City Council Communication

Department: Community Development Department CASE #ZT-22-004 Applicant: Community Development Department	Ordinance No. _____	City Council 1st Consideration: 6/27/22 2nd Consideration: 7/11/22 3rd Consideration: 7/25/22 Planning Commission: 6/14/2022

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: amend Section 15.12.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

Background

On April 21, 2022 Iowa Senate Bill 2285 passed which allows for the sale of consumer fireworks in all locations zoned for commercial and industrial purposes in Iowa. In response to this bill, the Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code to allow 'consumer fireworks sales' as a principal use in all of the city's commercial and industrial zoning districts.

Per Section 15.03.171a, "*Consumer Fireworks Sales*" are defined as, "*the sale of first-class and second-class consumer fireworks as defined in Iowa Code §727.2.*" 'Consumer fireworks sales' are currently allowed as a principal use in the C-2/Commercial District, P-C/Planned Commercial District, I-1/Light Industrial District, and I-2/General Industrial District. 'Consumer fireworks sales' are also regulated by the International Fire Code (IFC), which requires a 300-foot separation distance between 'consumer fireworks sales' in a temporary structure (e.g. tent) and a residential use.

The following text amendments are proposed to allow "consumer fireworks sales" as a principal use in all remaining commercial and industrial districts and include the IFC's separation distance requirement:

- Amend Section 15.12.20, Principal Uses, of the MCR/Mixed Commercial-Residential District by adding "Consumer Fireworks Sales" as a principal use and Section 15.12.060, Additional Regulations, of the MCR/Mixed Commercial-Residential District by adding the following language:

  Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;
- Amend Section 15.14.020, Principal Uses, of the C-1/Commercial District by adding "Consumer Fireworks Sales" as a principal use and Section 15.14.060, Additional Regulations, of the C-1/Commercial District by adding the following language:

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

- Amend Section 15.16.020, Principal Uses, of the C-3/Commercial District by adding "Consumer Fireworks Sales" as a principal use and Section 15.16.060, Additional Regulations, of the C-1/Commercial District by adding the following language:
  Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;
- Amend Section 15.17.020, Principal Uses, of the C-4/Commercial District by adding "Consumer Fireworks Sales" as a principal use and Section 15.17.060, Additional Regulations, of the C-1/Commercial District by adding the following language:
  Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;
- Amend Section 15.19.020, Principal Uses, of the P-I/Planned Industrial District by adding "Consumer Fireworks Sales" as a principal use and Section 15.19.080, Additional Regulations, of the C-1/Commercial District by adding the following language:
  Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure; and
- Amend Section 15.22.020, Principal Uses, of the I-3/Heavy Industrial District by adding "Consumer Fireworks Sales" as a principal use and Section 15.22.060, Additional Regulations, of the C-1/Commercial District by adding the following language:
  Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

The City Planning Commission recommended the following amendments to the A-P/Administrative-Professional District, relative to consumer fireworks sales, at their June 14, 2022 meeting:

- Amend Section 15.13.20, Principal Uses, of the A-P/Administrative-Professional District by adding "Consumer Fireworks Sales" as a principal use and Section 15.13.060, Additional Regulations, of the A-P/Administrative-Professional District by adding the following language:
  Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

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 'consumer fireworks sales' are subject to Section 15.23, *Off-Street Parking, Loading, and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance) and that staff will be responsible for continuing to ensure that all consumer firework sales operations have adequate off-street parking.

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: amend Section 15.12.020, Principal Uses; Section 15.13.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR,A-P, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.13.060, Additional Regulations, Section 15.14.060, Additional Regulations; Section

15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

Public Hearing

Staff speakers for the request:
1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning 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 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: amend Section 15.12.020, Principal Uses; Section 15.13.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, A-P, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.13.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

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

Attachments

Attachment A: Proposed Chapter 15.12, *MCR/Mixed Commercial-Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment B: Proposed Chapter 15.13, *A-P/Administrative Professional District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment C: Proposed Chapter 15.14, *C-1/Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment D: Proposed Chapter 15.16, *C-3/Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment E: Proposed Chapter 15.17, *C-4/Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment F: Proposed Chapter 15.19, *P-I/Planned Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment G: Proposed Chapter 15.22, *I-3/Heavy Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley Weber Planner, Community Development Department