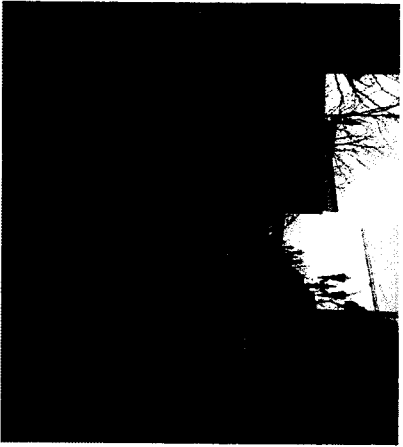


Cycle Track in Munich, Germany

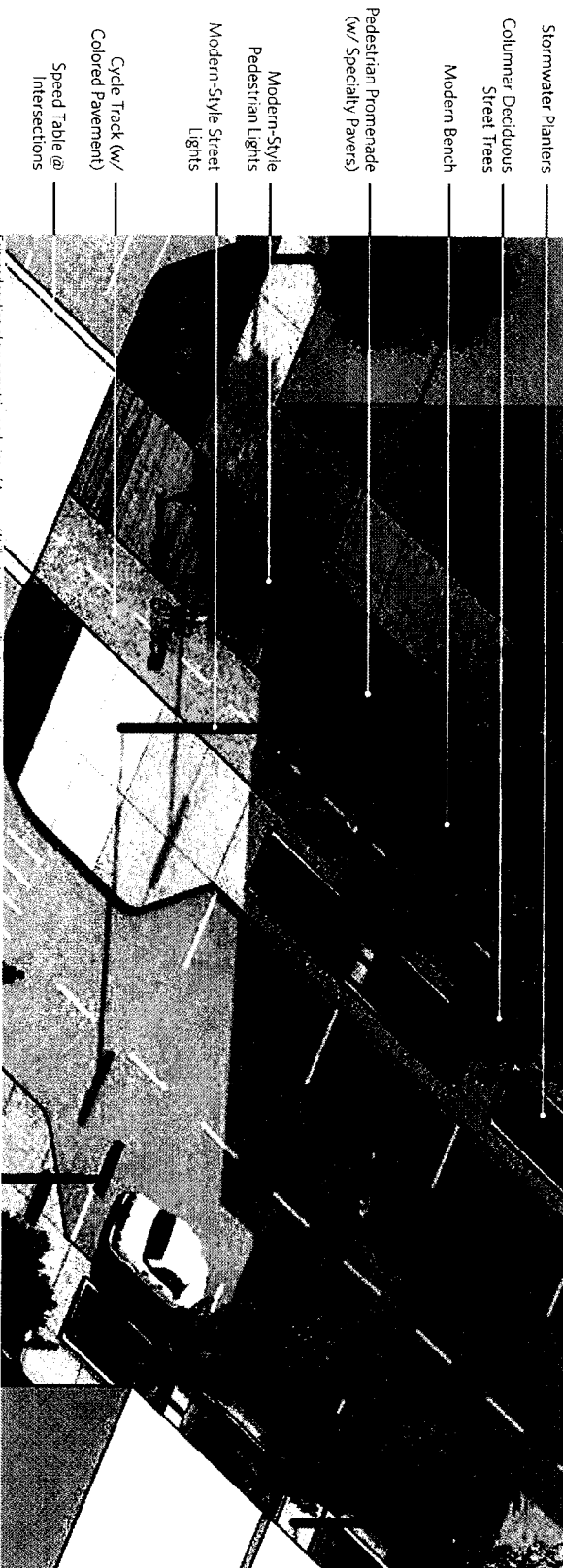


Perspective looking west down Avenue 'A' focusing on the Cycle Track and Pedestrian Promenade

Pedestrian Promenade and Cycle Track



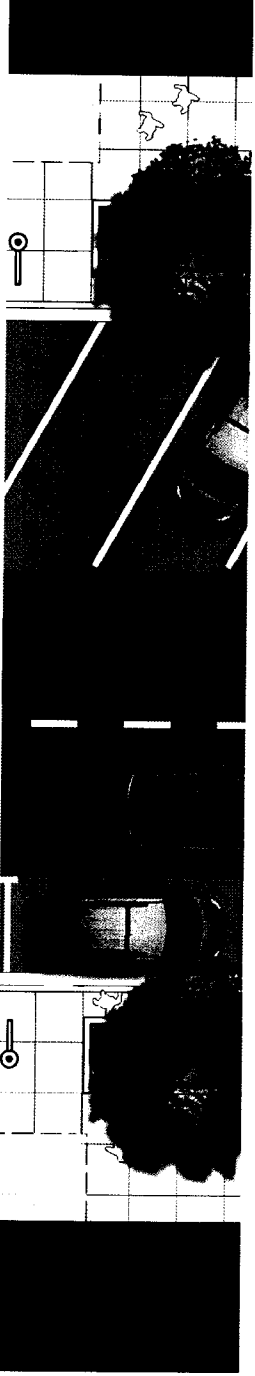
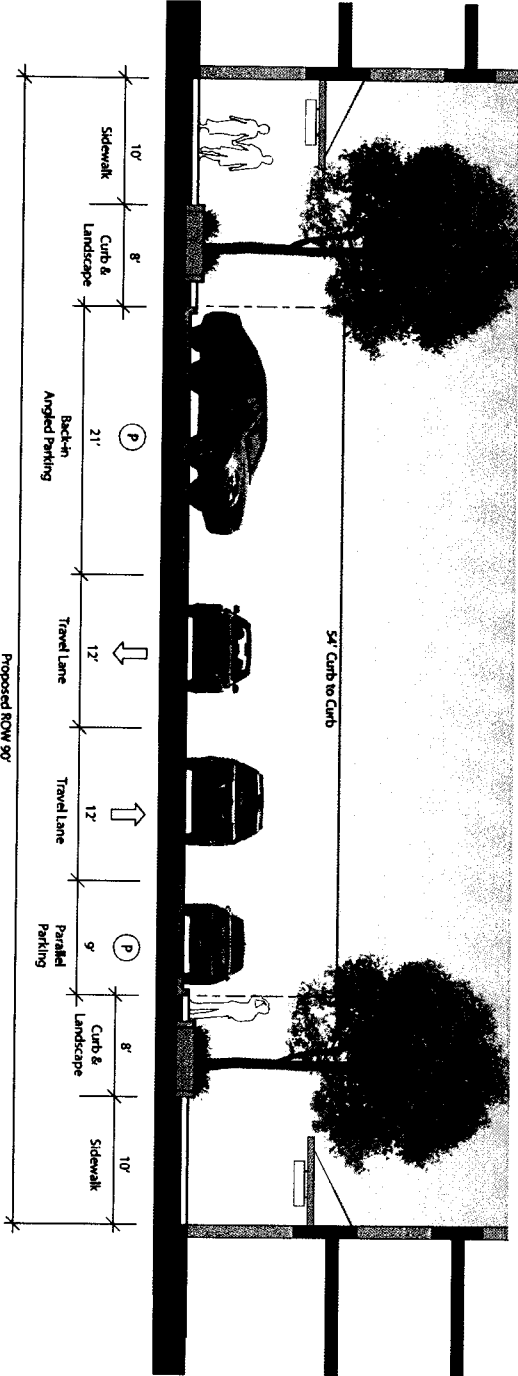
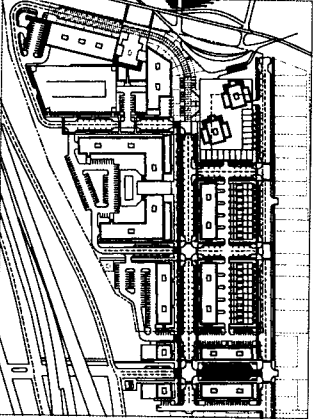
Pedestrian promenade in Portland, Oregon



Enlarged section of axonometric rendering of Avenue A, illustrating specific streetscape features

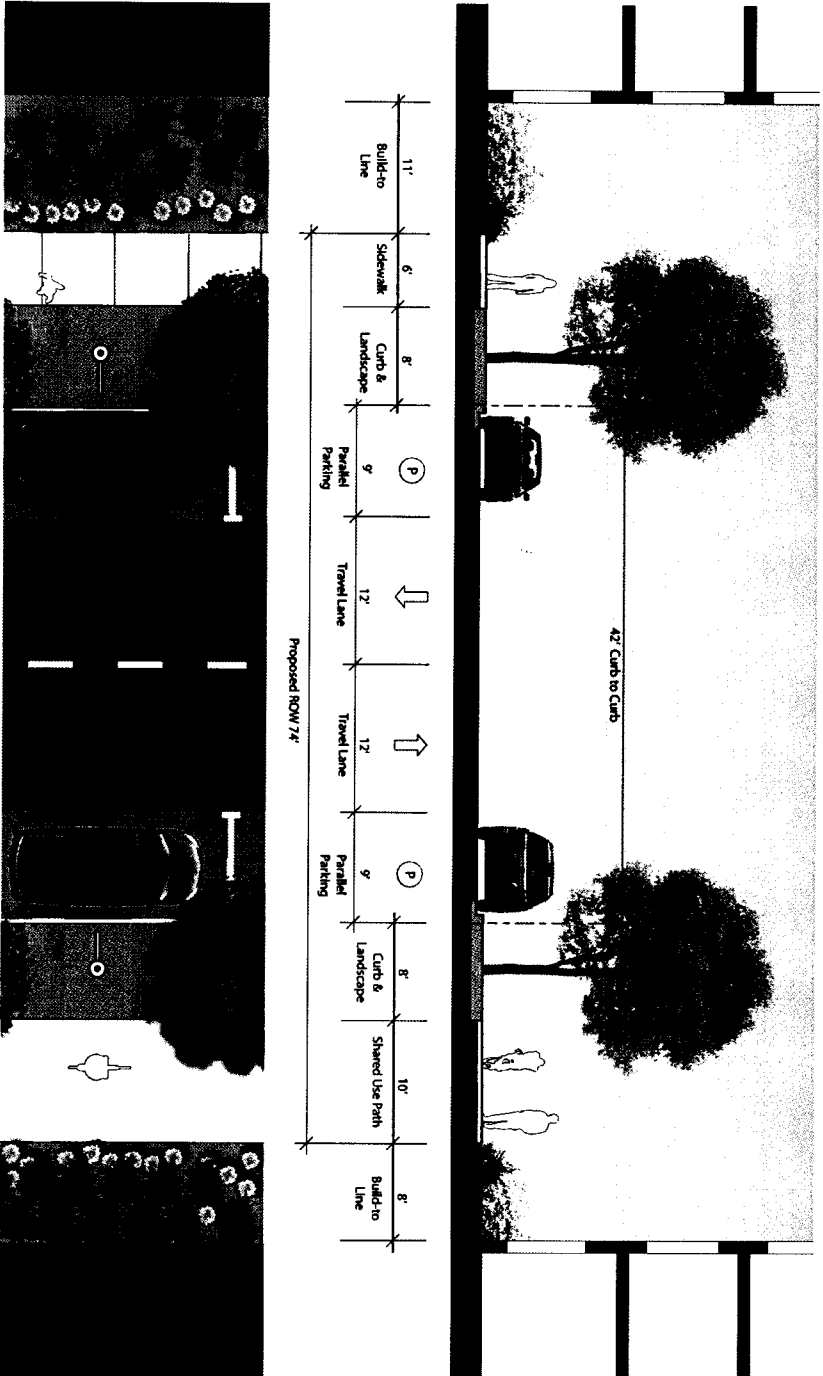
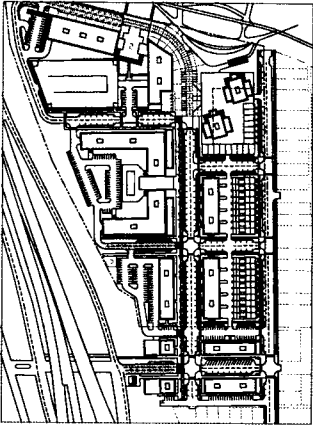
Mixed-Use Street

40th Street between Avenue A and Avenue B will be designed to function as the site's retail core. Its strategic location connecting the residential neighborhood to the north with the future main entrance into the site ensures that there will be a consistent volume of traffic on the street, suitable for street-level retail in the adjacent mixed-use buildings. As a mixed-use street it will be designed with on-street parking (both parallel and back-in diagonal), generous sidewalks, and planter beds and shade-providing street trees.



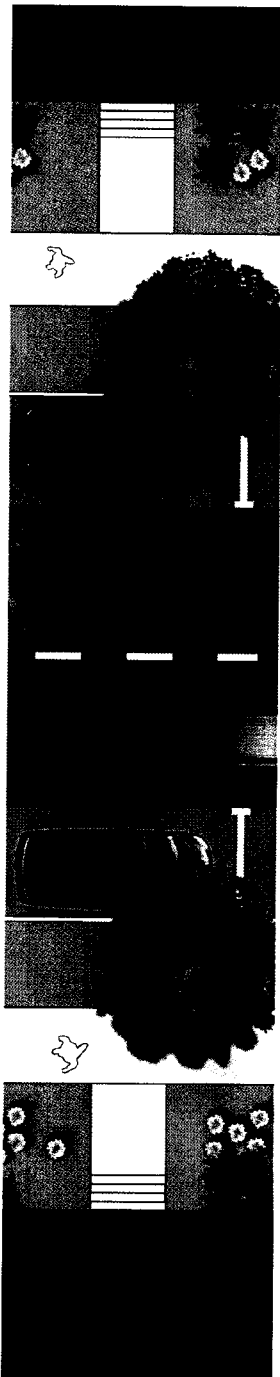
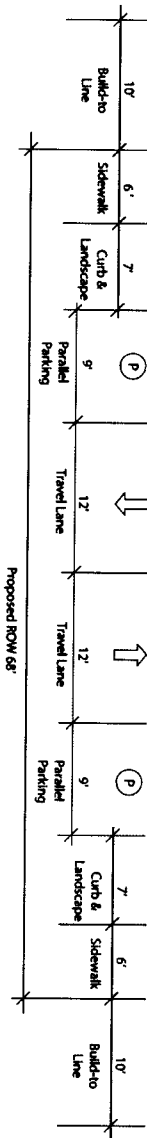
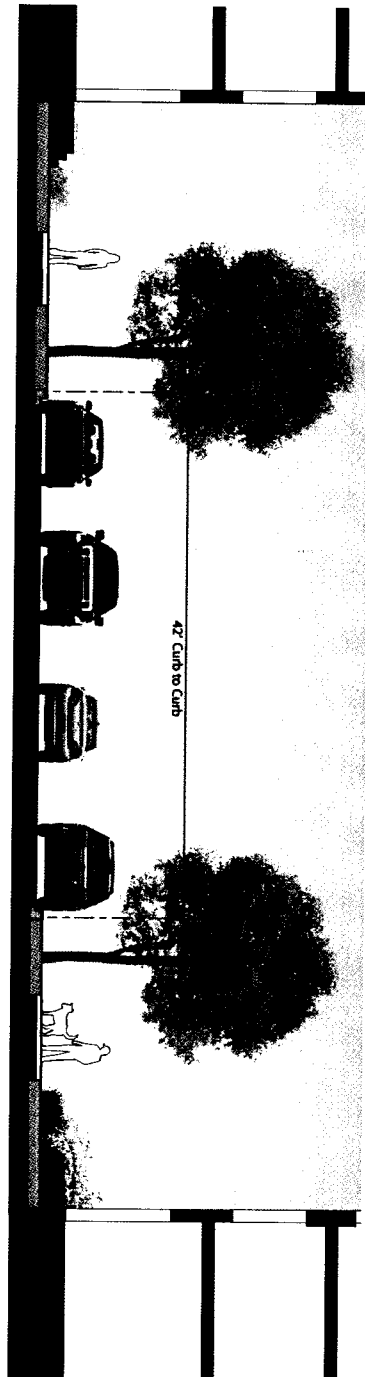
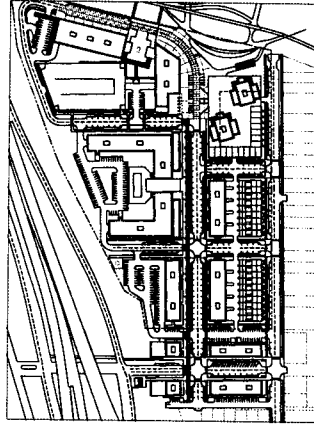
General Residential Street

South of Avenue A, both 40th Street and 41st Street are designed as General Residential Streets. Before Segment 4 of the interstate is reconstructed, 41st Street will provide direct interstate access to the site. Once the interstate is reconstructed, 41st Street will end at I-480 and access will transition to 40th Street. Because of this, each street needs to accommodate a variety of functions, including primary site access and parking for adjacent residential and commercial buildings. In addition, bicycle traffic between the cycle track on Avenue A and the future bicycle facility along the West Broadway corridor will use these streets as a direct link. As such, both streets will be designed to accommodate a shared use path on the east side of the street and have landscaped parkway strips.



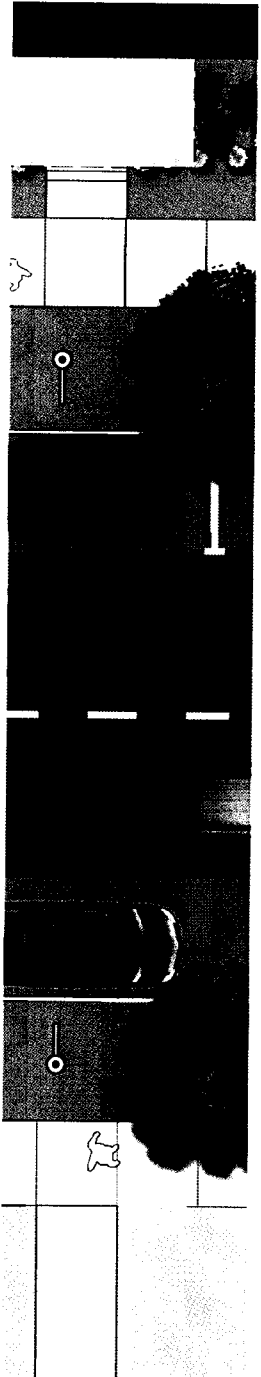
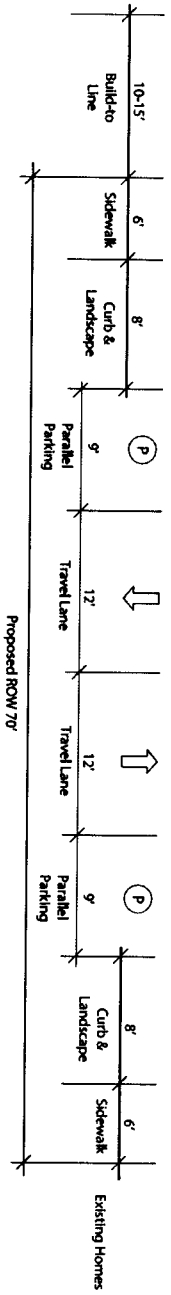
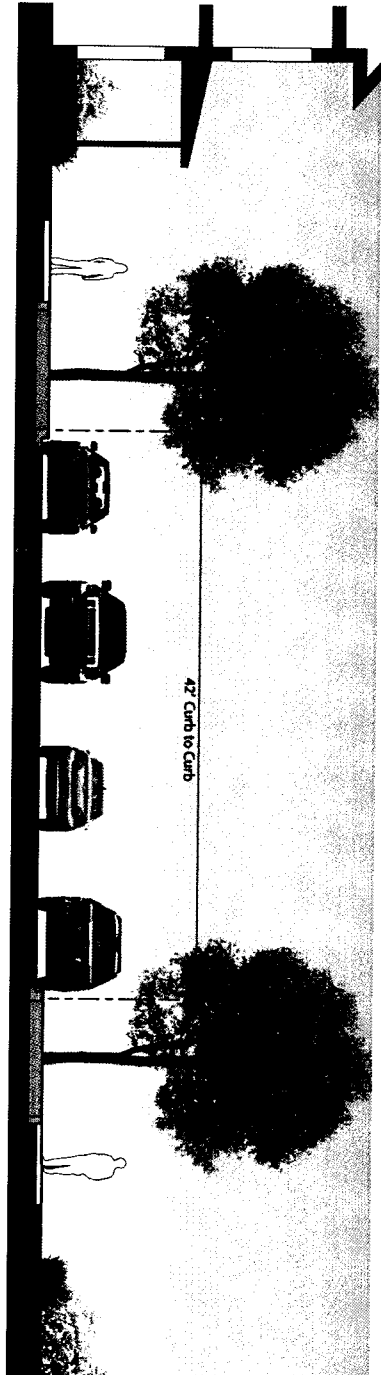
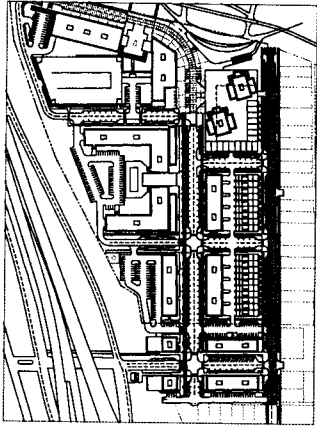
Residential Side Street

The remaining north-south streets on the site generally provide local access to adjacent apartments and townhouses. As a result, they are designed at a more residential scale, with on-street parallel parking and parkway strips with grass and street trees. Generous sidewalks are also included along each residential side street.



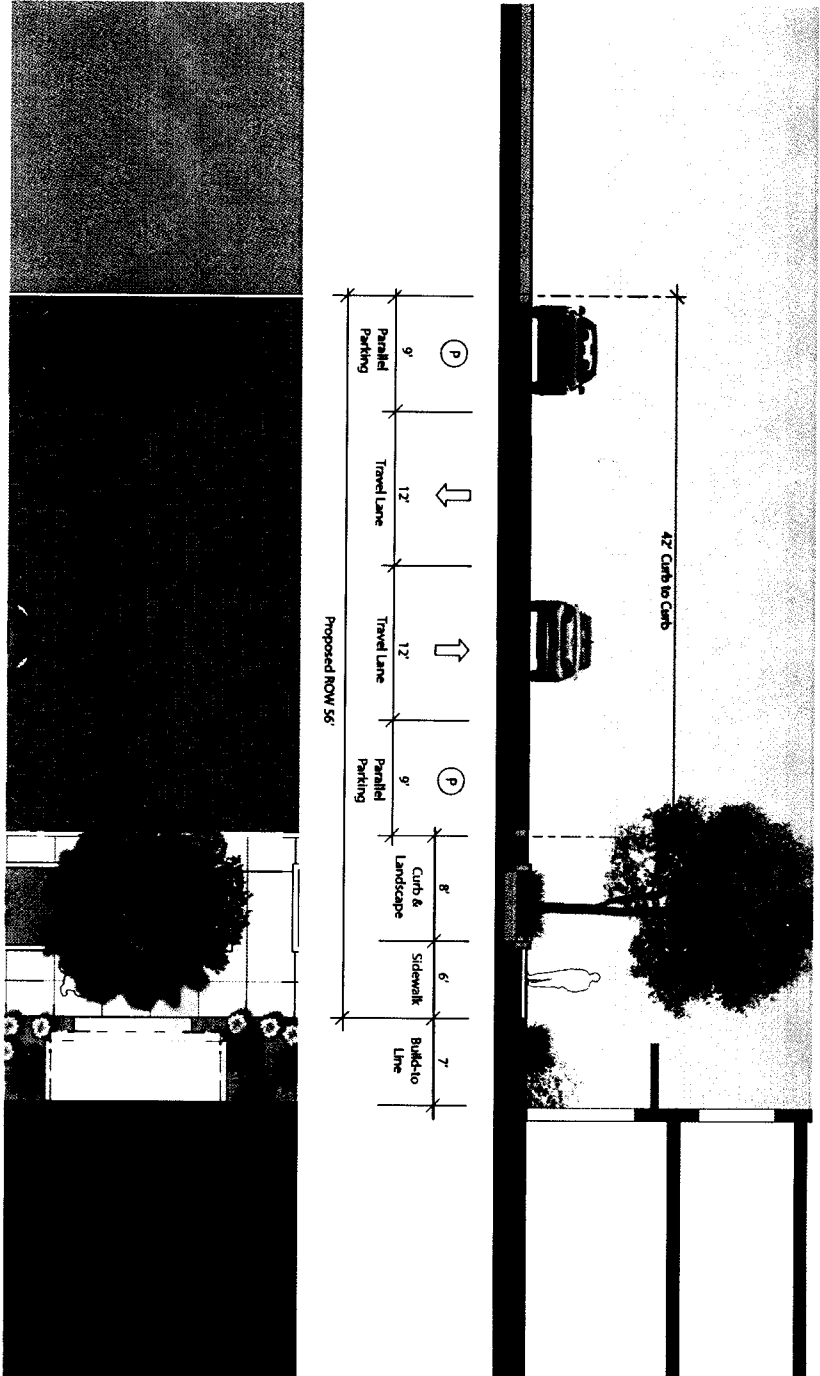
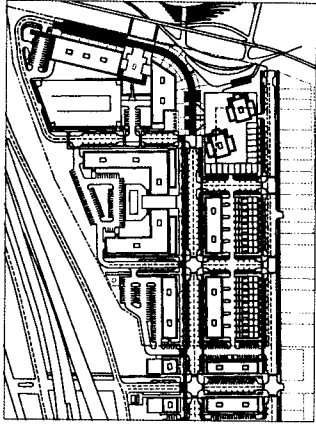
Existing Residential Street (Avenue 'B')

Avenue 'B' is the northern boundary of the Playland Park site. The existing street contains on-street parking and limited landscaping. As development of the site occurs, the right-of-way south of the street's centerline will be enhanced. This will include construction of a new parking lane and corner bump-outs to lessen the distance pedestrians have to cross the street and to protect parked vehicles from vehicular traffic. In addition, street trees and grass will be planted in the bump-outs and parkway strips.



