

City Planning Commission Communication

Department: Community Development	Ordinance No.	Planning Commission: 5/8/17
Case #ZT-18-001		
Applicant: City of Council Bluffs		

Subject/Title

Public hearing on the request of the Community Development Department to amend multiple sections of Title 15: Zoning of the Council Bluffs Municipal Code, relative to ‘consumer firework sales’, as follows:

- Amend Chapter 15.03, *Definitions* by adding §15.03.171a ‘consumer fireworks sales’ definition; and
- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(7a), ‘consumer fireworks sales’ as a principal use in the C-2/Commercial District and to amend §15.15.060(4), *Additional regulations*, relative to ‘consumer fireworks sales’ in a C-2/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(04a) ‘consumer fireworks sale’ as a principal use in the P-C/Planned Commercial District and add §15.18.055, *Additional regulations*, relative to ‘consumer fireworks sales’ in the P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District* by adding §15.15.020(10a), ‘consumer fireworks sales’ as a principal use in the I-1/Light Industrial District and to amend §15.15.060(2), *Additional regulations*, relative to ‘consumer fireworks sales’ in the I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(9a), ‘consumer fireworks sales’ as a principal use in the I-2/General Industrial District and to amend §15.21.060(2), *Additional regulations*, relative to ‘consumer fireworks sales’ in the I-2/General Industrial District; and
- Amend Chapter 15.23, *Off-Street Parking, Loading and Unloading*, by adding §15.23.060(4), *Consumer Fireworks Sales*, relative to required off-street parking for a ‘consumer fireworks sales’ use (1 space per 200 square feet of gross floor area).

Background

On May 9, 2017, the State of Iowa signed into law Senate File 489 which legalized the sale of ‘consumer fireworks’. In response to this legislation, the Community Development Department has proposed the following text amendments to Title 15: Zoning of the Council Bluffs Municipal Code in order to address land use and off-street parking standards for ‘consumer fireworks sales’ in the City of Council Bluffs. The proposed text amendments are as follows:

1. Amend Chapter 15.03, *Definitions* by adding §15.03.171a ‘consumer fireworks sales’ definition, as follows:

15.03.171(a) Consumer fireworks sales. The sale of first-class and second-class consumer fireworks as defined in Iowa Code Section 727.2, *Fireworks*. (See Attachment A)

Examples of first-class and second-class consumer fireworks are defined in Section 100.19, Consumer fireworks seller licensing of the Iowa Code (see Attachments B&C for more information).

2. Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(7a), ‘consumer fireworks sales’ as a principal use in the C-2/Commercial District. Amend §15.15.060(4), *Additional regulations*, to establish a 300 foot separation distance between ‘consumer fireworks sales’ in a temporary structure (e.g. tent) and a residential use (see Attachment D).

Note: The 300 foot separation distance is a requirement that is stated in Section 7.6.4, Fireworks Discharge of the International Fire Code.

3. Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(04a) ‘consumer fireworks sale’ as a principal use in the P-C/Planned Commercial District. Add §15.18.055, *Additional regulations*, to establish a 300 foot separation distance between ‘consumer fireworks sales’ in a temporary structure (e.g. tent) and a residential use (see Attachment E); and

4. Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District* by adding §15.15.020(10a), ‘consumer fireworks sales’ as a principal use in the I-1/Light Industrial District. Amend §15.15.060(2), *Additional regulations*, to establish a 300 foot separation distance between ‘consumer fireworks sales’ in a temporary structure (e.g. tent) and a residential use (see Attachment F); and
5. Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(9a), ‘consumer fireworks sales’ as a principal use in the I-2/General Industrial District. Amend §15.21.060(2), *Additional regulations*, to establish a 300 foot separation distance between ‘consumer fireworks sales’ in a temporary structure (e.g. tent) and a residential use (see Attachment G); and
6. Amend Chapter 15.23, *Off-Street Parking, Loading and Unloading*, by adding §15.23.060(4), *Consumer Fireworks Sales* as land use category for off-street parking standards. A consumer fireworks sales use will require 1 parking space per 200 square feet of gross floor area (see Attachment H).

The proposed text amendments were forwarded to the City’s Public Works Department, Legal Department, Fire Department and Building Division for review and comments. No adverse comments were received.

Recommendation

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

- Amend Chapter 15.03, *Definitions* by adding §15.03.171a ‘consumer fireworks sales’ definition; and
- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(7a), ‘consumer fireworks sales’ as a principal use in the C-2/Commercial District and to amend §15.15.060(4), *Additional regulations*, relative to ‘consumer fireworks sales’ in a C-2/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(04a) ‘consumer fireworks sale’ as a principal use in the P-C/Planned Commercial District and add §15.18.055, *Additional regulations*, relative to ‘consumer fireworks sales’ in the P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District* by adding §15.15.020(10a), ‘consumer fireworks sales’ as a principal use in the I-1/Light Industrial District and to amend §15.15.060(2), *Additional regulations*, relative to ‘consumer fireworks sales’ in the I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(9a), ‘consumer fireworks sales’ as a principal use in the I-2/General Industrial District and to amend §15.21.060(2), *Additional regulations*, relative to ‘consumer fireworks sales’ in the I-2/General Industrial District; and
- Amend Chapter 15.23, *Off-Street Parking, Loading and Unloading*, by adding §15.23.060(4), *Consumer Fireworks Sales*, relative to required off-street parking for a ‘consumer fireworks sales’ use (1 space per 200 square feet of gross floor area).

Attachment

Attachment A: Proposed text amendment to Chapter 15.03, *Definitions* relative to ‘consumer fireworks sales’

Attachment B: Copy of Iowa Code Section 727.2, *Fireworks*

Attachment C: Copy of Iowa Code Section 100.19 – Examples of first-class and second-class consumer fireworks

Attachment D: Proposed text amendments to Chapter 15.15, *C-2 District* relative to ‘consumer fireworks sales’.

Attachment E: Proposed text amendments to Chapter 15.18, *P-C District* relative to ‘consumer fireworks sales’.

Attachment F: Proposed text amendments to Chapter 15.20, *I-1 Industrial District* relative to ‘consumer fireworks sales’

Attachment G: Proposed text amendments to Chapter 15.21, *I-2 Industrial District* relative to ‘consumer fireworks sales’

Attachment H: Proposed text amendment to Chapter 15.23, *Off-Street Parking, Loading and Unloading*, relative to ‘consumer fireworks sales’.

Prepared by: Christopher N. Gibbons, AICP, Planner