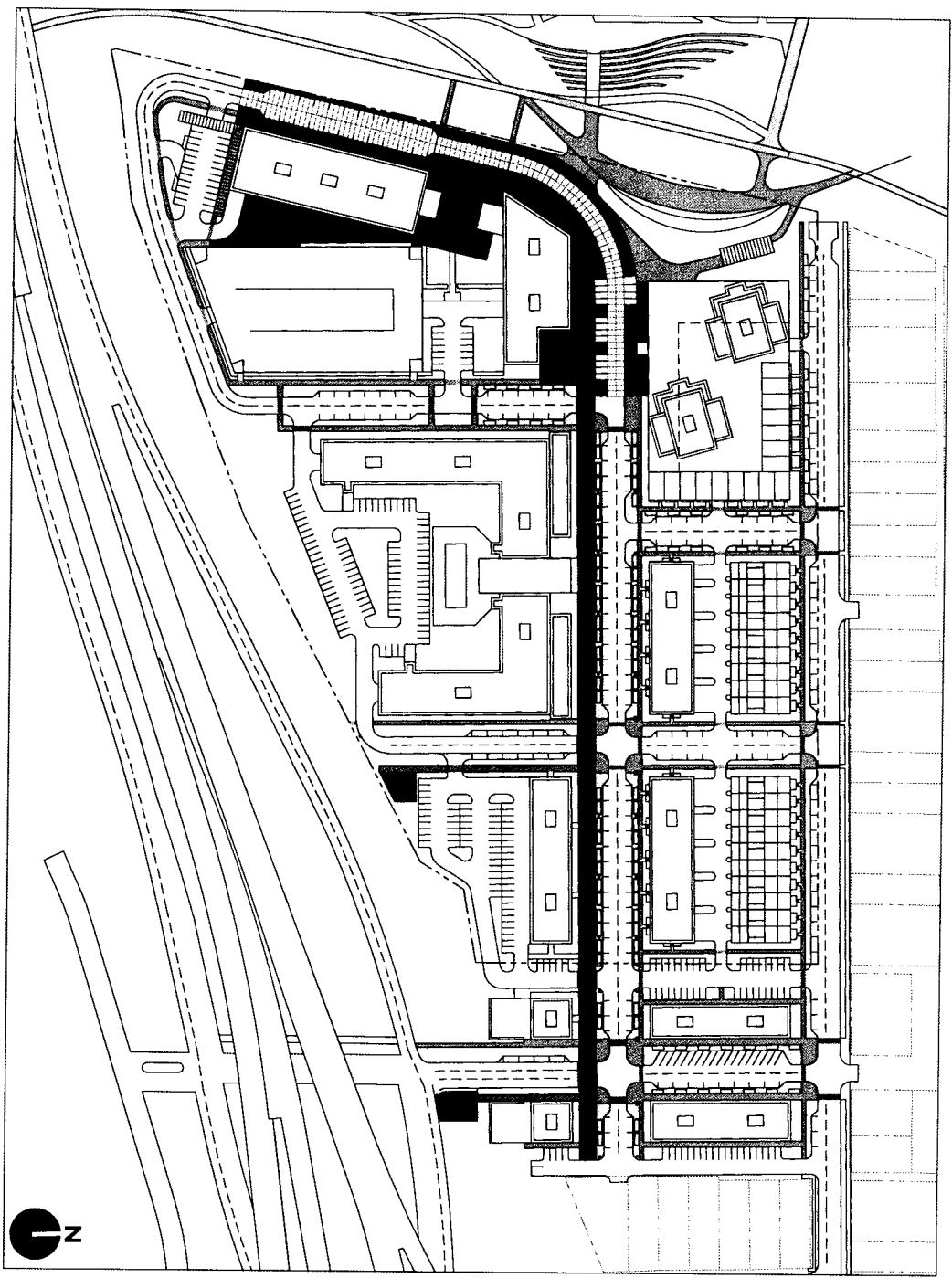
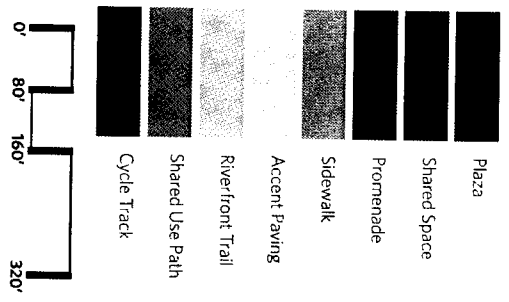
Piazza

As mentioned earlier, the "Piazza" will be a shared-space street/plaza that equally accommodates pedestrians, bicyclists, and vehicles. It will be located at the western terminus of Avenue A, and will be designed to provide a seamless transition between buildings fronting onto the riverfront and the Landing "Porch" levee, and River's Edge Park. Sasaki Associates is in the initial stages of designing this feature. It is anticipated that it will contain no curbs or standard street signage. Various zones will be identified by bollards and paver colors and textures.

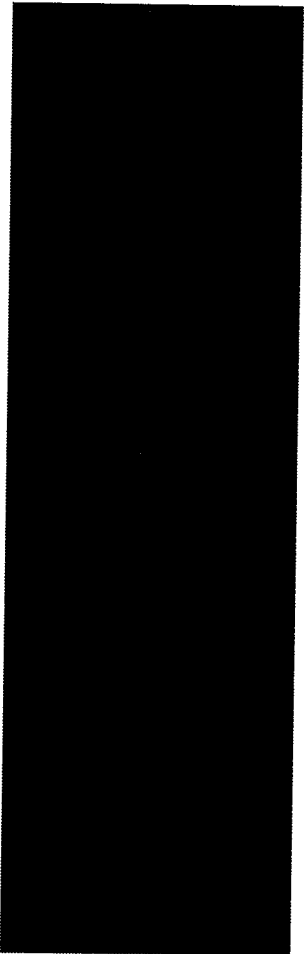


Bike / Pedestrian Network

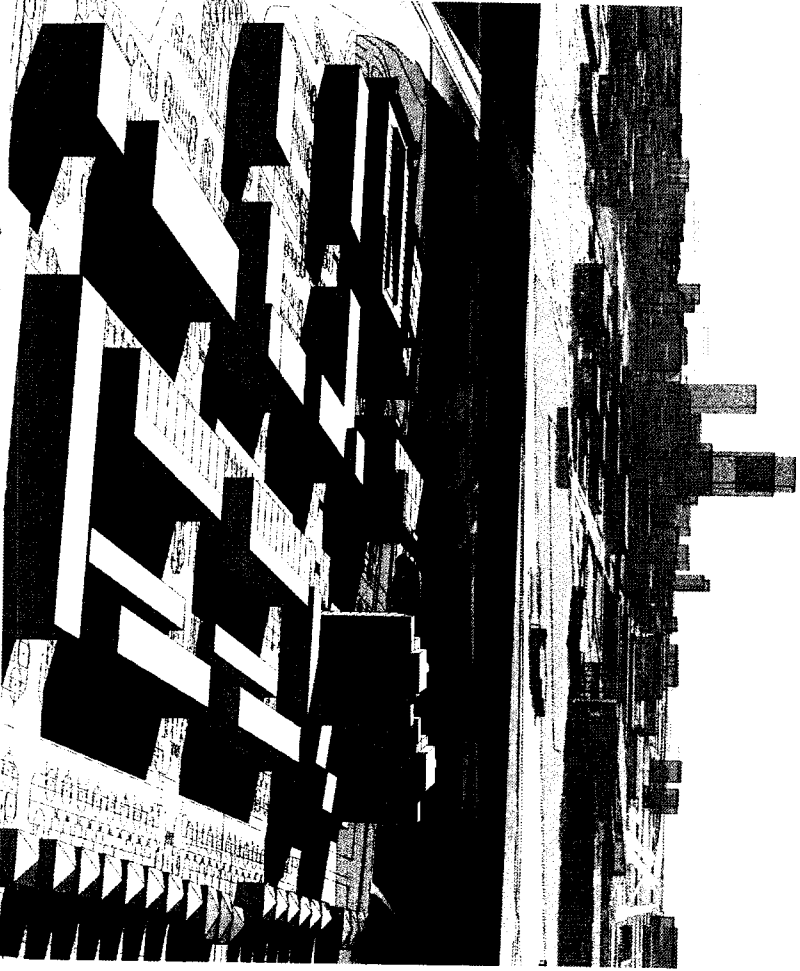
With its multi-use development and adjacency to regional and local trail facilities, the Playland Park neighborhood will appeal to bicyclists and pedestrians alike. The pedestrian promenade and cycle track running the entire length of Avenue 'A' through the site will attract heavy use and serve as the primary corridor of movement through the neighborhood. Both features terminate at the Landing "Porch" and "Plazza", a shared-space street/plaza designed to create a public, high-activity front door to the neighborhood and Council Bluffs as a whole. Small pocket plazas are located off the main spine of the shared space to encourage more intimate gatherings or encounters. The plaza connects to the regional riverfront trail and River's Edge Park via the wide, sweeping sidewalks of the Landing "Porch". Playland Park's residential blocks are serviced by enlarged pavement sections located at the bulk outs at key street intersections. Two small plazas are proposed to mark the entrances of 41st and 40th Streets into the neighborhood.



Framework Elements



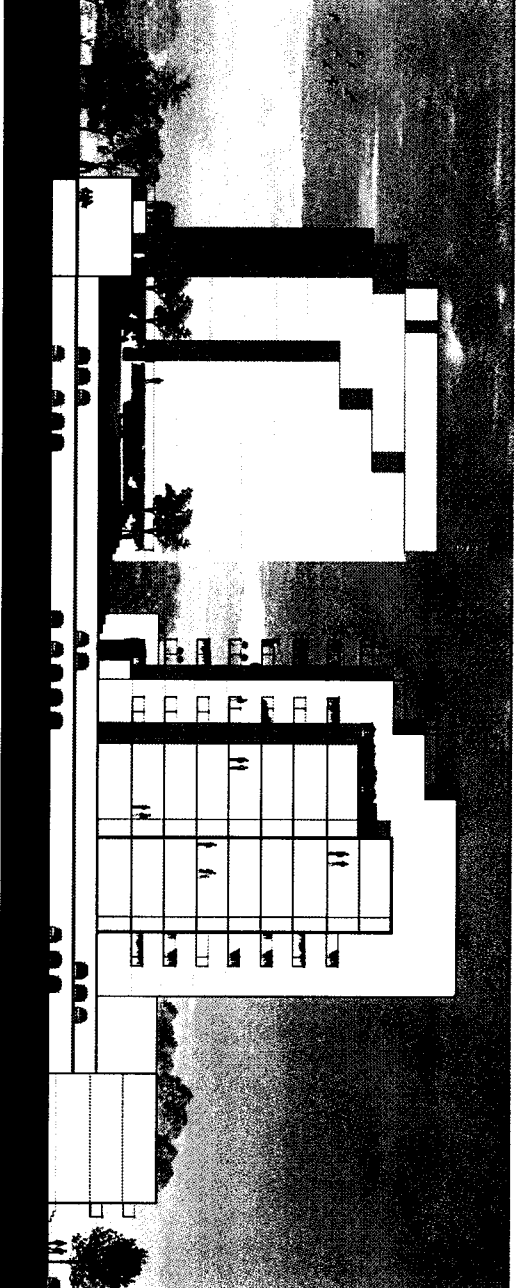
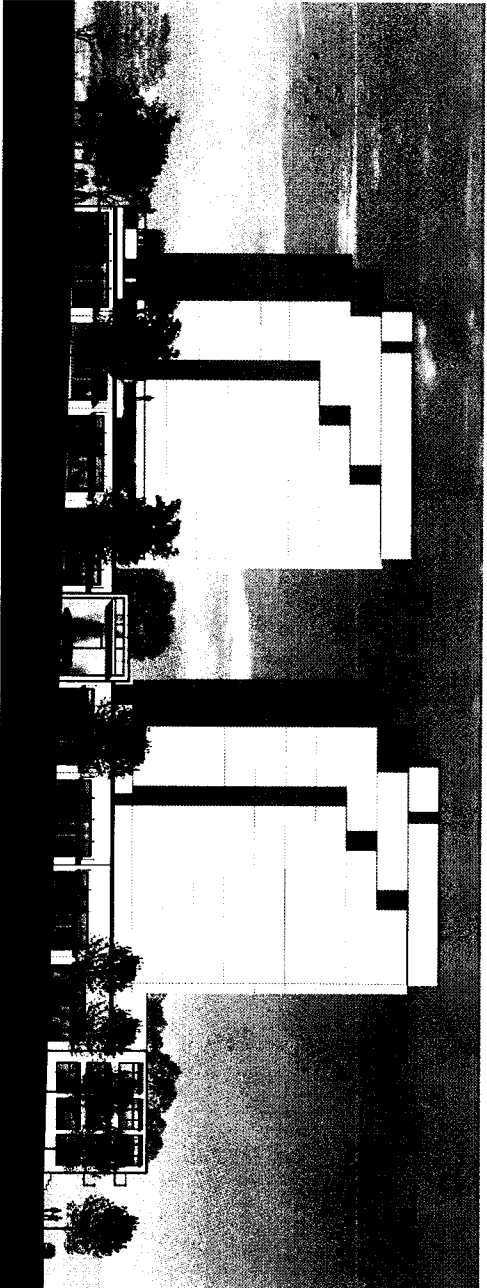
04 Development Opportunities



Mixed-Use Development

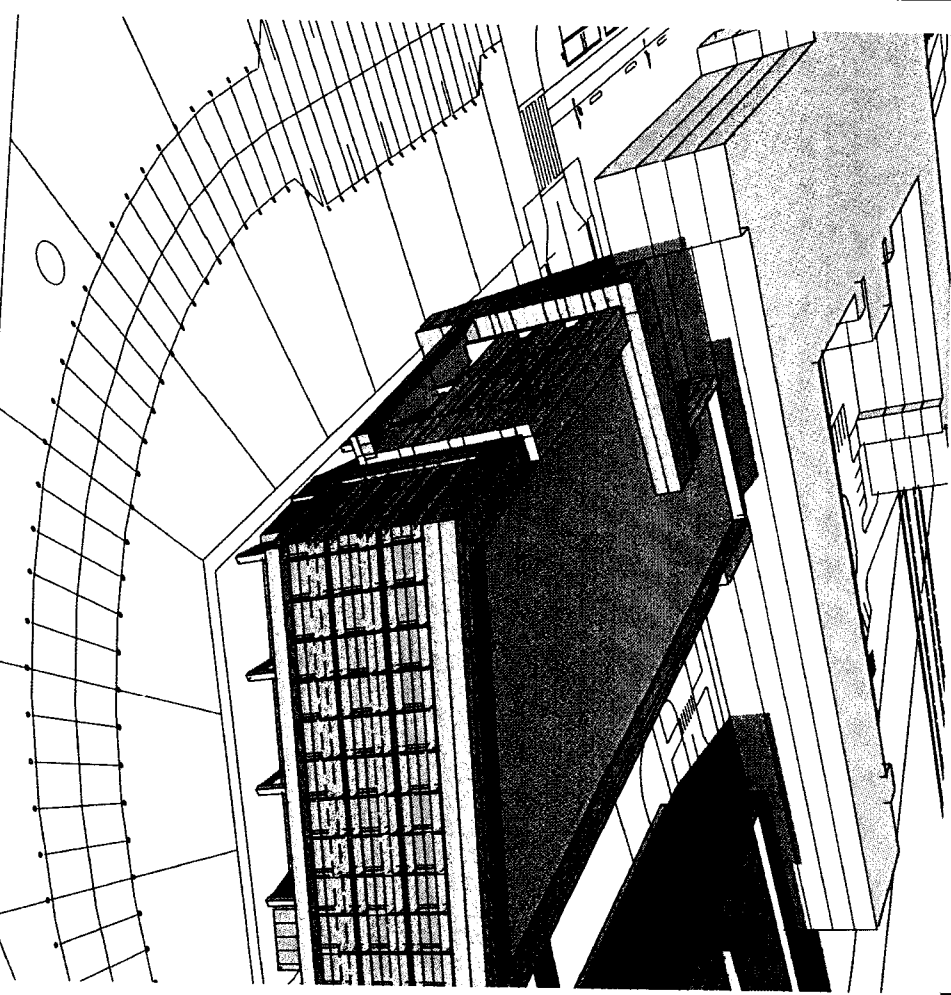
One of the key features of the Playland Park neighborhood is its mix of uses. Unlike most new development projects, where uses are spread out horizontally, Playland Park strives to integrate uses both horizontally and vertically. By doing so, it is easier to create a rich tapestry where uses are layered upon each other, helping to activate the site and create an exciting and memorable experience.

For instance, it is not enough to have a number of uses spread out evenly across the site. Instead, uses are encouraged to be combined within individual buildings. Take, for instance, the proposed condo towers. Instead of just containing condominium units, the buildings, as shown, contain a number of uses. The pedestal, or base of the building, not only contains integrated parking, but the parking is tucked behind a liner of townhouses and community/commercial space. The condo towers are then placed on top of this base. Instead of just one use activating the site, there are now at least four different kinds of uses (community, commercial space, townhouse units, parking, and condos) drawing people to and from the site, helping ensure street-level activation of the site throughout the course of the day. Other locations within the neighborhood that contain mixed-use buildings include the retail liner on the apartment building fronting onto Avenue A and the "main street" mixed use buildings lining both sides of 40th Street on the east side of the site.

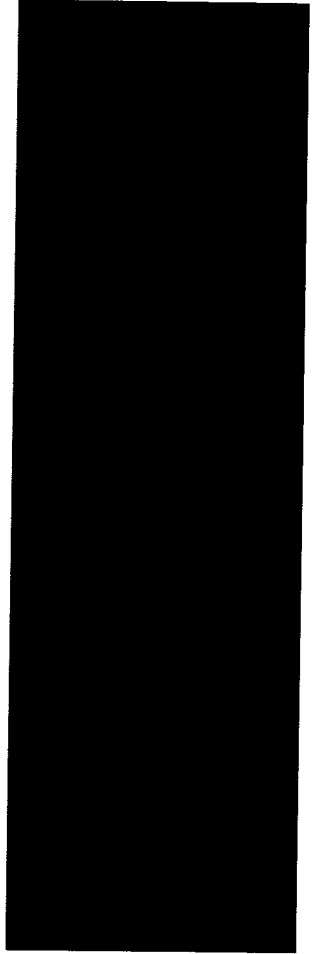


Elevation and Section/Elevation views of the Condominium Towers and Parking Pedestal with Retail, Community Use and/or Townhouse Liner, looking north

Bird's-eye perspective of the conceptual layout of the Piazza, North Office Building and Shared Auto Court

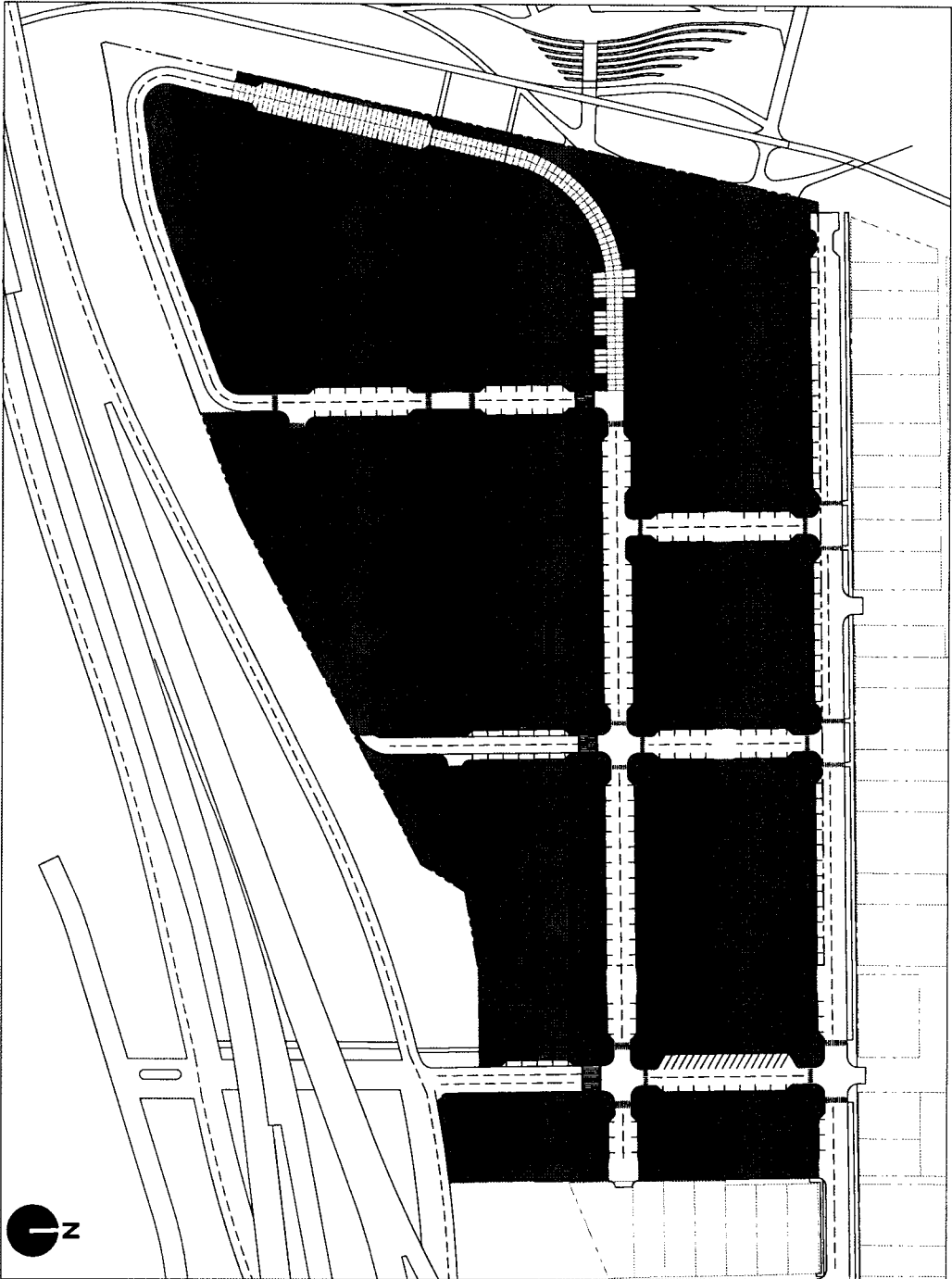


05 Design Guidelines

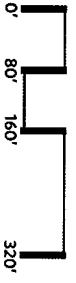


Development Blocks

The block structure for the Playland Park neighborhood is based on the standard block size and pattern of the West End. Avenue 'B' will function as the northern boundary for the development. 41st Street will be the initial main entrance into the site. This function will transition to 40th Street once Segment 4 of the Interstate reconstruction is complete. 41st Street, along with Avenue 'A', each bisect the site, generally creating four neighborhood sub-areas. Block sizes gradually increase from east to west. The smaller eastern blocks are sized primarily for low-density residential and commercial uses with small internal surface parking lots. The three large blocks on the west side of the neighborhood accommodate larger buildings with higher parking demands. These blocks also include public space that will draw larger crowds from throughout the community.

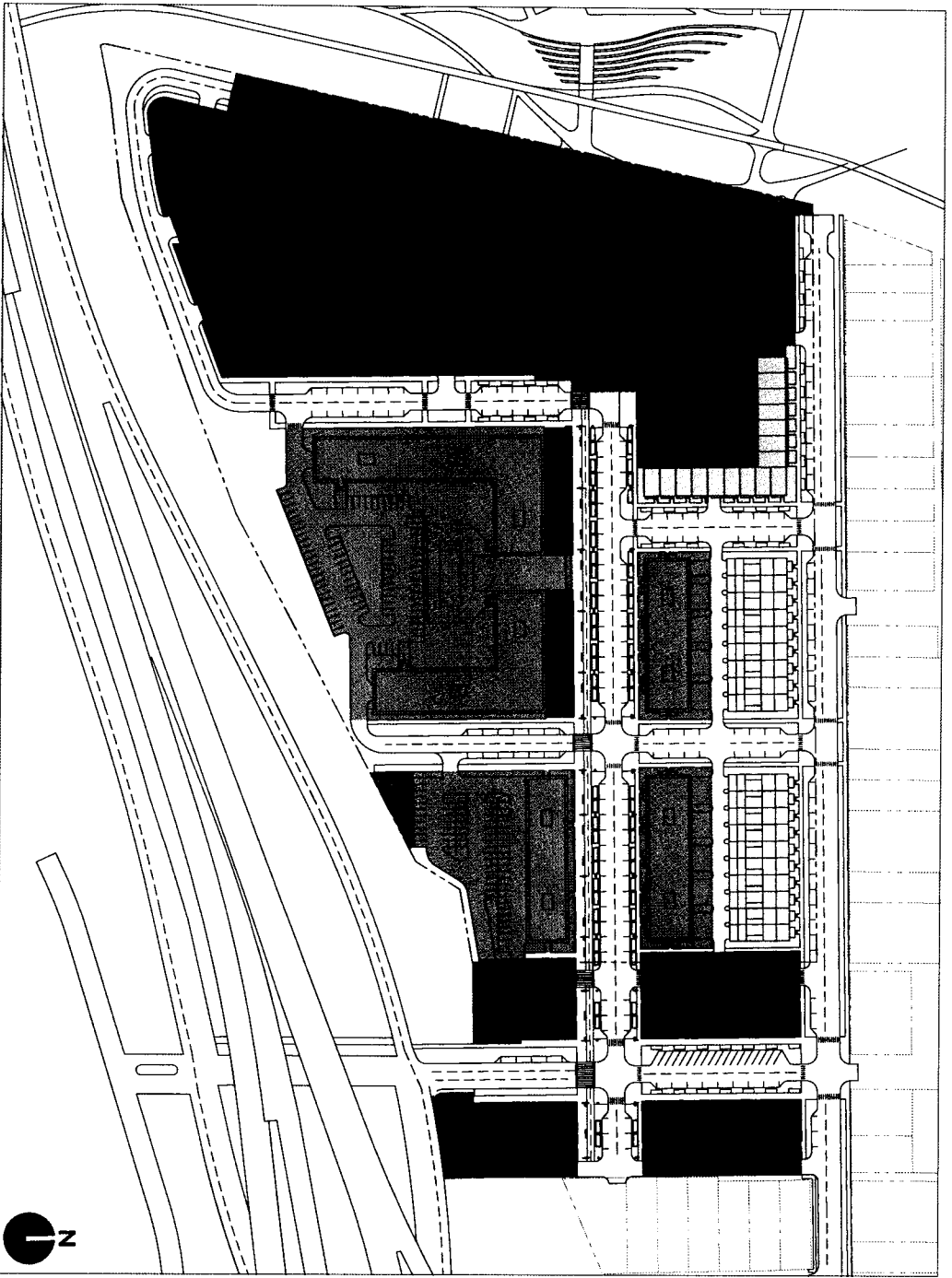
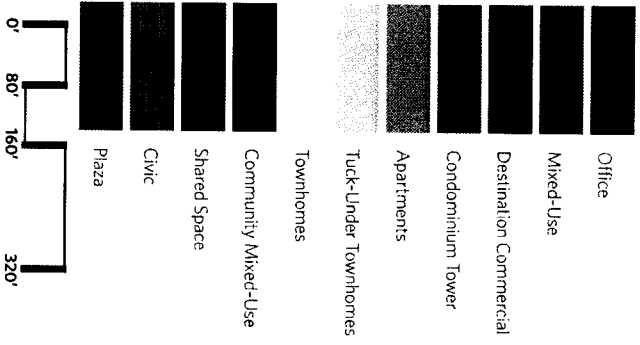


Development Blocks



Land Use

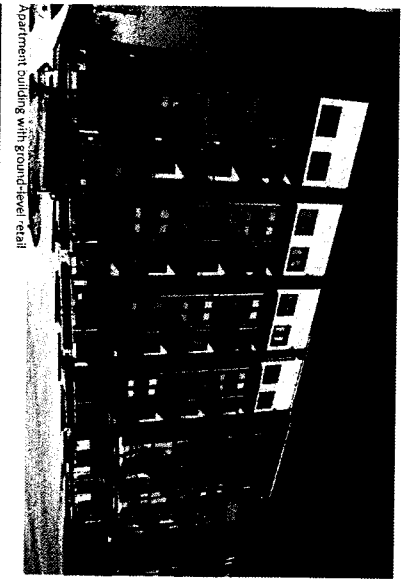
In order to become an active and exciting destination, Playland Park will need to accommodate a variety of land uses, and integrate them both horizontally and vertically. The mix of uses will encourage diverse activity throughout the day, resulting in a comfortable pedestrian environment. The central portion of the neighborhood is planned primarily for residential uses of various densities. Podium and tuck-under apartment buildings will line Avenue 'A', with a limited amount of ground-level commercial use along the south side of the street. Townhomes will front onto Avenue 'B', helping to maintain the scale of the existing neighborhood to the north. Community and civic uses are proposed at the neighborhood's entrances, with the western edge of the site having a large shared space adjacent to the office and condominium tower blocks. The two office buildings will share a parking structure and auto court. The condominium tower base will include street-facing community and retail space to help activate the Plaza. Mixed-use and destination commercial uses are planned along both sides of 40th Street.



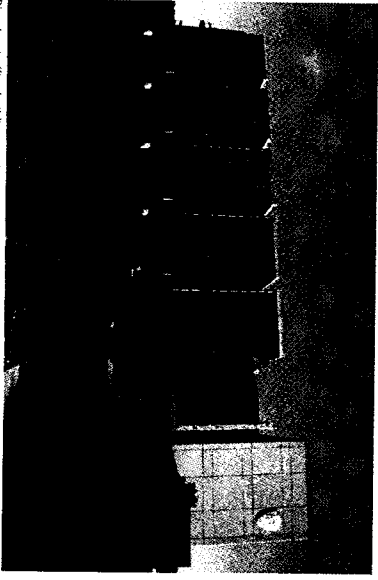
Land Use



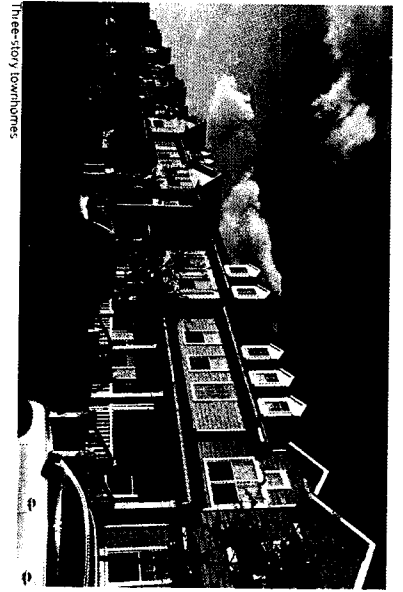
Condominium tower with line townhomes and internal parking pedestal



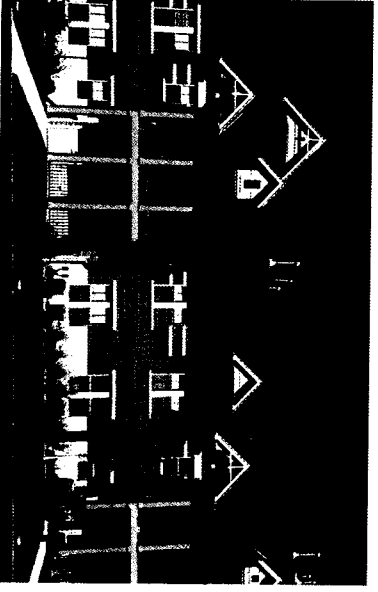
Apartment building with ground-level retail



Riverfront office building sited to capture river views



Three-story townhomes



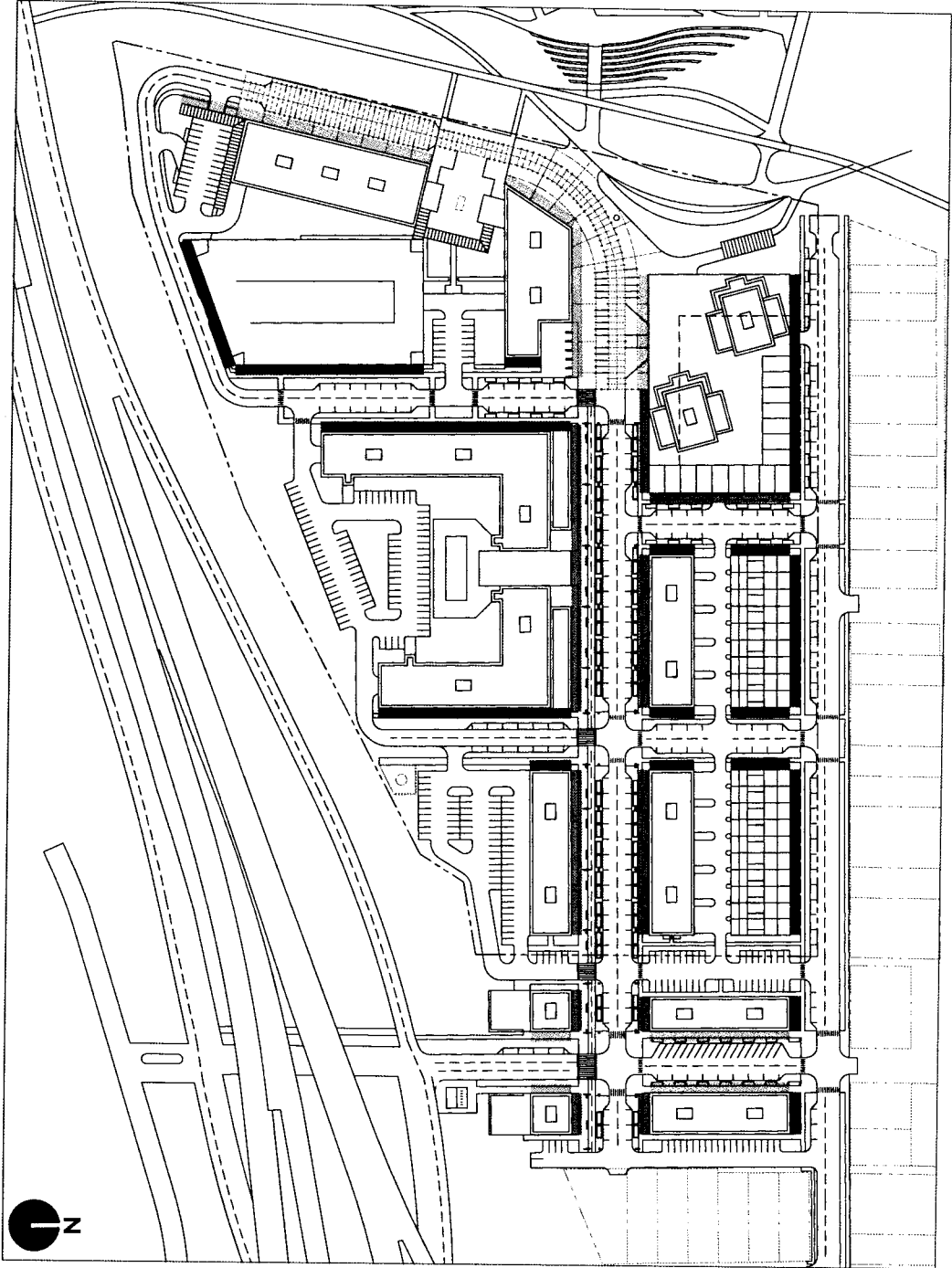
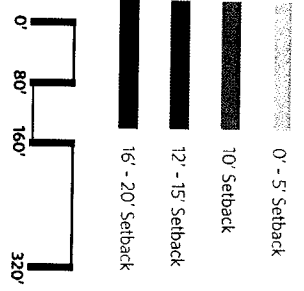
Two and three-story apartment building with rear lot parking

Building Setbacks

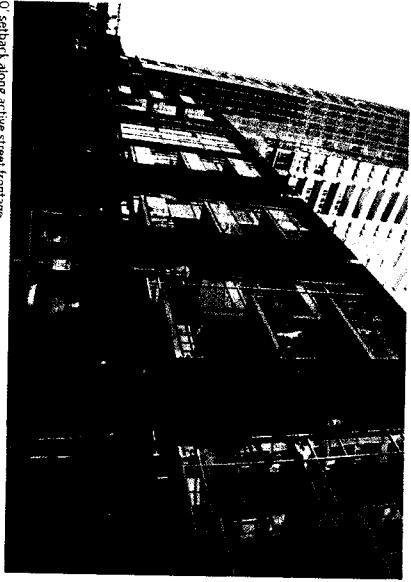
The Playland Park neighborhood will employ standard setbacks to establish a strong urban fabric, with a consistent building wall and the creation of a unified public realm. The mixed-use buildings fronting onto 40th Street, along with the office buildings and condominium block, pedestrian that front onto the "Piazza" and Landing "Porch" will generally have 0-to-5' setback requirements. This allows the adjacent sidewalk to become an activity zone that is suitable for community gatherings, outdoor dining areas and window shopping.

The setbacks along Avenue 'A' from 42nd Street to east of 40th Street will be 10' along the entire corridor. This consistency will channel views down the corridor and create continuity of space as users move along the neighborhood spine. The 10-foot front yard, combined with the stoop condition, allows for privacy for those residents whose units front onto this major circulation spine.

Residential side streets will employ setback requirements between 12' and 15'. This increased distance will scale down the sense of enclosure in these areas, signifying to the individual that they are moving out of the high-activity portions of the neighborhood. The townhomes fronting along the south side of Avenue 'B' will have setbacks of 16'-to-20' to best replicate the condition of the single-family residential properties across the street.



Building Setbacks



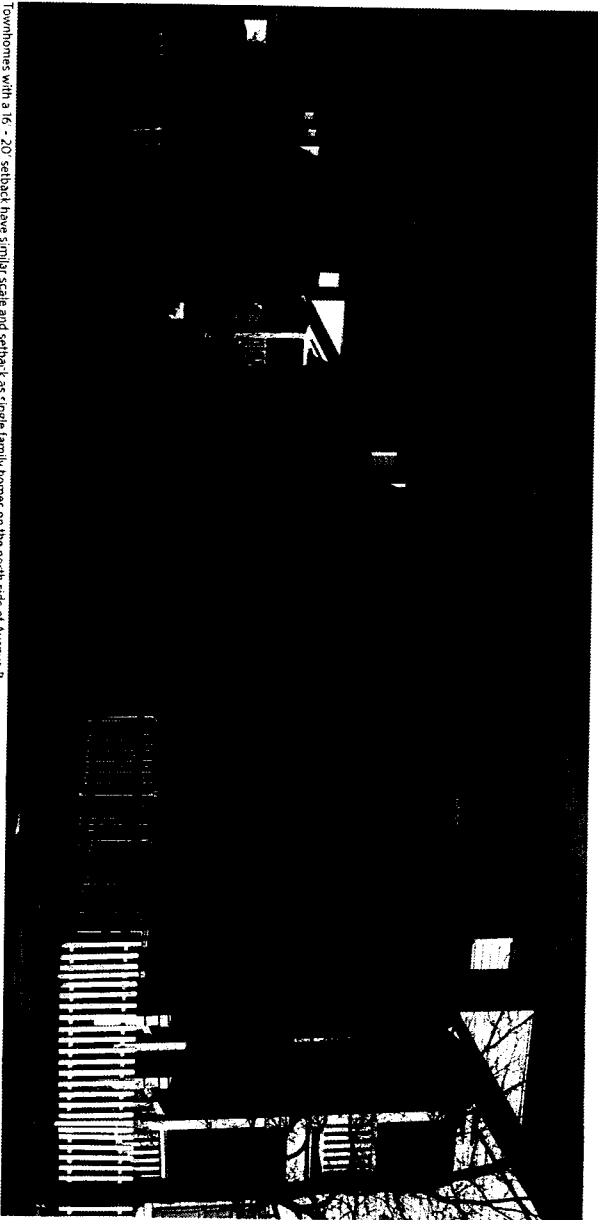
0 setback along active street frontage



10' setback along pedestrian promenade



Townhomes with a 12' - 15' setback to allow stoop frontage

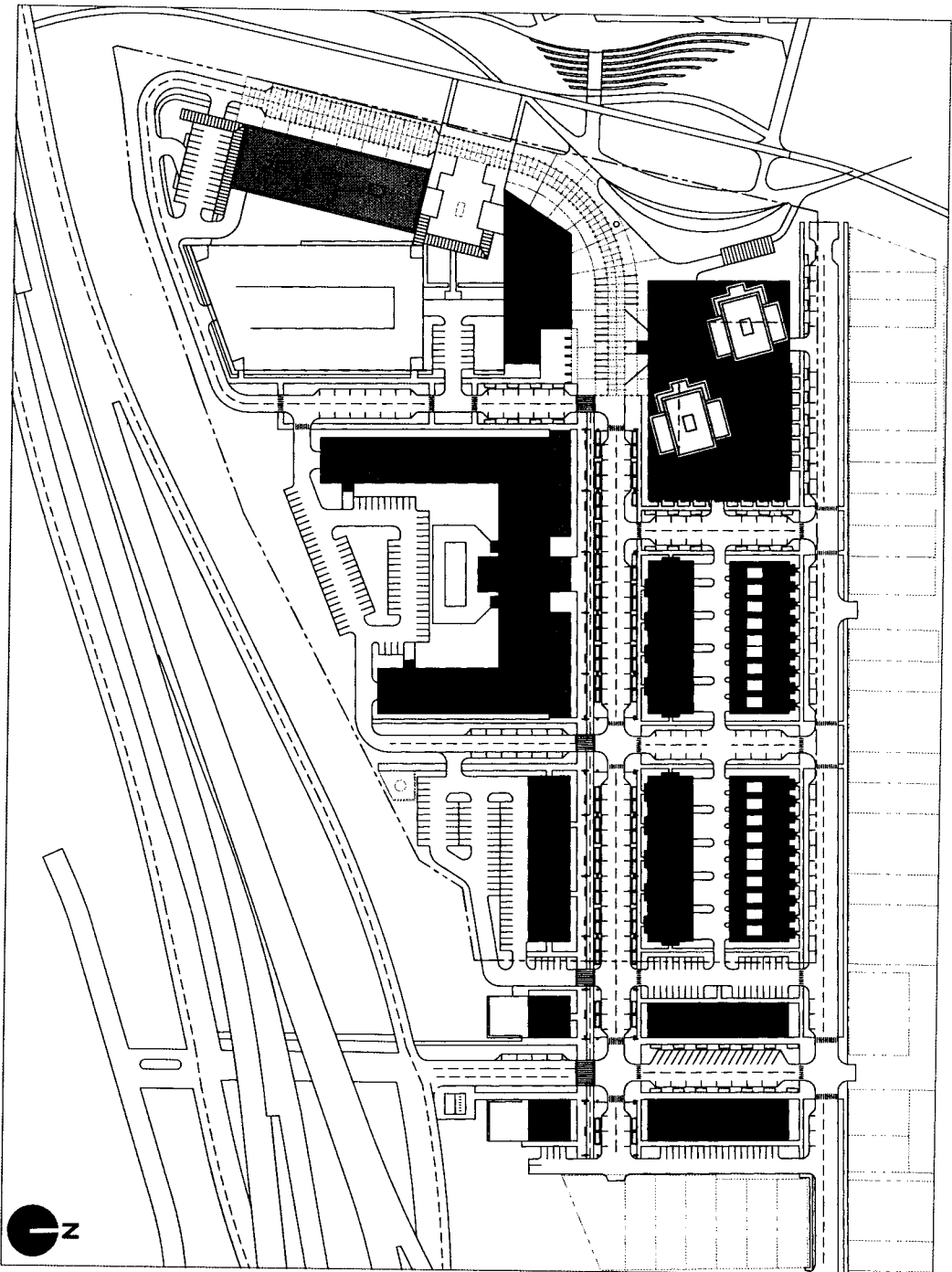
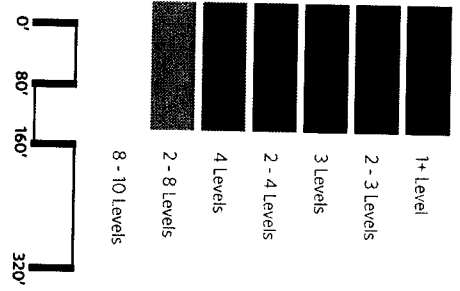


Townhomes with a 16' - 20' setback have similar scale and setback as single family homes on the north side of Avenue B

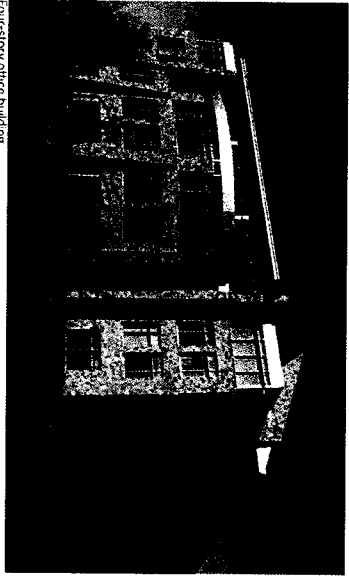
Building Heights

The flexibility of the Playard Park Neighborhood Plan will allow for a variety of options with regard to building heights. The heights are based on the desired urban form of the development and are reflective of a preliminary understanding of what the market is demanding with regard to total square footage or number of units for each land use. The 8- to 10-level condominium towers will elevate residents above the street, providing them with great views west to the Missouri River and Downtown Omaha skyline, while eastern views will include downtown Council Bluffs and the Loess Hills. The pedestal and liner structure for the condo towers could range from one level for a retail or community use to three levels for inner townhomes.

The two office buildings will reach at least two levels tall. The north building could rise up to four levels while the south building could reach six. This relationship is important to create desired view corridors for the 4-level apartment building directly to the east, as well as to visually orient the block toward the landing "Porch." The tuck under apartment buildings along Avenue 'A' will be 2- to 3-levels, providing a moderate sense of enclosure to the street. The townhomes fronting onto Avenue 'B' and the mixed-use buildings along 40th Street will be a standard three stories in height. The scale and mass of the townhomes should help transition new development down to the existing neighborhood to the north.



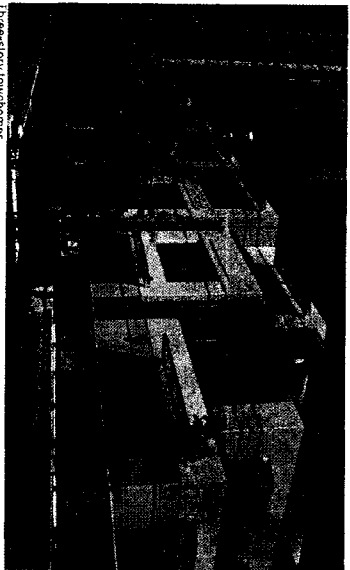
Building Heights



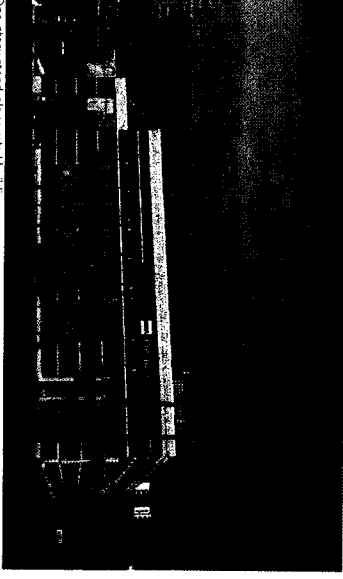
Four-story office building



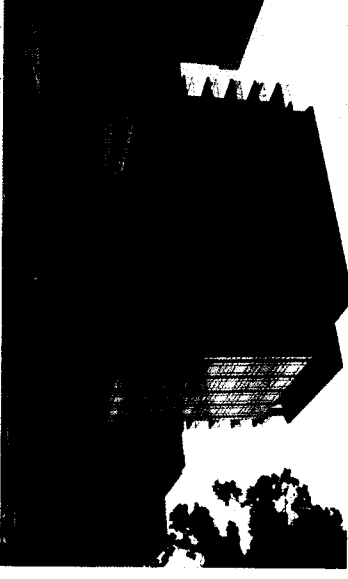
Five-story mixed use building



Three-story townhomes



One-story stand-alone retail building



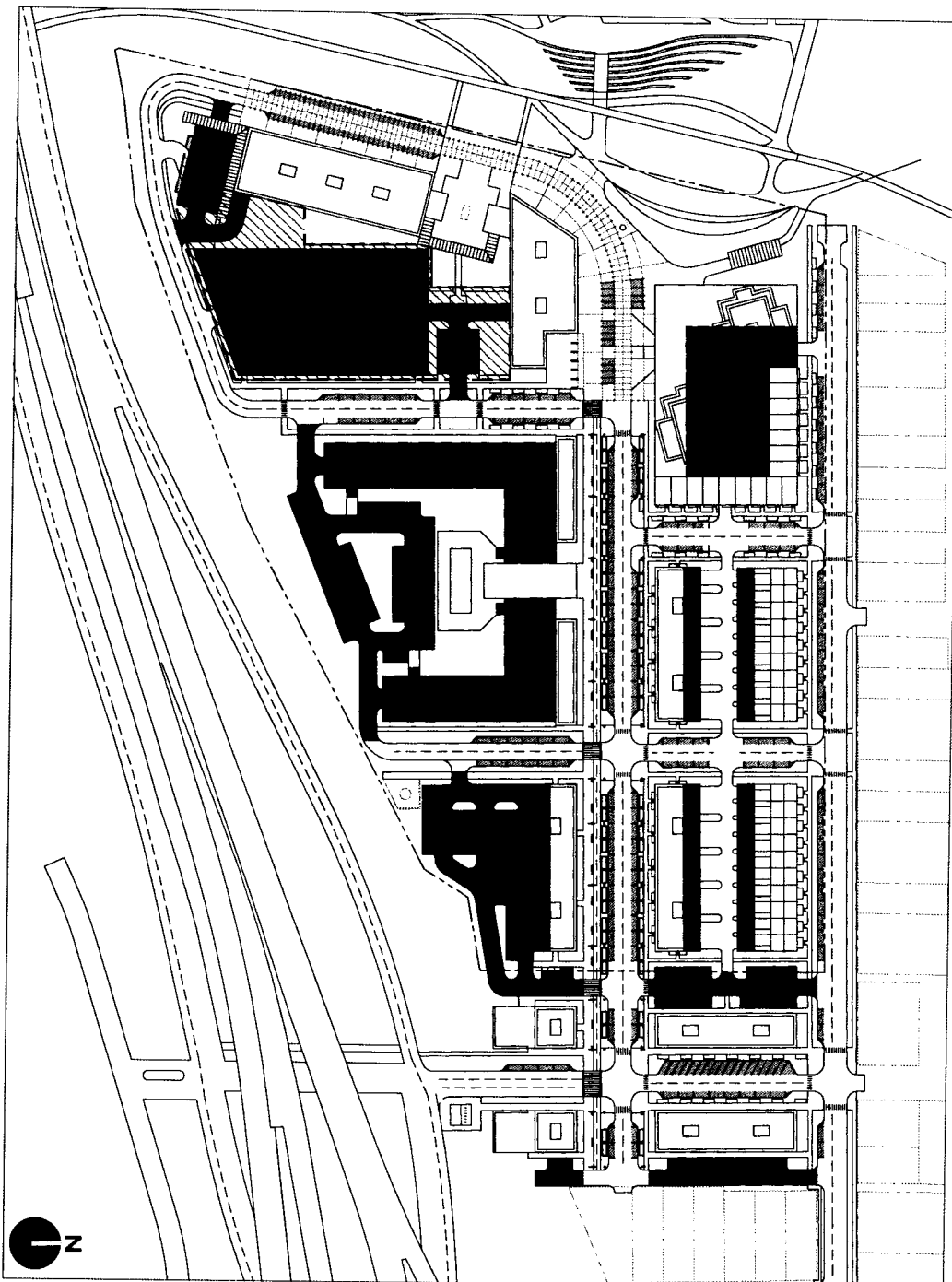
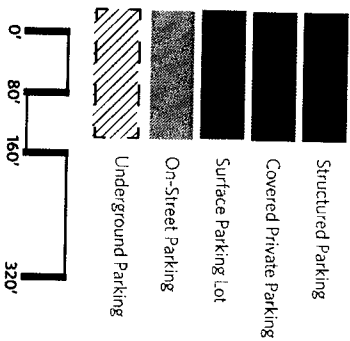
Ten-story condo tower



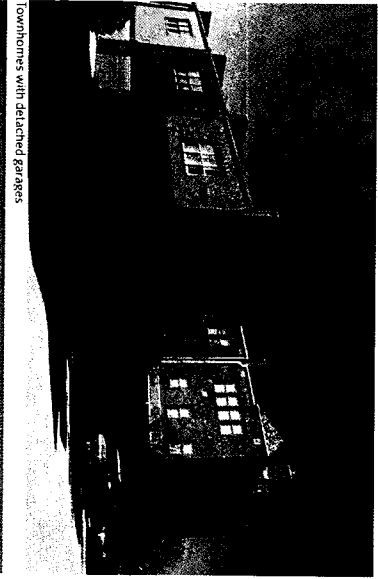
Five-story office building

Parking

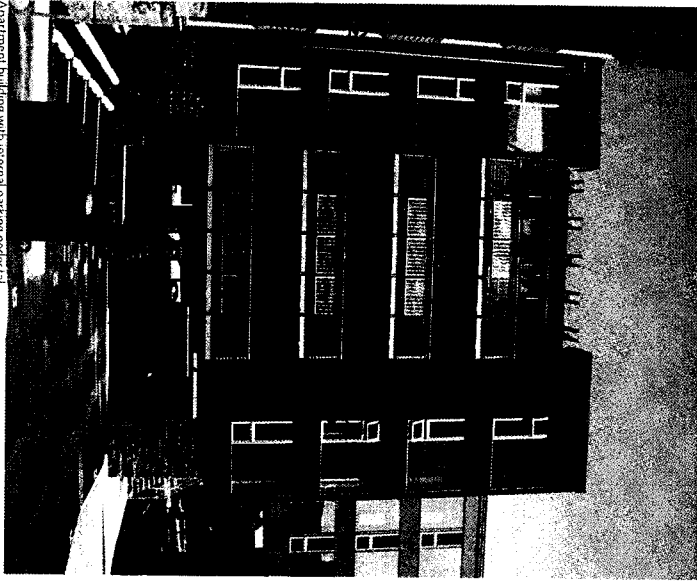
The Playland Park neighborhood will provide a number of parking options for residents, tenants and visitors. In keeping with urban design principles, all surface lots are positioned to the rear of buildings, away from high-activity and high-visibility areas. Private parking for townhomes and apartment buildings will be located on the back sides of the structures and accessed via alleys or surface lots. On-street parking is provided along the majority of streets, helping to slow vehicular traffic and activate the streetscape. The condominium block building will have an internal parking structure surrounded by liner units. A stand-alone parking structure will serve the two office buildings and will be placed behind the buildings away from the active shared space plazas. If demand warrants, the parking structure will include one level of parking below street grade. In terms of ratios, residents will be provided with either one or two parking stalls per unit, depending on type. Commercial areas will require 5 stalls per 1,000 square feet. The office buildings will require 3.5 stalls per 1,000 square feet, a standard measure for similar mixed-use developments in the region.



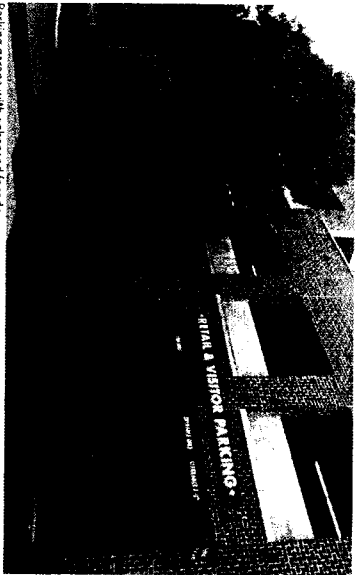
Parking



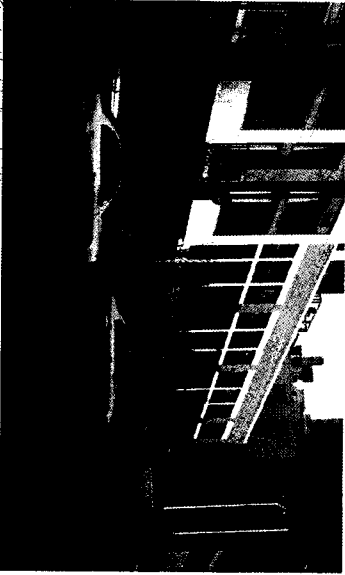
Townhomes with detached garages



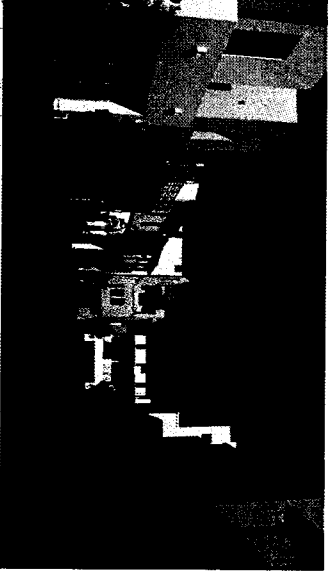
Apartment building with integral parking pod/catal



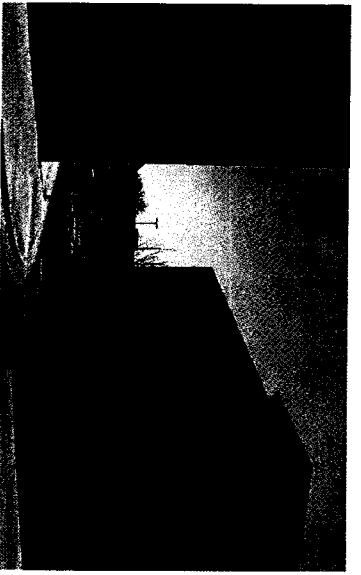
Parking garage with enhanced facade



On-street back-in diagonal parking



Townhomes with tuck-under garages



Surface parking lot located behind inner buildings



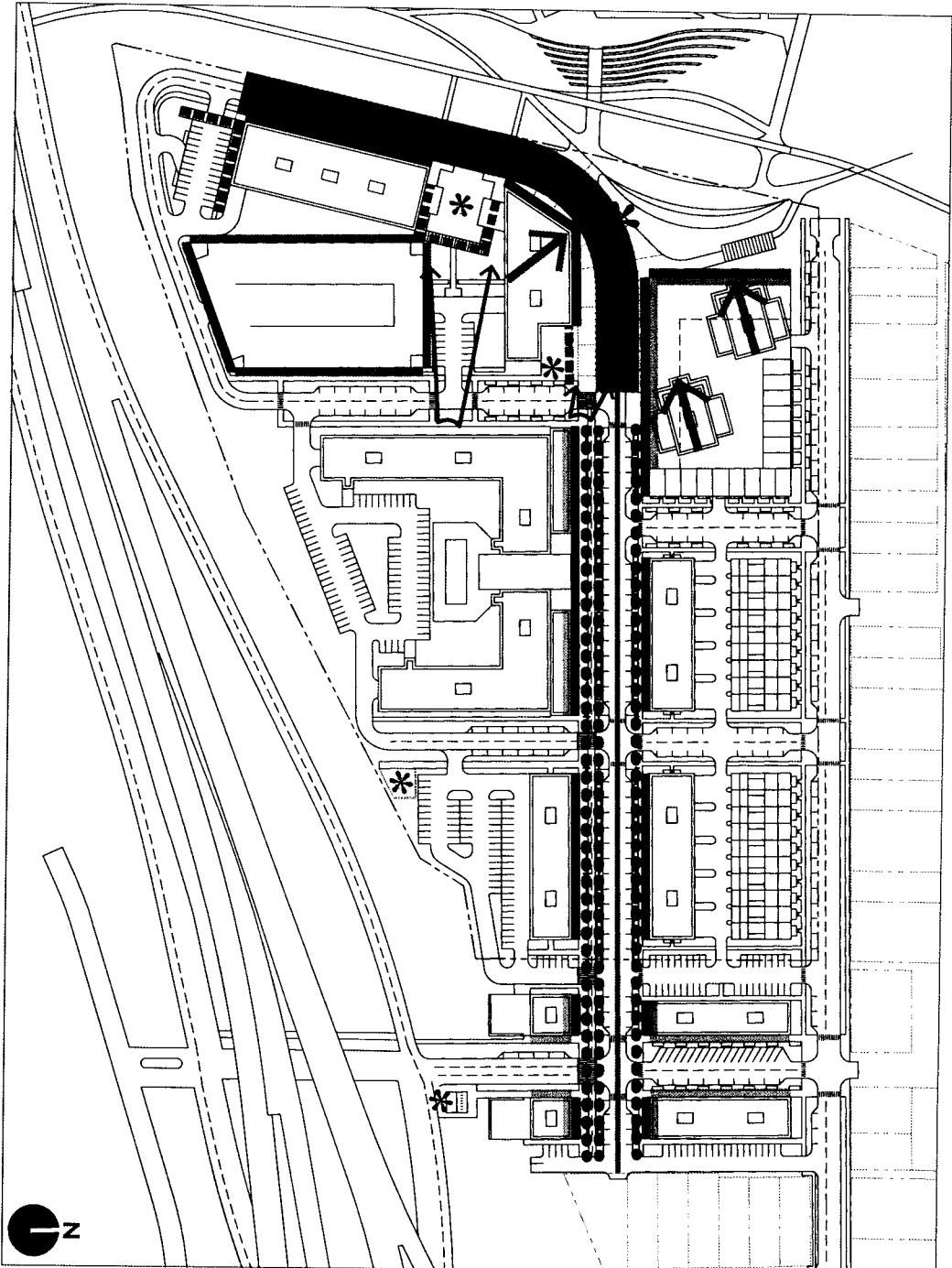
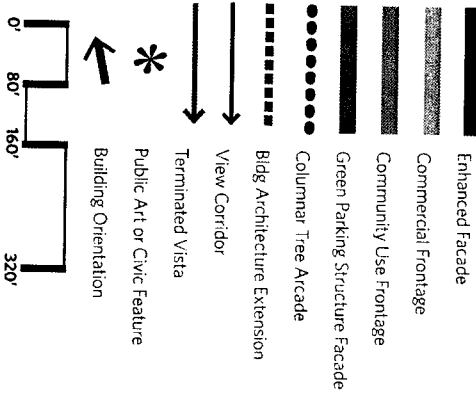
On-street parallel parking

Special Requirements

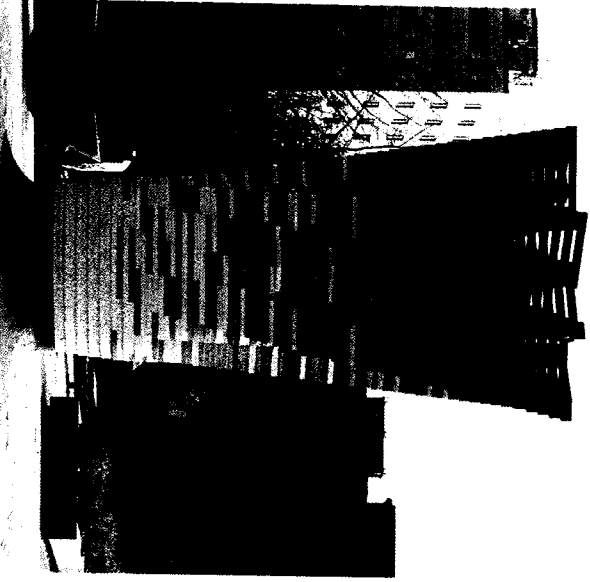
To successfully create a great walkable, mixed-use neighborhood, a number of special requirements will need to be included in the Playland Park Neighborhood Plan. The Grand Avenue 'A' corridor and vista will need to be terminated by a vertical element of significance, such as a monumental piece of public art. Other art installations or civic features should be located at other important civic sites to encourage both movement and moments of reflection.

A triple row of columnar street trees will add interest to, and soften, the scale of the Avenue 'A' corridor. Building facades facing onto Avenue 'A' and toward the Landing "Porch" and "Plazza" should receive special architectural consideration and include elements that are distinctive from the other buildings. The areas calling for commercial or community use frontages should be required to provide the designated use at sidewalk level and provide clear glass on 70% of exterior walls, as well as functional canopies that overlap the sidewalk.

The office buildings should include canopied walkways and architectural screen walls designed in a similar aesthetic to orient the building architecture into the public realm. The orientation of the condominium towers and north office building should respond to the positioning of the Landing "Plaza" and primary views of Downtown Omaha.



Special Requirements



Strategically placed public art



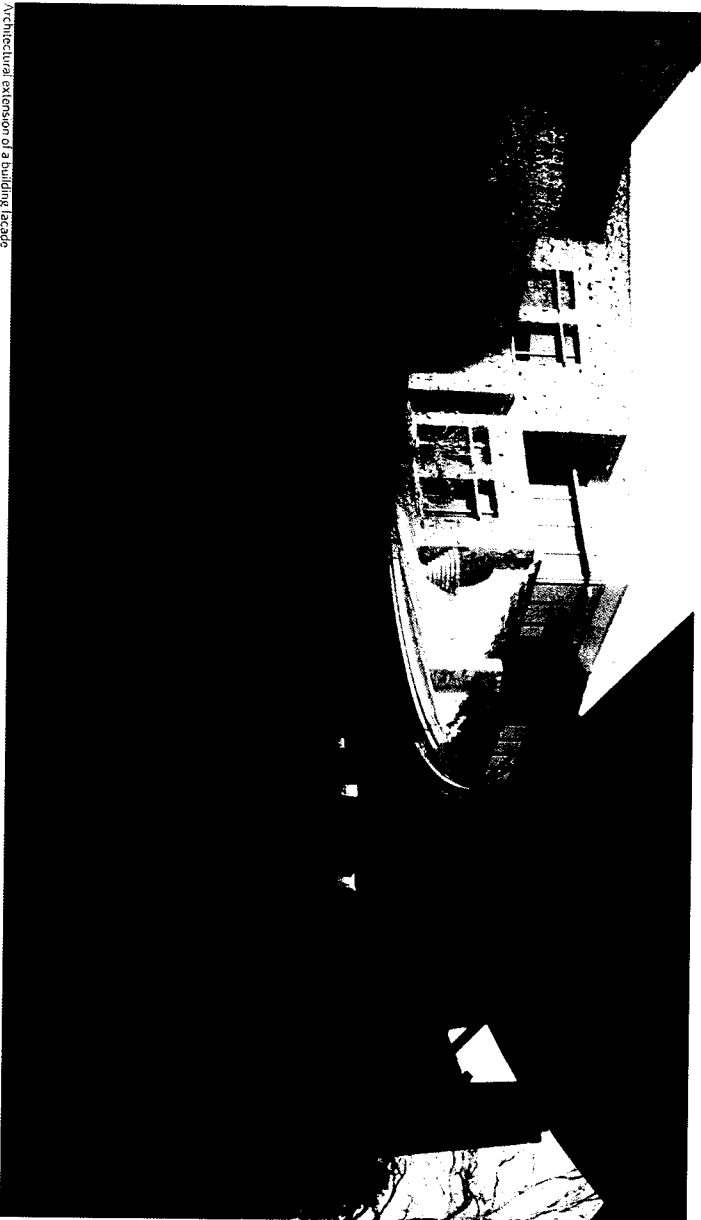
Example of an axial view with a terminated vista



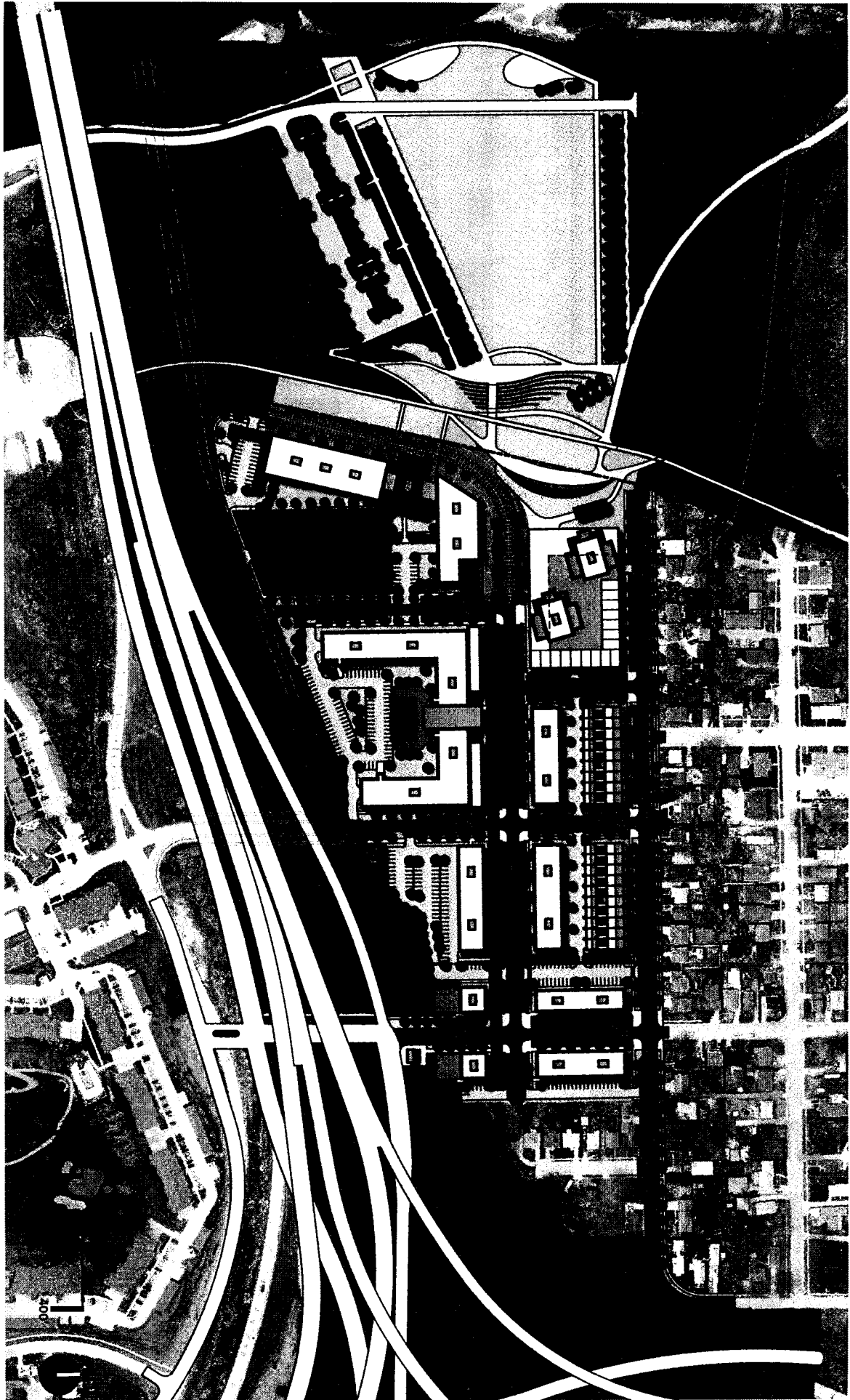
Example of enhanced facade utilizing special materials and massing



Columnar street trees



Architectural extension of a building facade



NOTES



City of Council Bluffs, Iowa
Request for Proposals Cover Page

Project Information

Project Name _____

Organization Information

Name of Developer _____

Mailing Address _____

Contact Person(s) _____

Telephone _____ Fax _____

Email Address _____

Partners

Type	Name and Address	Contact Person
Project Development		
Architectural Firm		
Engineering Firm		
Other (specify)		
Other (specify)		
Other (specify)		

RESOLUTION NO. 22-211

RESOLUTION APPROVING REQUEST FOR PROPOSALS FOR SIX-LOTS
(APPROXIMATELY 4.91 ACRES OF LAND) IN PLAYLAND PARK (RIVER'S EDGE)
NEIGHBORHOOD

WHEREAS, this Council has previously found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and, by Resolution No. 03-138 in 2003, approved and adopted the Playland Park Urban Renewal Plan (the "Plan" or "Urban Renewal Plan") for the Playland Park Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, the Plan has been amended five times by amendments adopted in 2005, 2009, 2014, 2016, and 2019; and

WHEREAS, the City owns certain real property located within the Urban Renewal Area (the "Development Property"); and

WHEREAS, the Plan provides for, among other things, the disposition of properties for development or redevelopment as an urban renewal project; and

WHEREAS, the City desires to sell the Development Property to a private developer for development into mixed-use commercial residential, townhomes, condominiums, and multi-family housing; and

WHEREAS, City staff has caused a Request for Proposals to be prepared, attached hereto as Exhibit 1 and made a part hereof, which sets forth information regarding the Development Property and requirements and evaluation criteria for proposals to develop the Development Property; and

WHEREAS, this Council believes it is in the best interest of the City and the Plan to act as expeditiously as possible to offer the Development Property for redevelopment as set out herein.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF COUNCIL BLUFFS, IOWA:

- That the form and content of the Request for Proposal attached hereto, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed.
- That City staff is are hereby authorized, empowered, and directed to do all such acts and things as may be necessary to carry out and comply with the provisions of the Request for Proposals, and the City's receipt of proposals thereunder.

The Development Property offered for sale and redevelopment in accordance with the Request for Proposals is legally described as follows:

- Block 1, River's Edge Subdivision
- Lot 2, Block 3, River's Edge Subdivision, Replat 2
- Block 4, River's Edge Subdivision
- Lot 1, Block 5, River's Edge Subdivision, Replat 2
- Lot 3, Block 5, River's Edge Subdivision, Replat 2
- Lot 2, Block 5, River's Edge Subdivision, Replat 2

PASSED AND APPROVED this 22nd day of August, 2022.

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

RESOLUTION NO. 22-212

RESOLUTION APPROVING MINIMUM DEVELOPMENT REQUIREMENTS, COMPETITIVE CRITERIA, AND PROCEDURES FOR DISPOSITION OF CERTAIN PROPERTY LOCATED WITHIN THE URBAN RENEWAL AREA; AND SOLICITING PROPOSALS IN ACCORDANCE WITH THE REQUEST FOR PROPOSALS

WHEREAS, this Council has previously found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and, by Resolution No. 03-138 in 2003, approved and adopted the Playland Park Urban Renewal Plan (the "Plan" or "Urban Renewal Plan") for the Playland Park Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, the Plan has been amended five times by amendments adopted in 2005, 2009, 2014, 2016, and 2019; and

WHEREAS, the City owns certain real property located within the Urban Renewal Area consisting of six-lots, approximately 4.91 acres in size (the "Development Property"); and

WHEREAS, the Plan provides for, among other things, the disposition of properties for development or redevelopment as an urban renewal project; and

WHEREAS, the City desires to sell the Development Property to a private developer for development into mixed-use commercial/residential, townhomes, condominiums, and multi-family housing in accordance with the provisions of the Request for Proposals approved by this Council on August 22, 2022 for the Development Property, which sets forth minimum requirements for proposals to develop the Development Property and evaluation criteria for such proposals; and

WHEREAS, in order to comply with Iowa Code Section 403.8, the City is establishing reasonably competitive bidding procedures for the disposition of the Development Property and all developers interested in submitting a proposal to compete for the sale and redevelopment of the Development Property must submit a proposal meeting the requirements set forth in the Request for Proposal and set forth herein; and

WHEREAS, to give full and fair opportunity for developers interested in submitting a proposal for the sale and redevelopment of the Development Property, this Council should by this Resolution:

1. Approve the minimum requirements for the sale of and development of the Development Property.

2. Set a date for receipt of competing proposals and the opening thereof; and provide for review of such proposals with recommendations to this Council in accordance with established procedures.
3. Approve and direct publication of a notice to advise any would-be bidders of the opportunity to compete for the sale of the Development Property on the terms and conditions set forth herein.

WHEREAS, this Council believes it is in the best interest of the City and the Plan to act as expeditiously as possible to offer the Development Property for redevelopment as set out herein.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF COUNCIL BLUFFS, IOWA:

1. The Development Property offered for sale and redevelopment in accordance with the terms and conditions contained in this Resolution, the Plan, and the Request for Proposals is legally described as follows:
 - Block 1, River's Edge Subdivision
 - Lot 2, Block 3, River's Edge Subdivision, Replat 2
 - Block 4, River's Edge Subdivision
 - Lot 1, Block 5, River's Edge Subdivision, Replat 2
 - Lot 3, Block 5, River's Edge Subdivision, Replat 2
 - Lot 2, Block 5, River's Edge Subdivision, Replat 2
2. It is hereby determined that the requirements set forth in the Request for Proposals shall be considered the minimum development requirements, which requires that each proposal must include and provide for the developer's purchase of the Development Property at not less than the fair value for use in accordance with the Plan, and include the following information:
 - a. Application – Included in the Request for Proposals;
 - b. Project Summary – A brief written description of the project;
 - c. Project Plans – A scaled plot plan of the proposed development. The plot plan should illustrate the location of structures, parking areas, ingress and egress, open or landscape areas, etc. The developer must also submit additional information such as elevation drawings, photos of similar projects, typical floor plans, etc.;
 - d. Developer Experience – Provide a listing of previous projects completed, especially with regard to projects that are relevant to the proposed development;
 - e. Project Timeline – A timeline for the project design, bidding, construction and occupancy;

- f. Financial Summary – Developer must provide a proposed cost and source of funding for the project, including a 10-year project proforma. Developer must also outline expected funding sources and projected date all financing will be secured; and
 - g. Project Contingencies – Indicate any special assistance needed to implement the project, such as financial assistance, state or federal applications, or other public participation;
 3. It is hereby determined that the evaluation criteria set forth in the Request for Proposals shall constitute the competitive criteria by which any proposals submitted shall be evaluated, which includes the following criteria:
 - a. Design, Aesthetics and Quality of Construction Materials and Landscaping (40%): River’s Edge is a master planned, mixed-use development. The City has an adopted master plan that functions as the primary regulatory document relative to: building setbacks and heights, architectural designs, block designs and mix of land uses, public art, on and off-street parking, street connectivity and design, pedestrians and cyclists, and other special design requirements within the neighborhood. All buildings and their associated architectural appearance/site layouts shall be designed in manner that is deemed compatible with this master development plan and existing development within the neighborhood. A list of materials and visual renderings of the site layout, units and exterior design must be provided as a part of this submittal.
 - b. Developer’s Experience and Capacity (25%): The makeup/description of the developer’s project team. The preferred developer will have significant experience in the construction of urban-style, mixed-use commercial and residential development. The names of individuals involved and the roles they will perform must be listed. Provide a description of the qualifications and experience of the specific individuals who will be involved in the work described in this RFP, including staff and other professionals.
 - c. Number of Units Proposed and Unit Sizes, Building Square Footage, and Minimum Assessed Value (20%): Preference will be given to developers who maximize the number of units, building square footage, and minimum assessed values on each of the identified properties. Proposals will also be scored on the length of time it will take to construct and occupy the project.
 - d. Funding Sources (15%): Preference will be given to Developers not utilizing either 4% or 9% Low Income Housing Tax Credits (LIHTC). No income restrictions are applicable to the property. Preference will be given to developers who propose projects with 80% or more market rate housing. Provide a list of proposed funding sources and when the funds are expected to be awarded/confirmed.
4. This action of the Council shall be considered to be and does hereby constitute notice to all concerned of the intention of this Council to accept proposals for the sale and redevelopment of the Development Property in accordance with the procedures set forth in this Resolution and in the Request for Proposals, which Request for Proposals is on file for

public inspection at the office of the City Clerk, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503.

7. The City Clerk is authorized and directed to secure immediate publication of the text of this Resolution in the NonPareil, a newspaper having general circulation in the community.
8. Proposals for the purchase of the Development Property must be received by the City's electronic submission system at <https://cbiabids.ionwave.net/> on or before 5:00 P.M. on October 4, 2022. Said proposals must be electronically submitted in accordance with the instructions set forth in the Request for Proposals. The Community Development Director, or his designee, is hereby authorized and directed to make a preliminary analysis of each such proposal for compliance with the minimum requirements established by this Resolution and by the Request for Proposals, and to advise the Council with respect thereto. Proposals meeting the minimum requirements will then be presented to the City Council at 7:00 P.M. on October 24, 2022, at its meeting to be held in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503. The Council shall judge the strength of the proposals meeting the foregoing minimum requirements by the criteria set forth above and shall make the final evaluation and selection of a proposal.
9. The minimum development requirements, competitive criteria, and procedures set forth in this Resolution and in the Request for Proposals are hereby determined to be "reasonable competitive bidding procedures" in substantial conformance with the provisions of Iowa Code Section 403.8. If there is any discrepancy between this Resolution and the Request for Proposal, the more detailed Request for Proposal shall control.
10. In the event qualified proposals are timely submitted and the City Council accepts a proposal, the City will file or publish notice of the intent of the City of Council Bluffs, Iowa to accept a proposal, to the extent required by law.

PASSED AND APPROVED this 22nd day of August 2022.

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: Community
Development
Case/Project No.:
Submitted by: Housing &
Economic Development

Resolution 22-213
ITEM 5.D.

Council Action: 8/22/2022

Description

Resolution approving the use of 2020 Community Development Block Grant COVID-19 funds and directing the mayor to submit the 2019 Amendment 4 to the Annual Action Plan to the City of Omaha and the US Department of Housing and Urban Development (HUD).

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	8/16/2022
Attachment A - Budget	Other	8/16/2022
Resolution 22-213	Resolution	8/16/2022

Council Communication

Department: Community Development	Resolution No.: 22 -	City Council: August 22, 2022
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Subject/Title

A resolution approving the use of 2020 Community Development Block Grant COVID-19 funds and directing the mayor to submit the 2019 Amendment 4 to the Annual Action Plan to the City of Omaha and the US Department of Housing and Urban Development (HUD).

Background/Discussion

Background

The City of Council Bluffs is an entitlement community under the Community Development Block Grant (CDBG) program, which results in annual funding from the U.S. Department of Housing and Urban Development (HUD). In order to receive these funds, the City is required to submit to HUD an Annual Plan, which was already submitted and approved by Council. In May 2020, the City of Council Bluffs received addition funding due to coronavirus (COVID-19) as part of its entitlement grant; therefore, this amendment to the Annual Plan is required. In September, a second allocation of CDBG-CV entitlement dollars was awarded to the City in the amount of \$366,519 as part of the federal government’s mission to reduce evictions and foreclosures. The City also received unofficial notification from Iowa Economic Development Authority (IEDA) that it will receive \$561,789 from their second CDBG-CV allocation.

The Annual Plan details the City’s objectives, revenues, expenditures and other actions. This document is prepared by the Community Development Department with input from the Community Development Advisory Committee (CDAC). In FY2019, the City received approximately \$967,313 in CDBG funding. Eligible projects had to meet the following national objectives: benefit to persons of low-to-moderate income, elimination of slum and blight and urgent need. In addition to the 2019 Annual funding, the City of Council Bluffs received \$947,359 in CDBG-COVID-19 (CV) and \$580,840 from IEDA both to provide immediate funding to prevent, prepare for and respond to the COVID-19. These funds were also allocated to the City through HUD CDBG entitlement designation. The total CDBG program budget is \$2,476,461 and includes the following sources of revenue:

2019 Annual CDBG Grant	967,313
CDBG-CV Grant (round 1)	580,840
CDBG-CV Grant (round 2)	366,519
CDBG-CV (IEDA)	561,789
Total	\$2,476,461

On June 8, 2020, City Council approved Amendment #1 to the 2019 Consolidated and Action Plan to include the following projects for CDBG-CV funding: (1) food security; (2) direct financial assistance; and (3) business assistance.

On July 13, 2020, City Council approved Amendment #2 which allocated \$275,000 to the extension of the BLink community-wide Wi-Fi network to provide free low bandwidth internet to low-and-moderate income neighborhoods.

The third amendment was approved by City Council October 26, 2020 to allocate the funding received from the State of Iowa.

Discussion

As COVID-19 impacts on individual households and businesses have reduced, the City wishes to now expand the use of these funds to serve a broader need in the city. Amendment #4 proposes the following changes to the 2019 CDBG COVID-19 budget:

1. Reprogram \$118,879 from Business Assistance and \$231,656 from Direct Financial Assistance.
2. Add a new category of Down Payment Assistance in the amount of \$200,000 to assist low-to-moderate-income homebuyers with the purchase of a new single family dwelling unit.

Council Communication

3. Add a new category of Demolition for the Construction of New Affordable Housing in the amount of \$150,493.

Proposed budget is as follows:

COVID-19 Administration	189,200
BLink Broadband Extension	200,000
Food Security	400,000
Direct Financial Assistance	168,344
Business Support	201,069
Down Payment Assistance	\$200,000
Demolition for Construction of New Affordable Housing	\$150,535
Total	\$ 1,509,148

Staff Recommendation

The Community Development Department recommends that City Council adopt a resolution approving the use of the CDBG-CV funds as outlined in the attached budgets; direct the Mayor to submit the 2019 Amendment #4 to the Annual Plan to the City of Omaha and to HUD; and direct the Mayor to execute contracts with HUD for the use of the CDBG-CV funds.

Community Development Advisory Committee

On August 15, 2022, CDAC met to review the CDBG-CV funds and recommend their approval. CDAC recommends the approval of the proposed FY2019 budget allocating CDBG-CV funds to activities as outlined in "Attachment A" and directing the Mayor to submit the 2019 Amendment #4 to the Annual Action Plan to the City of Omaha and the US Department of Housing and Urban Development. Motion carried by unanimous voice vote of those present. VOTE: AYE: Adkins, Heininger, Mathews, Rowe, Stane; NAY – None; ABSTAIN – None; ABSENT – None.

Community Development Program	2018 Allocation	2019 Request	Staff CDBG Recommended	Projected Program Income (PI)*	CDAC & Staff CDBG + PI Recommended	Notes & Source of Program Income
Part I - Housing Development						
<u>Housing Rehabilitation</u>						
Home Improvement Program	\$ 330,000.00	\$ 330,000.00	\$ 315,000.00	\$ 15,000.00	\$ 330,000.00	Admin: \$95,600 Emergency Repairs: \$25,000 Loan Payments: \$15,000 incoming Lead Hazard Control CDBG: \$512,000/3yrs Grant: \$2,300,000/3yrs Landlord Match: \$100,000/3yrs
Lead Hazard Control Rehab	\$ -	\$ -	\$ 170,666.67	\$ 800,000.00	\$ 970,666.67	
League of Human Dignity	\$ 25,000.00	\$ 30,000.00	\$ 25,000.00		\$ 25,000.00	
Infill (NWHs)	\$ 120,000.00	\$ 150,000.00	\$ 150,000.00		\$ 150,000.00	
<u>Housing Development</u>						
Habitat for Humanity	\$ -	\$ 45,000.00	\$ 45,000.00		\$ 45,000.00	
Subtotal - Housing Development	\$ 475,000.00	\$ 555,000.00	\$ 705,666.67	\$ 815,000.00	\$ 1,520,666.67	
Part II - Economic Development						
Subtotal - Economic Development		\$ -	\$ -	\$ -	\$ -	
Part III - Public Services/Facilities						
<u>Homeless/Transitional</u>						
MICAH House	\$ 33,600.00	\$ 50,000.00	\$ 37,000.00		\$ 37,000.00	
Catholic Charities	\$ 8,400.00	\$ 20,000.00	\$ 11,500.00		\$ 11,500.00	
HFS - Heartland Homes	\$ 11,550.00	\$ 15,000.00	\$ 11,550.00		\$ 11,550.00	
HFS - PCHO	\$ 15,750.00	\$ 20,000.00	\$ 15,750.00		\$ 15,750.00	
New Visions - MOHM's Place	\$ 33,600.00	\$ 17,000.00	\$ 17,000.00		\$ 17,000.00	
New Visions - Joshua House	\$ -	\$ 35,000.00	\$ 20,000.00		\$ 20,000.00	Max 15% of \$972,094 = \$145,814.10 Current total \$157,000
<u>Public Facilities and Improvements</u>						
HFS - HH and Transitions Renovations	\$ 30,000.00	\$ 105,000.00	\$ 50,000.00		\$ 50,000.00	
New Visions - Timothy House Renovation	\$ -	\$ 50,000.00	\$ 50,000.00		\$ 50,000.00	
Senior Center - Pool Room Renovation	\$ 10,000.00	\$ -	\$ -		\$ -	
MICAH House - Heat Treatment Room	\$ 35,000.00	\$ -	\$ -		\$ -	
<u>Housing Counseling</u>						
FHAS	\$ 26,000.00	\$ 46,000.00	\$ 30,000.00		\$ 30,000.00	
Subtotal - Public Services/Facilities	\$ 203,900.00	\$ 358,000.00	\$ 242,800.00	\$ -	\$ 242,800.00	
Public Services - COVID-19						
COVID-19 Administration	\$ -	\$ 189,200.00	\$ 189,200.00	\$ -		
Blink Broadband Extension	\$ -	\$ 200,000.00	\$ 200,000.00			
Down Payment Assistance			\$ 200,000.00			
Demolition for Construction of New Affordable Housing			\$ 150,535.00			
Food Security	\$ -	\$ 400,000.00	\$ 400,000.00	\$ -		No cap on public services for CDBG-CV.
Direct Financial Assistance	\$ -	\$ 400,000.00	\$ 168,344.00	\$ -		
Business Support	\$ -	\$ 319,906.00	\$ 201,069.00	\$ -		
Subtotal	\$ -	\$ 1,509,106.00	\$ 1,509,148.00	\$ -	\$ -	
Part IV - Planning/Administration/Project Supervision						
CD Project Delivery Costs	\$ 70,250.00	\$ 90,000.00	\$ 90,000.00	\$ -	\$ 90,000.00	
Administration	\$ 264,750.00	\$ 185,000.00	\$ 210,000.00	\$ -	\$ 210,000.00	
Subtotal - CD Department	\$ 335,000.00	\$ 275,000.00	\$ 300,000.00	\$ -	\$ 300,000.00	
Part V - Undesignated						
Undesignated Funds	\$ 347,100.00					
Subtotal - Undesignated	\$ 347,100.00	\$ -	\$ -	\$ -	\$ -	
Total CD Program	\$ 1,361,000.00	\$ 2,697,106.00	\$ 2,757,614.67	\$ 815,000.00	\$ 2,063,466.67	
Community Development Projects						
Neighborhood Development (1st Ave Construction)	\$ 100,000.00	\$ -	\$ -	\$ -	\$ -	
Neighborhood Development (South 19th Street)	\$ -	\$ 400,000.00	\$ 400,000.00	\$ 100,000.00	\$ 500,000.00	CIP CD20-02 \$100,000
Neighborhood Development (Opportunities)	\$ 282,900.00		\$ 250,000.00	\$ -	\$ 250,000.00	
Neighborhood Development (TBD)	\$ 250,000.00			\$ -	\$ -	
Neighborhood Development (South 13th St)	\$ 350,000.00		\$ 302,892.04	\$ -	\$ 302,892.04	
Mid-City Cleanup (Slum and Blight)	\$ 150,000.00	\$ 150,000.00	\$ -	\$ 50,000.00	\$ 50,000.00	Gen Fund CD-20-03 (\$50,000)
Mid-City Acquisitions (Storage Units) (Slum and Blight)	\$ -	\$ 850,000.00	\$ 850,000.00	\$ -	\$ 575,000.00	Acquisition, relocation, demolition (3 yrs slum and blight)
Blighted Program (22nd Ave and S 6th St)	\$ -	\$ -	\$ -	\$ -	\$ -	
Blighted Program (South End-1218 22nd Ave)	\$ 60,000.00	\$ -	\$ -	\$ -	\$ -	
Blighted (NWHs)	\$ 15,000.00	\$ -	\$ -	\$ -	\$ -	
Total CD Projects	\$ 1,207,900.00	\$ 1,400,000.00	\$ 1,802,892.04	\$ 150,000.00	\$ 1,677,892.04	
Total CD Program and Projects	\$ 2,568,900.00	\$ 4,097,106.00	\$ 4,560,506.71	\$ 965,000.00	\$ 3,741,358.71	

SECTION II - 2017 COMMUNITY DEVELOPMENT PROGRAM AND PROJECT REVENUES

Part I - CDBG Grants and Carryover		\$ Amounts
CDBG 2019 Entitlement		\$ 967,313.00
CDBG COVID-19		947,359.00
IEDA CDBG COVID-19		561,789.00
Obligated Carryover		\$ 2,083,045.71
Unobligated Carryover		\$ -
Miscellaneous Fees or Refunds		\$ 1,000.00
Subtotal - CDBG Grants and Unobligated Income		\$ 4,560,506.71
Part II - CDBG Obligated Program Income		\$ Amounts
Home Improvement Program (Loan Payments)		\$ 15,000.00
Mid-City Corridor		\$ 50,000.00
Neighborhood Development (South 19th Street)		\$ 100,000.00
Lead Hazard Control Rehab		\$ 800,000.00
Subtotal - CDBG Obligated Income		\$ 965,000.00
Total CD Program and Project Income		\$ 5,525,506.71
		\$ 0.00

* Program income includes the following activities: grant funds awarded, loan payments and CIP.

RESOLUTION NO. 22-213

A RESOLUTION APPROVING THE USE OF 2020 COMMUNITY DEVELOPMENT BLOCK GRANT-COVID 19 (CDBG-CV) FUNDS AND DIRECTING THE MAYOR TO SUBMIT THE 2019 AMENDMENT 4 TO THE ANNUAL ACTION PLAN TO THE CITY OF OMAHA AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

- WHEREAS, the City of Council Bluffs, an entitlement community, annually receives CDBG funds from HUD; and
- WHEREAS, the City of Council Bluffs also receives CDBG-CV funds from HUD as an entitlement community; and
- WHEREAS, on September 11, 2020, the City received a second allocation of CDBG-CV funds from HUD; and
- WHEREAS, on August 15, 2022, the Community Development Advisory Committee held a public hearing to discuss the additional funding and make recommendations to amend the 2019 Annual Action Plan budget; and
- WHEREAS, on August 15, 2022, the Community Development Advisory Committee recommended approval on said funding request; and
- WHEREAS, it is the opinion of the City Council that it would be in the best interest of the City to allocate CDBG-CV dollars as outlined in “Attachment A.”

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the projects listed in Attachment A with the corresponding 2020 CDBG-CV amounts are hereby approved.

BE IT FURTHER RESOLVED

That the Mayor is hereby directed to cause the preparation of a 2019 Amendment #4 to the Annual Plan, which outlines the proposed use of funds as, required by the U.S. Department of Housing and Urban Development (HUD) and authorized to execute contracts with HUD for the use of the CDBG-CV funds.

ADOPTED
AND
APPROVED:

August 22, 2022

Matthew J. Walsh, Mayor

Jodi Quakenbush, City Clerk

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by:

Resolution 22-214
ITEM 5.E.

Council Action: 8/22/2022

Description

Resolution to adopt the current Schedule of Fees for 2022, Version 3, dated August 22, 2022.

Background/Discussion

Change in this version is requested by Jim Sherman, Building Division:

We are looking to change a number in the fee table in 2.08.040, CBMC 13.08.100, go down to the \$1,000,000 and up, we are proposing to replace \$3.65 for each additional 1000 to \$3.95 per additional 1000. That's all.

We're only addressing the high end of the valuation table, nothing else

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Redline Schedule	Other	8/16/2022
Resolution 22-214	Resolution	8/16/2022

CITY OF COUNCIL BLUFFS, IOWA

SCHEDULE OF FEES

2022 Version ~~2-3~~

Council Approved ~~5-9-22-8-22-22~~

CITY OF COUNCIL BLUFFS – SCHEDULE OF FEES

Chapter 2.08 SCHEDULE OF FEES

2.08.010 Purpose.

The purpose of this chapter is to set forth those fees and charges authorized to be charged by the city pursuant to specific authorization of the city council, as evidenced herein, or as authorized in other chapters of this code. The provisions of this chapter shall constitute authorization for the mayor or his/her designee to charge and collect the fees and charges set forth herein. If a fee or charge is authorized to be made or charged in another chapter of this code, but is not set forth in this chapter, such fee or charge is nonetheless authorized to be made or charged, the same as if it were set forth herein.

(Ord. 5768 § 2 (part), 2003).

2.08.020 Fees set by resolution.

Any fees not specifically set forth in this chapter shall be set and amended by resolution of the city council. The schedule of fees shall be maintained and shall be available for inspection in the office of the city clerk.

(Ord. 5768 § 2 (part), 2003).

2.08.030 Waiver of fees.

The fees contained in the schedule and those authorized by other provisions of this municipal code may be waived by resolution of the city council if it is determined to be in the best interests of the city of Council Bluffs. In addition to this waiver authority of the city council, the mayor may waive parking meter hood fees set out in Section 2.08.060 herein, if he/she determines such a waiver to be in the best interests of the city.

(Ord. 5768 § 2 (part), 2003).

(Ord. No. 6035, § 1, 7-27-2009).

FEES CHARGED BY THE COUNCIL BLUFFS POLICE DEPARTMENT

RANGE FEES - Defensive tactics	
4 hours (1/2 day)	75.00
8 hours (full day)	150.00
Reports	10.00
Supplement Reports	.50 per page
CD/DVD	Disk containing digital photos 30.00
Special Event - Staffing	Rate varies – will work with applicant to define before event
Special Event – Cruiser	\$35.00/hour
Fingerprints	20.00 + 5.00 extra card
Tow In Ad Fees	35.00
Records Check	10.00
Vault Fees	20.00

	Special Transit Service	2.50/person/ride
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Resolution 12-86

	Bank returned item fee	30.00
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	Fairview Cemetery	
	Cemetery Lot/Space Sale	\$600.00 per space
	Title Transfer fee	\$15.00

1.52.020	Fees for Ambulance Services:	Effective 2-1-21
	Basic Life Support Emergency	700.00
	Advance Life Support (ALS)	800.00
	Advanced Life Support 2	950.00
	Mileage (per loaded mile)	15.00
	ALS – Treat/No Transport	200.00
	EMS Standby Fee (Crew of 2 people)	\$90/hr

Resolution (1-25-21)

3.12.040(b)	Alarm System Fees:	
	Registrations – 12 months	25.00
	Late registration – add penalty	25.00
3.12.080	False Alarm Fees	
	Two per year	100.00
	Three or more per year	250.00/each incident
	After 30 days – late fee	50.00

	Public Entertainment:	
3.14.010	Menagerie or circus (or combination) includes street parades	25.00 - 150.00 per day
	Other shows	25.00 per day
	Street exhibition	10.00 per day
	Theatricals	5.00 per performance
	Six performances	18.00
	Twelve performances	24.00
	Twenty-four performances	30.00
	Museum	10.00 per month
	Other exhibitions, concerts or performance by non-C.B. citizens	5.00
3.14.030	Carnivals	Costs – police officer expense 50.00 - 100.00
3.14.050	Temporary structures	50.00 deposit
3.14.060	Temporary structures refund – following inspection	Up to 48.00

Ordinances are from 1925 – 1930

	Adult Entertainment:	
3.15.070	Application and renewal fee – adult entertainment business license	250.00 (nonrefundable)
3.15.130	Escort/Models Permit & renewal	250.00
3.15.120	Permit transfer fee	10.00
	Games and Amusements:	
3.24.010	Shooting gallery license	10.00 per month/50.00 per year (7-3-1882)
3.24.030	Horoscopic views license	5.00 per month (7-3-1882)
3.24.040	Lung testers license	5.00 per month (7-3-1882)
3.24.050	Skill games license	20.00??
3.24.060	Games of chance license	10.00 – one month only
	Rubble Dumps:	
3.31.065	License – original	1,000.00

Municipal Code Section	Description of License, Fee, or Permit	Charge
3.31.095	License – renewal	1,000.00
	Junk, Salvage, Scrap Processing and Storage Yards:	
3.32.170	Up to 5,000 sq. ft.	50.00
	5,001 – 10,000 sq. ft.	100.00
	10,001 – 20,000 sq. ft.	150.00
	20,001 + sq. ft.	200.00
3.32.180	Renewal	Same as original
	Juke Boxes and Amusement Devices:	
3.34.060	Juke boxes	10.00 per machine
	Mechanical amusement devices requiring the deposit of one cent for operation	10.00 per machine
	Mechanical amusement devices requiring the deposit of five cents or more for operation	50.00 per machine
	Application for distributor’s license	100.00 per year
3.34.090	Amusement parks (in lieu of license fee)	150.00 per month
	Miniature Golf:	
3.36.030	License fee	100.00 per year
	Motion Picture Theaters:	
3.38.010	License fee – inside fire limits	50.00 per year (500 seats or less) .05 per seat per year (over 500 seats)
3.38.020	License fee – outside fire limits	25.00 per year (500 seats or less) .05 per seat per year (over 500 seats)
3.38.030	License fee – transient businesses	25.00/10 days 2.50 per day after 10 days
	Pawnbrokers:	
3.44.050	License fee	100.00 per year
3.44.110	Bond & license filing fee	.50 each license 1.00 each bond
	Pool & Billiard Halls:	
3.46.010	License fee	25.00 per year (1 table)
		15.00 per year (each add’l table)
	Public Buildings and Halls:	
3.48.010	Public Buildings – license required	100.00 per year
3.48.020	Public hall – license required	100.00 per year
	Secondhand Dealers:	
3.52.050	License fee	100.00 per year
3.52.110	Bond and license filing fee	.50 each license

Municipal
Code Section

Description of License, Fee, or Permit

Charge

		1.00 each bond
	Street Sales:	
3.58.010	Stands – license required	25.00/3 months 50.00/3-6 months 75.00/6-9 months 100.00/9-12 months
	Transient Merchants:	
3.62.080	License fee	100.00 per person/one week per year 10.00 each additional week per year
	Duplicate license	1.00
	Vehicles for Hire – Taxis:	
3.68.060	Taxicab driver permit	10.00/first year
	Renewal	5.00/year

	Air Pollution Control:	
4.02.020(4)(B)(i)	Prescription Burn Application Fee	200.00
	Tattoo and Body Piercing Regulations:	
4.05.070	Application and renewal	250.00/year

2.08.040 Fees and charges authorized in Title 4.

4.12.020	Administrative fee – assessment of delinquent solid waste bills	10.00
4.12.080	Monitoring/inspection fee – solid waste generated outside Council Bluffs city limits	.50 per ton
4.12.090	Commercial Collection (Annual fee)	\$ 40.00/pickups 75.00/packers/ large trucks
4.12.110(a)	Residential Solid Waste Collection and Disposal	\$216.00/year April 1, 2021 - \$240.00/year July 1, 2023 - \$252.00/year July 1, 2025 - \$264.00/year
4.12.110(b)	Special Residential Solid Waste Collection and Disposal for applicants whose combined gross household income does not exceed the previous year poverty level for a two person household as defined by the U.S. Department of Health & Human Services	\$108.00/year April 1, 2021 - \$120.00/year July 1, 2023 - \$126.00/year July 1, 2025 - \$132.00/year
4.12.110(a)	Residential Solid Waste Collection and Disposal	\$216.00/year

Municipal
Code Section

Description of License, Fee, or Permit

Charge

4.12.110(b)	Special Residential Solid Waste Collection and Disposal for applicants whose combined gross household income does not exceed \$15,200.00	\$108.00/year
4.12.110(c)	Extra bag charge	2.50/bag
	Late fee for nonpayment	\$20.00/billing cycle
4.12.160(c)	Administrative fee for delinquent account	\$50.00/account
4.12.170	Surcharge on non-secured/non-covered loads	\$15.00/each load

Ordinance No. _____ (2010)

	Abandoned and Junk Vehicles:	
4.15.060	Administrative fee – abatement/ removal of junk vehicles	\$25.00 per vehicle (plus the actual cost of abatement)
	Weed Nuisances and Solid Waste:	
4.19.020	Abatement of weeds/offensive growths and solid waste (plus actual cost of abatement)	
	Size of lot cut	
	0-10,000 sq. ft.	110.00
	10,001 – 20,000 sq. ft.	145.00
	20,001 – 30,000 sq. ft.	180.00
	30,001 – 40,000 sq. ft.	215.00
	40,001 – 43,559 sq. ft.	250.00
	43,560 – 217,779 sq. ft.	285.00
	217,800 +	320.00
	Animal Control Fees:	
4.20.030	Cruel treatment - Impound fee	250.00
4.20.050	Tickets/Fees:	
	Animal at Large/Impound	
	First Occurrence	50.00
	Second Occurrence	60.00
	Third Occurrence	70.00
	Fourth Occurrence	80.00
	Subsequent (add per occurrence)	10.00 (add up to \$100)
	Failure to pay within 30 days of issuance – Fines are doubled	
4.20.060	Impoundment fee	40.00
4.20.120	Appeal Bond	250.00
4.20.132	Animal Control Appeal – Processing fee	100.00
4.20.150	Removal of dead animals from residences	20.00
	Unwanted Animals:	
	Brought in for adoption	0.00

	<p>Picked up during business hours* *Transporting animal within city limits only</p> <p>Humane Disposal of Animals: Brought in Picked up during business hours*</p>	<p>20.00</p> <p>0.00</p> <p>20.00</p>
4.20.230	<p>Failure to Have License Fee Tickets 1st Occurrence 2nd Occurrence 3rd Occurrence 4th Occurrence Subsequent Occurrences (add per occurrence) Failure to pay within 30 days of issuance – Fines are doubled</p>	<p>50.00</p> <p>60.00</p> <p>70.00</p> <p>80.00</p> <p>10.00 (up to \$100)</p>
4.20.240	<p>Dog Licenses: Altered Unaltered Late Penalty Duplicate Tag</p> <p>Cat Licenses Altered Unaltered Late Penalty Duplicate Tag</p> <p>License for dogs or cats 4-6 months old or new to the community, 50% discount after July 1. For any cat or dog that cannot be altered without extraordinary risk of physical complications because of age or health and for which a licensed vet has verified this condition in writing, the license fee will be that of an altered animal.</p>	<p>14.00</p> <p>30.00</p> <p>15.00</p> <p>5.00</p> <p>10.00</p> <p>22.00</p> <p>15.00</p> <p>5.00</p>
4.20.260	<p>Failure to Display License/Rabies Tag Fee Tickets 1st Occurrence 2nd Occurrence 3rd Occurrence 4th Occurrence Subsequent (add per occurrence) Failure to pay within 30 days of issuance – Fines are doubled</p>	<p>10.00</p> <p>20.00</p> <p>30.00</p> <p>40.00</p> <p>10.00</p>
4.20.274	<p>Cattery License: Commercial Non-commercial</p>	<p>50.00</p> <p>30.00</p>
	<p>Kennel License: Commercial Non-commercial Hobby Breeder</p>	<p>50.00</p> <p>30.00</p> <p>30.00</p>
4.20.290	<p>Farm Animal Permit, per year</p>	<p>75.00</p>

Municipal Code Section	Description of License, Fee, or Permit	Charge
4.32.146	Permit to construct, alter or extend a private sewage disposal system	150.00
4.33.030	Private well	25.00
4.60.040	Hazardous material response: Manpower Apparatus (utilized) Apparatus (standby) Ambulance/Rescue Squad Command vehicle/Utility truck Supplies or outside services Mileage (assessed after first 10 miles) Decontamination, repair, replacement, maintenance of equipment, apparatus or supplies Small motor fuels – anti-freeze response	40.00 per hour 150.00 per hour 100.00 per hour 150.00 per hour 60.00 per hour Market prices plus 15% admin. fee. 6.00 Cost, plus admin. fee 100.00
	Fireworks displays	150.00
Recycle Center Fees		Effective 4-1-21
	Appliance (non-CFC, residential) each	8.00
	Appliance (CFC, residential) each	16.00
	Appliance (non-CFC, commercial) each	12.00
	Appliance (CFC, commercial) each	22.00
	Construction debris, per ton	62.00
	Concrete, per ton	32.00
	Electronics, per pound	0.35
	Load fee, per end loader bucket	8.00
	Lumber (clean, unpainted, untreated), per ton	32.00
	Mulch, landscape, per ton	40.00
	Mulch, landscape, (wholesale) per ton	23.00
	Mulch, lumber, per end loader bucket	8.00
	Tires self-stacked, per ton	250.00
	Tires unstacked, per ton	500.00
	Tires each (light truck and smaller)	3.00

Municipal
Code Section

Description of License, Fee, or Permit

Charge

Tree debris and yard waste, per ton	27.00
Unload fee (by trailer size)	
Up to 8'	15.00
9' to 12'	20.00
13' to 16'	25.00
17' to 24'	35.00

2.08.050 Fees and charges authorized in Title 5.

5.22.010	New service charge, rate or rental, inside the city limits:	
	Rate per hundred cubic feet per month	April 1, 2021 - \$3.60/100 cubic ft. July 1, 2022 - \$3.90/100 cubic ft. July 1, 2023 - \$4.22/100 cubic ft. July 1, 2024 - \$4.57/100 cubic ft. July 1, 2025 - \$4.95/100 cubic ft.
	Sewer service charge based upon monthly average	
	For residential and commercial users whose total metered water usage is less than 200,000 cubic feet per month, sewer service charges throughout the year will be based on the daily average water usage during the billing periods which most closely correspond with the months November through March.	
	New service charge, rate or rental, outside the city limits:	
	Rate per hundred cubic feet per month	April 1, 2021 - \$4.48/100 cubic ft. July 1, 2022 - \$4.85/100 cubic ft. July 1, 2023 - \$5.25/100 cubic ft. July 1, 2024 - \$5.69/100 cubic ft. July 1, 2025 - \$6.16/100 cubic ft.
	Sewer service charge based upon monthly average	
	For residential and commercial users whose total metered water usage is less than 2,000 hundred cubic feet per month, sewer service charges throughout the year will be based on the daily average water usage during the billing periods which most closely correspond with the months November through March.	
5.22.020	Flat rate sewerage service charge per month	April 1, 2021 - \$28.80/100 cubic ft. July 1, 2022 - \$28.80/100 cubic ft. July 1, 2023 - \$28.80/100 cubic ft.

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		July 1, 2024 - \$28.80/100 cubic ft. July 1, 2025 - \$28.80/100 cubic ft.
	Minimum sewerage service charge per month	April 1, 2021 - \$12.50/100 cubic ft. July 1, 2022 - \$13.08/100 cubic ft. July 1, 2023 - \$13.69/100 cubic ft. July 1, 2024 - \$14.33/100 cubic ft. July 1, 2025 - \$15.00/100 cubic ft.
5.22.050	Administrative assessment fee for collection of delinquent sewer bills	50.00
5.22.060	Special rates for users who are defined as significant users under the city's pretreatment program based on concentration of raw flow prior to pretreatment shall be as follows:	
	Flow rate (inside city limits):	April 1, 2021 - \$3.20/100 cubic ft. July 1, 2022 - \$3.46/100 cubic ft. July 1, 2023 - \$3.73/100 cubic ft. July 1, 2024 - \$4.03/100 cubic ft. July 1, 2025 - \$4.35/100 cubic ft.
	Flow rate (outside city limits):	April 1, 2021 - \$4.52/100 cubic ft. July 1, 2022 - \$4.88/100 cubic ft. July 1, 2023 - \$5.27/100 cubic ft. July 1, 2024 - \$5.69/100 cubic ft. July 1, 2025 - \$6.14/100 cubic ft.
	Surcharges (inside city):	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	April 1, 2021 - \$.291 per pound July 1, 2022 - \$.291 per pound July 1, 2023 - \$.291 per pound July 1, 2024 - \$.291 per pound July 1, 2025 - \$.291 per pound
	For suspended solids over 350 parts per million, by weight	April 1, 2021 - \$.596 per pound July 1, 2022 - \$.596 per pound July 1, 2023 - \$.596 per pound July 1, 2024 - \$.596 per pound July 1, 2025 - \$.596 per pound
	For recoverable oil and grease over 100 parts per million, by weight	April 1, 2021 - \$.291 per pound July 1, 2022 - \$.291 per pound July 1, 2023 - \$.291 per pound

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Charge

		July 1, 2024 - \$.291 per pound July 1, 2025 - \$.291 per pound
	Surcharges (outside city):	
	For biochemical oxygen demand (BOD) over 350 parts per million, by weight	April 1, 2021 - \$.375 per pound July 1, 2022 - \$.375 per pound July 1, 2023 - \$.375 per pound July 1, 2024 - \$.375 per pound July 1, 2025 - \$.375 per pound
	For suspended solids over 350 parts per million, by weight	April 1, 2021 - \$.684 per pound July 1, 2022 - \$.684 per pound July 1, 2023 - \$.684 per pound July 1, 2024 - \$.684 per pound July 1, 2025 - \$.684 per pound
	For recoverable oil and grease over 100 parts per million, by weight	April 1, 2021 - \$.375 per pound July 1, 2022 - \$.375 per pound July 1, 2023 - \$.375 per pound July 1, 2024 - \$.375 per pound July 1, 2025 - \$.375 per pound
5.23.020	Disposal fees for septic tank refuse	\$30.00/1,000 gallons

(Ord. 5825 § 1, 2004). (Ord. 6228, 2015). (Ord. 6425, 2020)

	Post-Construction Stormwater Control Fee Structure	
6.20	All Development – Review Fee	500.00
	Residential <10 acres	
	Minimum Fee	650.00
	Maximum Fee	2,000
	Disturbed Acre Fee	150.00/acre
	Residential >10 acres	
	Minimum Fee	2,500
	Maximum Fee	7,500
	Disturbed Acre Fee	200/acre
	Commercial/Industrial/Mixed Use	
	Minimum Fee	1,000
	Maximum Fee	7,500
	Disturbed Acre Fee	500/acre
Resolution 12-341	Re-Development	
	Minimum	1,000
	Maximum	5,000
	Disturbed Acre Fee	500/acre

2.08.060 Fees and charges authorized in Title 9.

9.08.180	Prohibited parking violation	15.00
	After 30 days	20.00
9.36.030	Parking meter fees	
	1/2 hour meters	0.75 per hour
	1-2 hour meters	0.50 per hour
	10 hour meters	0.25 per hour
9.32.120	Leased Parking in Municipal Lots: Scott Street lot, Beno Lot @ Kanesville & Main, Vine Street Lot	25.00/month
9.36.090	Parking meter hood fee	5.00 per day per hood
9.36.120	Overtime parking violation	15.00
	After 30 days	20.00

2.08.070 Parks and Recreation fees and charges.

Outdoor Water Park Fees (All fees include tax)	Resolution 20-297
Admission without slide	5.00
Admission with slide	6.00
10 Swim Punch Card (without slide)	40.00
10 Swim Punch Card (slide)	50.00
Individual Season Pass	100.00
Family Season Pass (four or less)	275.00
Additional family member	100.00
Family night-per person	4.00
Swim Lessons:	30.00
Pool Rental – Pirate Cove Water Park (up to 30 people)	\$250.00
Pool Rental – Katelman Water Park (up to 30 people)	225.00
Adult Softball (Team Fee)	
Fee per game scheduled	25.00
Youth Sports (Individual Fee)	40.00
Non-CBRC Field Rental Fees	
Baseball and softball fields	50.00/field/day (no team fees)

Municipal Code Section	Description of License, Fee, or Permit	Charge
Lights		30.00/day
Council Bluffs Recreation Complex Rental Fees		
Baseball/Softball		
Fields #1--6, 10		70.00/day
Fields #7, 8, 9		75.00/day
Adult use (out of high school)		
Baseball/Softball Fields		80.00/day
Baseball/Softball Fields #1-10		
Single game, non-league, non-repeating use only		30.00
Baseball/Softball--Lights		
Fields 1--4		30.00/day
Fields 5--6		20.00/day
Fields 7--10		60.00/day
Tournament Fee		
1-5 Fields/day		325.00/day
6+ Fields/day		650.00/day
Baseball/Softball Fee for Premium Usage Dates (CWS dates)		\$5000 Lump Sum
Soccer Fields		
U12 13/14		75.00/field/day
U10		50.00/field/day
U8		40.00/field/day
U6		30.00/field/day
Soccer Team Fee		15.00/team
Tournament Soccer Fee		500.00
Field Reconfiguration Fee		500.00
CBYSA Game Fee		15.00/game
WIYS Game Fee		40.00/game
Practice Permits		
Baseball/softball fields		5.00/hr.
Entire soccer/football field		10.00/hr.
For non-parks and recreation league teams, fees are:		
Youth Tennis Lessons (8 Sessions)	Individual	45.00
Bayliss Park Rental Fees		

1 Quadrant of Bayliss Park	50.00/hr
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* In addition to these fees, for some events the Director of Parks and Recreation shall collect a security deposit along with the permit fees to cover any negative impact an event may have on the park or its improvements. Proof of insurance may be required if deemed appropriate by the director.

Tom Hanafan River's Edge Park Rental Fees	
Rental Fees	All Day Rate
Entire Park (Includes great lawn and amphitheater)	2,000.00
Pavilion – Weekday (Monday through Thursday)	
Entire Facility (hourly)	100.00
Entire Facility (All-day; over 4 hours)	550.00
Pavilion – Weekend (Friday through Sunday)	
Entire Facility (hourly)	125.00
Entire Facility (All-day; over 4 hours)	750.00
Other Fees (Direct, in park costs to be charged)	
City Labor any service requiring additional labor will be charges out at current City labor costs.	

The *Use Policy for Tom Hanafan River's Edge Park* outlines the rental policies and specific allocation of the above park fees.

10.02.070	Administrative fee for enforcing and overseeing the removal of solid waste and other nuisances as set forth in Section 1.97.030(11), in addition to actual documented costs	110.00
10.20.120	Abandon sewer lateral	
	Address: For new structures	50.00
	Banner	25.00
	Driveway Residential* Commercial/Industrial*	50.00 90.00
	*If work involves the roadway, such as saw cutting or milling, add \$10.00 to the fee	
	Excavation: Behind back of curb* *If work involves sidewalk *If work involves driveway approach In roadway – each location *Bore, Tunnel, or Trench - Conduit for cable *Construct Structure, Junction Box, or New Pole for Conduit	75.00 Add 25.00 Add 25.00 150.00 0.20 / LF 250.00 ea.
	Sidewalk	40.00
	Small Wireless Facilities:	

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	Annual Attachment fee for City owned poles Permit Application – up to five installations* *If more than five	150.00 ea. 500.00 Add 50.00 ea.
	Truck: Oversize dimensions or overweight One time trip Annual Commercial vehicle or tractor in residential area	 25.00 250.00 50.00
	Miscellaneous work in right-of-way License to occupy Communications License Agreement	45.00 100.00 1000.00/annual
10.44.020	Moving contractor (new & renewal)	100.00
10.44.040	Moving permit fee – 100% of the permit fee charges for the estimated cost of new building or structure of similar construction for both locations Moving permit fee – Type “J” buildings	 150.00
12.03.010	Aerosol products – to store level 2 or 3 products in excess of 500 lbs.	20.00
	Outside tire storage – to store tires outside in excess of 1,000 cubic feet	25.00
	Flammable or combustible liquid pipeline – to repair or modify a pipeline	25.00
	To line an underground fuel tank – Installation fees For each tank: 0 – 6,000 gallons 6,001 – 20,000 gallons 20,001 – 50,000 gallons 50,001 – 200,000 gallons 200,001 – 1,000,000 gallons 1,000,001 gallons ore more	 25.00 40.00 75.00 100.00 150.00 275.00
	Removal of underground storage tanks Each additional tank on same site	30.00 15.00
	Storage of flammable liquids, compressed and liquefied gas systems: 1,000 – 3,000 gallons 3,001 – 30,000 gallons 30,001 – 60,000 gallons 60,001 – 100,000 gallons 100,001 – 300,000 gallons 300,001 gallons or more	 25.00 30.00 60.00 75.00 125.00 225.00
	Retail dealers in flammable liquids, combustible/explosive materials or public garages:	

	Acetylene torch or propane torch: Over 10 pounds Each addition	15.00 5.00
	Pedestalator or outlet service pump Each addition	10.00 3.00
	Ammunition – to store or sell small arms ammunition	15.00
	Calcium carbide – to store over 100 pounds	15.00
	Chemicals – to store over 250 gallons of hazardous chemicals	25.00
	Dry cleaners – to operate	40.00
	Laundromats – to operate	40.00
	Finishing shop, including painting, spraying, and dipping, storing more than 5 gallons of flammable finish - to operate	40.00
	Public garages – including car washes to operate/per bay Oil dealers – to operate	10.00 15.00
	Paint dealers – to operate	30.00
	To operate and maintain a refrigeration system containing more than 20 pounds of refrigerant	15.00
	Lumber yards – to operate	100.00
	Tent sales – to operate	35.00
	Grain elevators to operate	160.00
	Fireworks Display (per day)	150.00

13.01.030	Temporary License – Fee (temporary)	150.00 (one year)
13.03.030	Board of Appeals Administrative filing fee per appeal	50.00
13.07.100	General Contractor – biennial – Class A Building Contractor – biennial – Class B Residential Contractor – biennial – Class C Class D & E Moving Contractor – biennial Sign Contractor – biennial Siding – biennial (Residential) Window – biennial (Residential)	150.00 150.00 100.00 100.00 100.00 100.00 100.00 100.00

	Retaining Walls – biennial (Residential)	100.00
	Grading - biennial	100.00
	One Job License	
	General Contractor – per job – Class A	1,000.00
	Building Contractor – per job – Class B	500.00
	Residential Contractor – per job – Class C	400.00
	Class D & E	150.00
	ONE JOB LICENSE – per job	150.00
	Certificate Fee	
	The fee for inspection and a certificate of occupancy for a change in group occupancy/use (if not part of a current active building permit).	150.00
13.07.120	Penalty for late renewals	20.00 per month for a maximum of three months
13.07.175	Landlord Registration – work done in rental units	100.00/two year period
13.08.100	Building Permit Fees: Total valuations:	
	\$1.00 - \$500.00	\$23.50
	501.00 to 2,000.00	\$23.50 for the first \$500 + \$3.05 for each additional \$100.00 or fraction thereof, to an including \$2,000.00
	2,001.00 - 25,000.00	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000.00
	25,001.00 – 50,000.00	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.00
	50,001.00 – 100,000.00	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.00

	100,001.00 – 500,000.00	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.00
	500,001.00 – 1,000,000.00	\$3233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof to an including \$1,000,000.00
	1,000,000.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 \$3.95 for each additional \$1,000 or fraction thereof
	Fees (One and Two Family Dwellings and accessory structures only):	
	Roofing-Siding-Window Replacement (Combo)	75.00
	Any combination of Two Replacement	50.00
	Replacement of any one of the three	30.00
	Fences in Non-Residential District	50.00
	Fence in Non-Residential District that exceed 1500 linear feet	Based on valuation
	Fence in Residential District	30.00
	Retaining wall (Resolution 22-90)	Based on valuation
13.08.370	Sign permit fees – signage area Per square foot	1.00
13.09.070	Building Other Inspections and Fees: Inspections outside normal business hours per hour (minimum charge 2.5 hours) Re-inspection fees assessed under provisions of Section 13.01.305.8, per Inspection Inspections for which no fee is specifically indicated (minimum charge one hour) Additional plan review required by changes, additions, or revisions (minimum charge one hour) For use of outside consultants for plan review and inspections *Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	123.00/hour 123.00/hour 123.00/hour 123.00/hour Actual Costs*

13.09.070	<p>Mechanical Code Permit Fees: Permit issuance fee For the issuing of each supplemental permit for which the original permit has not expired, been cancelled, or finalized</p> <p>Unit Fee Schedule: <i>(Note: The following do not include permit-issuing fee)</i></p> <p><u>Furnace & Heat Pumps</u> – For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW) For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW) For the installation or relocation of each floor furnace, including vent For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater</p> <p><u>Appliance Vents</u> – For the installation, relocation, or replacement of each appliance vent installed and not included in an appliance permit</p> <p><u>Repairs or Additions</u> – For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code</p> <p><u>Boilers, compressors, Absorption Systems and Air Conditioning</u> – For the installation or relocation of each boiler or compressor up to and including 3 ton horsepower (10.6 kW), or each absorption system to and including 100,000 Btu/h (29.3 kW) For the installation or relocation of each boiler or compressor over 3 ton horsepower (10.6 kW) to and including 15 ton horsepower (52.7 kW), or each absorption system over 100,000 Btu/h (29.3 kW) to and including 500,000 Btu/h (146.6 kW) For the installation or relocation of each boiler or compressor over 15 ton horsepower (52.7 kW) to and including 30 ton horsepower (105.5 kW), or each absorption system of 500,000 Btu/h (146.6 kW) to and including 1,000,000 Btu/(293.1 kW) For the installation or relocation of each boiler or compressor over 30 ton horsepower (105.5 kW) to and including 50 ton horsepower (176 kW), or each absorption system of 1,000,000 Btu/h (291.1 kW) to and including 1,750,000 Btu/h (512.9 kW) For the installation or relocation of each boiler or compressor over 50 ton horsepower (176 kW) or each absorption system over 1,750,000 Btu/h (512.9 kW)</p> <p><u>Air Handlers</u> –</p>	<p>23.50 7.50 14.80 18.20 14.80 14.80 7.25 13.70 14.70 27.15 37.25 55.45 92.65</p>
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	<p>For each air-handling unit up to and including 10,000 cubic feet per minute (cfm) (4719 L/s), including ducts attached thereto <i>(Note: This fee does not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code)</i></p> <p>For each air-handling unit over 10,000 cfm (4719 L/s)</p> <p><u>Evaporative Coolers</u> –</p> <p>For each evaporative cooler other than portable type</p> <p><u>Ventilation and Exhaust</u> –</p> <p>For each ventilation fan connected to a single duct</p> <p>For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit</p> <p>For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood</p> <p><u>Incinerators</u> –</p> <p>For the installation or relocation of each domestic-type incinerator</p> <p>For the installation or relocation of each commercial or industrial-type incinerator</p> <p><u>Miscellaneous</u> –</p> <p>For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which the fee is listed in the table</p>	<p>10.65</p> <p>18.10</p> <p>10.65</p> <p>7.25</p> <p>10.65</p> <p>10.65</p> <p>18.20</p> <p>14.50</p> <p>10.65</p>
	<p>Mechanical Other Inspections and Fees:</p> <p>Inspections outside normal business hours per hour (minimum charge 2.5 hours)</p> <p>Re-inspection fees assessed under provision of Section 305.8, per Inspection</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour)</p> <p>Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour)</p>	<p>123.00</p> <p>123.00</p> <p>123.00</p> <p>123.00</p>
	<p>Mechanical Permit Fees (Industrial and Large Commercial with Valuation of \$5,000,000 or more):</p> <p>For the issuance of each mechanical permit</p> <p>For the issuing of each supplemental permit for which the original permit has not expired, been cancelled, or finaled</p> <p>System Fee Schedule:</p> <p>Steam or Hydronic Heating System sized by million Btu/hour (MBH)</p> <p>Radiant Floor Heating System sized by million Btu/hour (MBH)</p> <p>Chilled Beam Cooling System sized by million Btu/hour (MBH)</p> <p>Underfloor Air Distribution System sized by cubic feet per minute (CFM)</p>	<p>23.50</p> <p>7.50</p> <p>2.86</p> <p>3.81</p> <p>2.86</p> <p>0.03</p>

	Geothermal Well System sized by each (EA)	28.60
	Variable Refrigerant Flow System sized by million Btu/hour (MBH)	14.30
	Process Fluid System (Air, Natural Gas, Vacuum, DI Water, RO Water, Nitrogen, Medical Gas) sized by square footage (SF)	2.86
	Fuel Oil and Gas Dispensing System or Standby System sized by gallon capacity (GAL)	14.30
	Refrigerant System for Commercial Kitchen Coolers and Freezers sized by million Btu/hour (MBH)	14.30
	Vehicle Exhaust System sized by million Btu/hour (MBH)	0.14
	Welding Exhaust System sized by million Btu/hour (MBH)	0.14
	Industrial Dust Collector System sized by million Btu/hour (MBH)	0.03
	Unit Fee Schedule:	
	<i>(Note: The following do not include permit issuing fee)</i>	
	Chiller (water-cooled, air-cooled, absorption) sized by tons (Tons)	2.86
	Cooling Tower (natural draft, mechanical draft) sized by tons (Tons)	2.86
	Unitary Evaporative Cooler sized by tons (Tons)	2.86
	Packaged AC Unit/Heat Pump with Integral Gas Furnace sized by tons (Tons)	5.72
	Ductless Split AC Unit/Heat Pump sized by tons (Tons)	5.72
	Ducted Split DX AC Unit/Heat Pump without Forced Air Furnace sized by tons (Tons)	7.15
	Computer Room AC Unit Water-Cooled sized by tons (Tons) CRAH	7.15
	Computer Room AC Unit Refrigerant Cooled (remote condenser) sized by tons (Tons) CRAC	14.30
	Gas or Fuel Oil Fired Boiler (Water or Steam) sized by million Btu/hour (MBH)	0.57
	Electric Boiler sized by kilowatts (kW) sized by million Btu/hour (MBH)	0.57
	Gas-Fired or Infrared Unit Heater sized by million Btu/hour (MBH)	0.36
	Electric Unit Heater and Electric Radiators sized by million Btu/hour (MBH)	0.36
	Steam Humidifier sized by square footage (SF)	0.29
	Central Station or Built-Up Air Handling Unit sized by cubic feet per minute (CFM)	0.10
	Terminal Unit (VAV, CV, PIU, WSHP, etc.) sized by each (EA)	28.60
	Fan Coil Unit sized by each (EA)	28.60
	Commercial Kitchen Hood sized by each (EA)	28.60
	Commercial Kitchen Hood Make-up Unit sized by each (EA)	57.20
	Exhaust Fans with Ductwork sized by each (EA)	57.20

	<p>Exhaust Fans without Ductwork sized by each (EA) 28.60</p> <p>Outdoor Air Supply Fan sized by each (EA) 28.60</p> <p>Smoke Control and Refrigerant Exhaust Fan sized by each (EA) 57.20</p> <p>Exhaust Hood (non-laboratory) sized by each (EA) 57.20</p> <p>Laboratory Fume Hood Cabinet sized by each (EA) 57.20</p> <p><u>Miscellaneous</u> –</p> <p>For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which the fee is listed in the table sized by each (EA) 143.00</p>	
	<p>Mechanical Other Inspections and Fees:</p> <p>Inspections outside of normal business hours per hour (minimum charge 2.5 hours) 286.00*</p> <p>Re-inspection fees assessed under provisions of Section 305.8, per Inspection 286.00*</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour) 286.00*</p> <p>Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour) 286.00*</p> <p>*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.</p>	
13.12.060	<p>Plumbing Code Permit Fees:</p> <p>For the issuance of each plumbing permit 23.50</p> <p>For the issuing each supplemental permit for which the original permit has not expired, been cancelled, or finaled 7.50</p> <p>Unit Fee Schedule: <i>(Note: the following do not include permit-issuing fee)</i></p> <p><u>Fixtures and Vents</u> –</p> <p>For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage, piping, and backflow protection thereof) 9.80</p> <p>For repair or alteration of drainage or vent piping, each fixture 4.75</p> <p><u>Sewers, Disposal Systems and Interceptors:</u></p> <p>For each building sewer and water service and each trailer park sewer and water service 24.65</p> <p>For each cesspool 37.25</p> <p>For each private sewage disposal system 74.50</p> <p>For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps 19.90</p> <p>Rainwater systems – per drain 9.80</p> <p><u>Water Piping and Water Heaters</u> –</p>	

	<p>For installation, alteration, or repair of water piping or water-treating equipment, or both, each</p> <p>For each water heater, including vent</p> <p>For vents only, see Mechanical Permit Fees</p> <p><u>Gas Piping Systems</u> –</p> <p>For each piping system of one to five outlets</p> <p>For each additional outlet over five, each</p> <p><u>Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices</u> –</p> <p>For each lawn sprinkler system on any one meter, including backflow protection devices thereof</p> <p>For atmospheric-type vacuum breakers or backflow protection devices not included in Fixtures and Vents:</p> <p> 1 to 5 devices</p> <p> Over 5 devices, each</p> <p>For each backflow-protection device other than atmospheric-type vacuum breakers:</p> <p> 2 inches (50.8 mm) and smaller</p> <p> Over 2 inches (50.8 mm)</p> <p><u>Swimming Pools</u> –</p> <p>For each swimming pool or spa (in ground):</p> <p> Public pool</p> <p> Public spa</p> <p> Private pool</p> <p> Private spa</p> <p><u>Miscellaneous</u> –</p> <p>For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or for which no other fee is listed in this code</p>	<p>4.75</p> <p>12.30</p> <p>6.15</p> <p>1.20</p> <p>14.80</p> <p>12.30</p> <p>2.25</p> <p>12.30</p> <p>24.65</p> <p>91.25</p> <p>60.75</p> <p>60.75</p> <p>30.25</p> <p>9.80</p>
	<p>Plumbing Other Inspections and Fees:</p> <p>Inspections outside normal business hours per hour (minimum charge 2.5 hours)</p> <p>Re-inspection fees assessed under provisions of Section 305.8, per Inspection</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour)</p> <p>Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour)</p>	<p>123.00</p> <p>123.00</p> <p>123.00</p> <p>123.00</p>
	<p>Plumbing Permit Fees (Industrial and Large Commercial with Valuation of \$5,000,000 or more):</p> <p>For the issuance of each plumbing permit</p> <p>For the issuing of each supplemental permit for which the original permit has not expired, been cancelled, or finaled</p> <p>System Fee Schedule:</p>	<p>23.50</p> <p>7.50</p>

	Domestic Supply Piping System sized by peak gallons per minute (GPM)	2.86
	Domestic Drain Piping System sized by peak gallons per minute (GPM)	2.86
	Stormwater Piping System sized by peak gallons per minute (GPM)	2.86
	Reverse Osmosis/Deionized Water System sized by peak gallons per minute (GPM)	5.72 5.72
	Pool Filtration System sized by peak gallons per minute (GPM)	
	Process Vacuum System sized by horsepower of vacuum pump (HP)	28.60
	Solar Water Heating System sized by number of solar panels (EA)	14.30
	Rain Water System sized by capacity of system in gallons (GAL)	2.86 2.86
	Gas Piping System sized by million Btu/hour (MBH)	5.72
	Irrigation System sized by number of sprinkler heads (EA)	
	Unit Fee Schedule:	
	<i>(Note: The following do not include permit issuing fee)</i>	
	<u>Fixtures and Vents</u> –	
	For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof) sized by each (EA)	5.72
	For repair or alterations of drainage or vent piping, each fixture (EA)	5.72
	<u>Sewers, Disposal Systems and Interceptors</u> –	
	For each cesspool sized by each (EA)	286.00 286.00
	For each private sewage disposal system sized by each (EA)	
	For each industrial waste pretreatment interceptor, including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps sized by each (EA)	286.00
	<u>Water Heaters</u> –	
	Potable Water Heat Exchanger sized by gallon per minute (GPM)	1.43
	Commercial Gas-Fired Water Heater sized by tank capacity in gallons (GAL)	1.43
	Commercial Electric Water Heater sized by tank capacity in gallons (GAL)	1.43 1.43
	Residential Gas-Fired Water Heater sized by tank capacity in gallons (GAL)	1.43
	Residential Electric Water Heater sized by tank capacity in gallons (GAL)	1.43
	Instantaneous, Point of Use, Electric Water Heater sized by gallon per minute (GPM)	1.43
	Backflow Preventer sized by each (EA)	5.72 57.20

	<p>Domestic Water Booster Pump sized by horsepower of pump (HP) 11.44</p> <p>Gray Water Lift Station sized by horsepower of pump(s) (HP) 11.44</p> <p>Sewage Ejector Pump sized by horsepower of pump(s) (HP) 11.44</p> <p>Sump Pumps sized by horsepower of pump(s) (HP) 11.44</p> <p>Process Air Compressor sized by horsepower of motor(s) (HP) 11.44</p> <p>Water Softener sized by gallon per minute (GPM) 28.60</p> <p><u>Swimming Pools</u> –</p> <p>Public Pool sized by capacity in gallons (GAL) 0.01</p> <p>Public Spa sized by capacity in gallons (GAL) 0.06</p> <p>Private Pool sized by capacity in gallons (GAL) 0.01</p> <p>Private Spa sized by capacity in gallons (GAL) 0.11</p> <p><u>Miscellaneous</u> –</p> <p>For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or for which the fee is listed in this code sized by each piece of equipment (EA) 14.30</p>	
	<p>Plumbing Other Inspections and Fees:</p> <p>Inspections outside of normal business hours per hour (minimum charge 2.5 hours) 286.00*</p> <p>Re-inspection fees assessed under provisions of Section 305.8, per Inspection 286.00*</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour) 286.00*</p> <p>Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour) 286.00*</p>	
13.16.120	<p>Electrical Code Permit Fees:</p> <p>For the issuance of each electrical permit 23.50</p> <p>For the issuing of each supplemental permit for which the original permit has not expired, been cancelled, or finaled 7.50</p> <p>System Fee Schedule: <i>(Note: the following do not include permit issuing fee)</i></p> <p><u>New Residential Buildings</u> –</p> <p>The following fees shall include all wiring and electrical equipment or on each building, or other electrical equipment on the same premises constructed at the same time.</p> <p>Multifamily. For new multifamily buildings (apartments and condominiums) having three or more dwelling units, constructed at the same time, not including the area of garages, carports and accessory building, per square foot (0.09m²) 0.050</p> <p>Single – and two-family. For new single – and two-family residential buildings constructed at the same time and not</p>	

	including the area of garages, carports, and accessory buildings, per square foot (0.09m ²) <i>For other types of residential occupancies and for alterations, additions, and modifications to existing residential buildings, use either the Unit Fee Schedule or per square foot calculation for the appropriate category.</i>	0.056
	<u>Private Swimming Pools</u> – For new private, in-ground swimming pools for single-family and multifamily occupancies, including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool, each pool	49.50
	<u>Carnivals and Circuses</u> – Carnivals, Circuses, or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays, and attractions.	23.50
	For electrical generators and electrically driven rides, each	7.25
	For mechanically driven rides and walk-through attractions or displays having electrical lighting, each	7.25
	For a system of area and booth lighting, each <i>For permanently installed rides, booths, displays, and attractions, use the Unit Fee Schedule</i>	
	<u>Temporary Power Service</u> –	23.50
	For a temporary service pole or pedestal, including all pole or pedestal-mounted receptacle outlets and appurtenances, each	
	For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, fireworks stands, etc., each	12.50
	Unit Fee Schedule: <i>(Note: the following do not include permit-issuing fee)</i>	
	<u>Receptacle, Switch and Lighting Outlets</u> – For receptacle, switch, light or other outlets at which current is used or controlled, except services, feeders, and meters:	1.10
	First 20 fixtures, each	0.73
	Additional fixtures, each	
	<i>(Note: For multioutlet assemblies, each 5 feet (1524 mm) or fraction thereof may be considered as one outlet)</i>	
	<u>Lighting Fixtures</u> –	1.10
	For lighting fixtures, sockets or other lamp-holding devices:	0.73
	First 20 fixtures, each	1.10
	Additional fixtures, each	1.10
	For pole or platform-mounted lighting fixtures, each	
	For theatrical-type lighting fixtures or assemblies, each	
	<u>Residential Appliances</u> – For fixed residential appliances or receptacles outlets for same, including wall-mounted electrical ovens; counter-mounted cooking tops; electric ranges; self-contained room, console, or	

	<p>through-wall air conditions; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding 1 horsepower (HP) (746 W) in rating, each <i>(Note: For other types of air-conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus)</i></p> <p><u>Nonresidential Appliances</u> – For nonresidential appliances and self-contained factory-wired nonresidential appliances not exceeding 1 horsepower (HP), kilowatt (kW), or kilovolt-ampere (kVA) in rating, including medical and dental devices; food, beverage, and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types equipment, each <i>(Note: For other types of air-conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus)</i></p> <p><u>Power Apparatus</u> – For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows: Rating in horsepower (HP), kilowatts (kW), kilovolt-amperes (kVA) or kilovolt-amperes-reactive (kVAR):</p> <ul style="list-style-type: none"> Up to and including 1, each Over 1 and not over 10, each Over 10 and not over 50, each Over 50 and not over 100, each Over 100, each <p><i>(Note:</i></p> <ol style="list-style-type: none"> 1. <i>For equipment or appliances having more than one motor, transformer, heater, etc. the sum of the combined ratings may be used.</i> 2. <i>These fees include all switches, circuit breakers, contactors, thermostats, relays, and other directly related control equipment.)</i> <p><u>Busways</u> – For trolley and plug-in-type busways, each 100 feet (30 480 mm) or fraction thereof <i>(Note: An additional fee is required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways) A fee is not required for portable tools.</i></p> <p><u>Sign, Outline Lighting and Marquees</u> – For signs, outline lighting systems or marquees supplied from one branch circuit, each</p> 	<p>4.75</p> <p>4.75</p> <p>4.75</p> <p>12.30</p> <p>24.60</p> <p>49.50</p> <p>74.50</p> <p>7.25</p> <p>24.60</p>
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	For additional branch circuits within the same sign, outline lighting system or marquee, each Services – For services of 600 volts or less and not over 200 amperes in rating, each charge For services of 600 volts or less and over 200 amperes to 1,000 amperes, each For services over 600 volts or over 1,000 amperes in rating, each Miscellaneous Electrical Apparatus Conduits and Conductors - For electrical apparatus, conduits, and conductors for which a permit is required but for which no fee is herein set forth <i>(Note: this fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment)</i>	4.75 30.50 62.15 124.50 18.20
	Electrical Other Inspections and Fees: Inspections outside normal business hours per hour (minimum charge 2.5 hours) Re-inspection fees assessed under provisions of Section 305.8, per Inspection Inspections for which no fee is specifically indicated per hour (minimum charge one hour) Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour)	123.00 123.00 123.00 123.00
	Electrical Permit Fees (Industrial and Large Commercial with Valuation of \$5,000,000 or more): For the issuance of each electrical permit For the issuing of each supplemental permit for which the original permit has not expired, been canceled, or finalized System Fee Schedule: Ventilation Equipment sized by horsepower (HP) Heating Equipment sized by kilowatts (kW) Pumps (P) sized by horsepower (HP) Variable Air Volume Devices (VAV) per unit Emergency Electrical System Generators sized by kilowatts (kW) Equipment Grounding Inspection sized by exothermic or mechanical terminations Building Lightning Protection Inspection sized by exothermic or mechanical terminations Temporary Power Service For a temporary service pole or pedestal, including all pole or pedestal-mounted receptacle outlets and appurtenances, sized by amps (AMPS)	23.50 7.50 9.53 11.44 8.17 40.00 1.14 2.50 2.50 286.00

	<p>For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative lights, Christmas tree sales lots, fireworks, etc., sized by amps (AMPS)</p> <p>Unit Fee Schedule: <i>(Note: The following do not include permit issuing fees)</i></p> <p>120 volt Outlets per outlet 7.00 Light Fixtures sized per fixture 5.00 Transformers sized by kilovolt-amps (kVA) 0.76 Motor Control Centers sized by amps (AMPS) 0.95 Sub-panels sized by amps (AMPS) 0.57</p> <p><u>Industrial Appliances/Devices/Machinery</u> – For fixed Appliances/Devices/Machinery sized by kilowatts (kW) 1.14</p> <p><u>Busways</u> – For trolley and plug-in-type busways, sized by amps (AMPS) 1.43 <i>(Note: An additional fee is required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways. A fee is not required for portable tools.)</i></p> <p><u>Signs, Outline Lighting and Marquees</u> – For signs, outline lighting systems or marquees sized by amps (AMPS) 19.07</p> <p><u>Services</u> – Meter Loop & Service sized by Amps 0.95</p> <p><u>Miscellaneous Apparatus, Conduits, and Conductors</u> – For electrical Apparatus, conduits, and conductors for which a permit is required by for which no fee is herein set forth, sized by circuit amps (AMPS) 14.30 <i>(Note: the fee is not applicable when a fee is paid for one or more service, outlets, fixtures, appliances, power apparatus, busways, signs, or other equipment.)</i></p>	
	<p>Electrical Other Inspections and Fees:</p> <p>Inspections outside of normal business hours per hour (minimum charge 2.5 hours) 286.00*</p> <p>Re-inspection fees assessed under provisions of Section 13.01.305.8, per Inspection 286.00*</p> <p>Inspections for which no fee is specifically indicated per hour (minimum charge one hour) 286.00*</p> <p>Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge one hour) 286.00*</p> <p>*Or the hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.</p>	
13.17.210	License/registration: biennial Electrical Contractor – active	150.00

Municipal
Code Section

Description of License, Fee, or Permit

Charge

	Electrical Contractor – inactive	70.00
	Honorary (retired) Contractor	20.00
	Journeyman Electrical	50.00
	Temporary Journeyman (for 4 months – renewal same)	50.00
	Honorary (retired) Journeyman	10.00
	Residential Wireman	50.00
	Maintenance Electrician	50.00
	Apprentice Electrician	20.00
13.18.050	Factory Built Structures	
	Set down fee	20.00
	Penalty (set down without permit)	40.00
13.18.070	Electrical hook-up fee	20.00
13.18.080	Plumbing hook-up fee	20.00
13.18.085	Mechanical hook-up fee	20.00
13.18.090	Utility hook-up fee	20.00
13.33.050(K)	Grading and Excavation Permit Fees	
	Less than 50 cubic yards	40.00
	50 cubic yards or more/per CY*	
	On-site only	0.05
	Hauled outside city limits	0.10
	Hauled from outside city limits to site	0.15
	Hauled from one site within city limits	0.10
	*Permit issuance fee	25.00

14.03.060	Text amendment to subdivision ordinance	500.00
14.05.030	Application for property line adjustment	200.00
14.06.030	Application for parcel split	200.00
14.07.010	Application for re-subdivision	300.00 + \$5.00 per lot
14.08.030	Application for minor subdivision (final plat)	300.00 + \$5.00 per lot
14.09.020	Application for major subdivision (final plat)	300.00
14.10.020	Application for cluster subdivision (final plat)	300.00
14.11.020	Application for preliminary subdivision review	500.00 + \$5.00 per lot
14.11.060	Preliminary plan variance request	250.00/variance
14.12.060	Review final construction plans-minimum	200.00 + \$10.00 per lot??
15.02.060	Zoning change	300.00
	Conditional use	300.00
	Development plan review	500.00 + \$10.00 per acre
	Appeal of administrative decision	300.00
	Text amendment to zoning ordinance	500.00
	Urban revitalization application	500.00 + \$15.00 per \$100,000 in

Municipal
Code Section

Description of License, Fee, or Permit

Charge

		value/maximum \$1,500.00
	Zoning variance application	300.00
	Comprehensive plan amendment	400.00
	Temporary Use Permit	150.00
	Zoning Compliance/verification letters	50.00
	Enterprise Zone Application Business and Developer Applications	\$750.00 plus \$50.00 per \$100,000 valuation over \$500,000. \$1,250 maximum
	Residential Projects	\$500.00 plus \$20.00 per unit. \$1,000 maximum
	Application for any amendments	\$250.00
	Street, alley and public property vacation	200.00
	Acquisition of Alley property: 0-300 square feet 301 – 5,000 square feet Over 5,000 square feet	75.00 0.15 per square ft. 0.50 per square ft
	Acquisition of street property: 0-300 square feet 301 – 5,000 square feet Over 5,000 square feet	75.00 0.15 per square ft. 0.50 per square ft.
15.23.025	Parking lot of 10 stalls or less Parking lot greater than 10 stalls	0.00 1.00 per stall not to exceed \$200.00 maximum
16.09.020	Historic preservation - Certificate of Appropriateness	100.00
	Historic Preservation – Local landmark/historic district review	300.00
17.09.020	Rental Registration Fee (Annual) a. Single Family Dwelling b. Two Family Dwelling – Duplex c. Multi Family Dwelling d. Late fee for Non-Registration e. Fee for Non-Registration of rental unit (per unit)(institution of this fee will place dwelling or dwelling unit on a one year inspection cycle for three years) f. Single Family Dwelling fee for Non-Registration (per year for three years) g. Duplex fee for Non-Registration (per year) h. Multi Family (per year)	35.00 70.00 25.00 and 17.50 per unit 25.00 per month per dwelling unit 1,000.00 200.00 400.00 200.00 and 50.00 per unit
	*(d.) 25.00 cap	
	*(f., g., h.) will apply for a three year period if no violations are found in a three year cycle	

Municipal
Code Section

Description of License, Fee, or Permit

Charge

Municipal Code Section	Description of License, Fee, or Permit	Charge
17.09.030	Rental Housing Re-Inspection Fee 1 st Re-Inspection 2 nd Re-Inspection 3 rd and Subsequent Re-Inspection No Show fee for missing a scheduled inspection Inspection fee for three year cycle for Non-Registered houses	50.00 per inspection 100.00 per inspection 100.00 per inspection 100.00 100.00 per inspection
17.11.050	Housing Board of Appeals Filing Fee	50.00

Resolution 22-214

A Resolution to adopt the current Schedule of Fees for 2022, Version 3, dated August 22, 2022.

WHEREAS, Update of the Schedule of Fees; and

WHEREAS, the City Clerk's office will maintain and update the Schedule of fees and will submit at a minimum an annual update; and

WHEREAS, it would be in the best interest of the City to adopt the current Schedule of Fees.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Schedule of Fees attached hereto and entitled Schedule of Fees 2022, Version 3, dated August 22, 2022, is hereby adopted and approved, and a copy shall be maintained and available for inspection in the City Clerk's office.

ADOPTED
AND
APPROVED August 22, 2022

Matthew J. Walsh, Mayor

Jodi Quakenbush, City Clerk

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Matthew Walsh,
Mayor

Resolution 22-215
ITEM 5.F.

Council Action: 8/22/2022

Description

Resolution authorizing the Mayor to make an annual allocation of \$100,000 to the Historic General Dodge House.

Background/Discussion

This increase has been included in the budget.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Resolution 22-215	Resolution	8/18/2022

RESOLUTION NO. 22-215

A RESOLUTION authorizing the Mayor to make an annual allocation of \$100,000 to the Historic General Dodge House.

WHEREAS, the City owns the Historic General Grenville M. Dodge House located at 605 3rd Street and the adjacent Historic Beresheim House; and

WHEREAS, to assist with the restoration, preservation, and operations of the Historic General Dodge House, since 2008 the City has made a \$70,000 annual appropriation to the Historic Dodge House; and

WHEREAS, it would be appropriate and justifiable to increase the annual appropriation by \$30,000; and

WHEREAS, the City agrees to the allocation of \$100,000 as an annual appropriation for the Historic General Dodge House in the amount of \$25,000 quarterly.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized, empowered, and directed to make the annual allocation of \$100,000 to the Historic General Dodge House.

ADOPTED
AND
APPROVED

August 22nd, 2022

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by:

Liquor Licenses
ITEM 6.A.

Council Action: 8/22/2022

Description

1. Applebee's Neighborhood Bar & Grill, 3000 Dial Drive
2. D&S Xpress, 1220 N 25th Street
3. D&S Xpress, 2924 North Broadway
4. Horseshoe Casino, 2701 23rd Avenue
5. Huhot Mongolian Grill, 3120 Manawa Centre Drive
6. Hy-Vee Fast and Fresh #1, 21 S 25th Street
7. Mega Saver, 3607 9th Avenue
8. Quaker Steak and Lube, 3320 Mid America Drive
9. Maloney's CB (NEW), 162 W Broadway

Background/Discussion

Nothing significant found for these establishments during the licensing period.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Liquor Licenses, 08.22.22	Other	8/16/2022

Applebee's Neighborhood Grill & Bar- LC0046626

Premise Street : 3000 Dial Drive

Application Number : App-166160

Class C Liquor License

Application Type
Renewal

Tentative Effective Date
2022-10-14

Tentative Expiration Date
2023-10-13

Application Status
Pending Dramshop Review

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
Legacy Apple III, LLC

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cm</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>JS</u>	Issued _____	
ZONING <u>(Signature)</u>	Expires _____	
	Council <u>8.22.22</u>	

D&S Xpress- BC0030306
Premise Street : 1220 North 25th Street

Application Number : App-165898

Class C Beer Permit

Application Type Renewal	Tentative Effective Date 2022-08-13	Tentative Expiration Date 2023-08-12	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Trace Enterprises Inc

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cm</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>JS</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
	Council <u>8.22.22</u>	

D&S Xpress- BC0030307

Premise Street : 2924 North Broadway

Application Number : App-165771

Class C Beer Permit

Application Type Renewal	Tentative Effective Date 2022-08-13	Tentative Expiration Date 2023-08-12	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Trace Enterprises Inc

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cm</u>	Local Amt _____	
FIRE <u>AP</u>	Endorsed _____	
BUILDING <u>JS</u>	Issued _____	
ZONING <u>City</u>	Expires _____	
	Council <u>8.22.22</u>	

Horseshoe Casino- LC0030427

Premise Street : 2701 23rd Ave

Application Number : App-165975

Class C Liquor License

Application Type
Renewal

Tentative Effective Date
2022-10-05

Tentative Expiration Date
2023-10-04

Application Status
Pending Dramshop Review

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
Harveys BR Management Company, Inc.

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cn</u>	Local Amt _____	
FIRE <u>AP</u>	Endorsed _____	
BUILDING <u>JS</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
	Council <u>8.27.22</u>	

Huhot Mongolian Grill- BW0092509

Premise Street : 3120 Manawa Center Dr.

Application Number : App-165821

Special Class C Liquor License

Application Type
Renewal

Tentative Effective Date
2022-09-26

Tentative Expiration Date
2023-09-25

Application Status
Pending Dramshop Review

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
CCW, LLC

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cu</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>JS</u>	Issued _____	
ZONING <u>is</u>	Expires _____	
	Council <u>8.22.22</u>	

Hy-Vee Fast and Fresh #1- BC0030204

Premise Street : 21 South 25th Street

Application Number : App-166303

Class C Beer Permit

Application Type
Renewal

Tentative Effective Date
2022-10-15

Tentative Expiration Date
2023-10-14

Application Status
Submitted to Local Authority

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
Hy-Vee, Inc.

Privileges and Sub Permits
Sunday Service

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>CR</u>	Local Amt _____	
FIRE <u>AP</u>	Endorsed _____	
BUILDING <u>JS</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
	Council <u>8.22.22</u>	

Mega Saver- LE0003769

Premise Street : 3607 9th Avenue

Application Number : App-165982

Class E Liquor License

Application Type Renewal	Tentative Effective Date 2022-08-09	Tentative Expiration Date 2023-08-08	Application Status Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name T.F.G.A. LLC
Privileges and Sub Permits Sunday Service			

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cm</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>JS</u>	Issued _____	
ZONING <u>OS</u>	Expires _____	
	Council <u>8.22.22</u>	

Quaker Steak and Lube- LC0035587

Premise Street : 3320 Mid America Dr

Application Number : App-165504

Class C Liquor License

Application Type
Renewal

Tentative Effective Date
2022-08-15

Tentative Expiration Date
2023-08-14

Application Status 
Submitted to Local Authority

License Length
12 Month

Local Authority
City of Council Bluffs

Dramshop

Corporation Name
QSL LLC

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>CS</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>JS</u>	Issued _____	
ZONING <u>CS</u>	Expires _____	
	Council <u>8.22.22</u>	

Maloney's CB

Premise Street : 162 West Broadway

Class C Liquor License

Application Number : App-165089

Application Type New	Tentative Effective Date 2022-08-01	Tentative Expiration Date 2023-07-31	Application Status Pending Dramshop Review
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name MALONEYSCB, LLC

<input type="checkbox"/> RENEWAL	<input checked="" type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>Can</u>	Local Amt _____	
FIRE <u>AF</u>	Endorsed _____	
BUILDING <u>OKS</u>	Issued _____	
ZONING <u>OKS</u>	Expires _____	
	Council <u>8.22.22</u>	

SPECIAL EVENT PERMIT APPLICATION
(Must be turned in at least 2 weeks prior to event)

A Special Event Permit is required from the City of Council Bluffs for any special activity that requires exclusive use of city streets and sidewalks, requires special assistance of a city department, or is likely to have a large impact on traffic.

Please Note: If you are having a small event in a City park (small wedding, family picnic, etc.) you may need to fill out the Parks & Rec. Special Event Form.

Please check any boxes that apply:

I. General Information.

- Organization/Person Requesting: Roy Sanderson / J+M Displays
- Name of Event: Creekside Church Fireworks
- Contact Name: Roy Sanderson
- Mailing Address for Contact: 17783 Allis Rd. C.B. IA 51503

- Contact Phone Number: 402-980-1600
- Email: Roy@jandmdisplays.com
- Address of Event: 3320 Harry Lunder Blvd 51503
- Estimate of Number of Participants: _____
 - 1-50
 - 251-500
 - 51-100
 - 501-1,000
 - 100-150
 - > 1,000
- Attach map of event location, set-up, and/or route

II. Type of Event:

- | | |
|--|--|
| <input type="checkbox"/> Circus* | <input type="checkbox"/> Walk, Run, Bicycle Event |
| <input type="checkbox"/> Carnival* | <input type="checkbox"/> Concert |
| <input checked="" type="checkbox"/> Fireworks* | <input type="checkbox"/> Neighborhood/Block or Private Party |
| <input type="checkbox"/> Parade* | <input type="checkbox"/> Other: _____ |

***The above events require City Council approval, which could take 2-4 weeks to obtain.**

III. Date of Event

- | | |
|-----------------------------|---------------------------------|
| - Date Set Up <u>9-4-22</u> | Date Taken Down <u>9-4-22</u> |
| - Date Held <u>9-4-22</u> | Times Held <u>10 PM or Dusk</u> |

IV. Brief description of event: Creekside Church has contracted with VS for their church celebration closing with fireworks

V. Additional permits required when event includes

Sale of Alcoholic Beverages

- Requires temporary liquor license from the Iowa Alcoholic Beverage Division. Apply on-line at www.iowaabd.com. ABD can be reached at 1-866-469-2223.
- The application for a temporary liquor license must be reported to the City Clerk's office and approved by multiple City Departments before final approval of the City Council. (this process could take 2-4 weeks)

Sale of Food Products

- Requires permit from Iowa Department of Inspections & Appeals (515-281-6538).

Fireworks

- Requires permit from City Fire Department (712-328-4646).

Noise

- If event includes music, a live band, or noise of any kind a request for a noise variance must be made. See form attached.

VI. Traffic Control

Request Police Assistance for

N/A

Cost for City worker's overtime may be required. Administrative fees for police services and cruisers are provided at additional costs.

Street closures (**Must include a Map**)

If using the 712 Initiative Block Party Trailer, please complete section VIII.

- Street closures must be in compliance with the Manual for Uniform Traffic Control Devices. Traffic control barricades and signage must be furnished and placed by qualified companies or by the city. The city charges fees for this service.
- Street closures require abutting property owners' concurrence. Petition/permission form attached. Requires signature of any property affected by the closure.
- Event Organizers are responsible for notifying businesses that affected by street closure. Notice to businesses must be given at least 4 weeks in advance of the event.

VII. Please check any of the following boxes that apply to this event.

- animals
- open fires (other than barbeques)
- portables (porta-potties) – recommendations based on duration/people attending
- using a park, sidewalk or street surrounding a park
- using any portion of a public trail
- using any public area
- there will alcoholic beverages be sold
- there will alcoholic beverages be served
- there will there be a fee/charge to take part in this event

If you checked any of the boxes above, please give a brief description below:

The road to it will be blocked off between the
Church + Mosquito Creek with caution tape. We will
also have personnel on site to ensure site security

VIII. Street Closure while utilizing the 712 Initiative Block Party Trailer:

The following items must be completed and submitted with this application to the City Clerk's Office, 209 Pearl Street, Suite 102, Council Bluffs..

- Diagram of Street Closure attached
- Completed Street Closure Permission form, with signatures from all properties affected by the closure.

The 712 Initiative will provide the City Clerk's Office with your reservation information once they have approved the use of the trailer.

If not using the 712 Initiative Block Party Trailer, you must obtain insurance, as outlined below.

Insurance Requirements: For all events, an *Insurance Certificate* is required in the amount of \$1,000,000.00, for Liability coverage, listing the City of Council Bluffs as an additional insured.

PLEASE NOTE: The request form must be returned to the City Clerk's Office, 209 Pearl Street, at least 2 weeks prior to the event or the event will be denied. If you have any questions please contact us at 712-890-5261

NOISE VARIANCE REQUEST

APPLICATION DATE: _____

REQUESTING PERSON: _____

NAME: Ray Samsdahl

MAILING ADDRESS: 17743 Allis Rd C.B. IA 51503

PHONE NUMBER: 402-980-1800

EMAIL: ray@jandmdisplays.com

ORGANIZATION/EVENT: J+m Displays

EVENT LOCATION: 3320 Harry Langdon Blvd

EVENT DATE: 9-4-22

EVENT TIME: 10 PM

EXPLAIN SOURCE OF NOISE AND SPECIFIC HOURS OF NOISE:

Creekside Church has contracted us to do fireworks.
There is a chance the show will go past 10 PM
slightly.

APPROVED ()

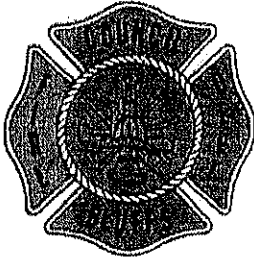
DISAPPROVED ()

APPROVED WITH STIPULATION ()

The Police have the authority to cease music or require reduction of volume for the remainder of event if complaints are received.

Chief Building Official

Date



Council Bluffs Fire Department

200 South 4th Street
Council Bluffs, IA 51503
Tel: 712-328-4646
Fax: 712-328-4916

<http://www.councilbluffs-ia.gov/index.aspx?nid=212>

Permit for Pyrotechnic Display

Date and Time of Display: 9-4-22 Rain Date: TBD

SITE INFORMATION

Name Creekside Church at Council Bluffs
Property Owner's Name Creekside Church
Address 3320 Harry Langdon Blvd C.R.
City, State, Zip Council Bluffs, IA 51503
Telephone Number 712-323-7221
Telephone Number _____
Fallout Perimeter Designated by J+M Displays
Maintained by J+M Displays

PYROTECHNIC COMPANY

Name J+M Displays
Address 17783 Mill's Rd C.R. IA 51503
Contact Person Roy Sanderson
Telephone# 402-980-1800
Number of Personnel to be onsite 2
Lead Pyrotechnic Operator Roy Sanderson
Support Personnel Chris Wolf
Support Personnel _____
Support Personnel _____
Support Personnel _____

The undersigned do hereby agree to comply with all Local, State, and Federal Laws.

Name of Applicant (type or print)

Signature of Applicant

Roy Sanderson

[Signature]

Name of Property Owner (type or print)

Signature of Property Owner

Eric T Schell

Date of Application _____