CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: **May 15, 2017**

ITEM: Firework Sales – Amend Title 9, Zoning, to establish regulations related to the sale of fireworks within permanent buildings and temporary structures – City Initiated – AO-3476-2017

MOTION: Refer to Plan and Zoning Commission

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Currently, City Code Title 9, *Zoning*, Chapter 5 *Agriculture/Open Space and Residential Zoning District*, Section 8, *Open Space/Agricultural and Residential Use Regulations*, and Chapter 6, *Commercial, Office, and Industrial Zoning District*, Section 6, *Commercial, Office, and Industrial Use Regulations* does not include any allowances permitting SIC 5999-053: Retail Fireworks Stores. Thus, the retail sale of fireworks is not allowed in West Des Moines. In anticipation of the State allowance for the sale of fireworks, the City will, at a minimum, need to amend Title 9, Zoning, as well as possibly Fire and Building Codes. The legislative bill identifies two classes of consumer fireworks and breaks out retail sales in respect to whether the sales occurs in a permanent building or temporary structure. While staff from various City departments are still meeting to discuss concerns, it is anticipated that the City will utilize the Temporary Use Permit process to establish standards related to the regulation of the sale of fireworks and to track the sale of fireworks.

At this time the City is requesting that the City Council initiate the ordinance amendment request and refer it to the Plan and Zoning Commission for their review and recommendation. The initiation of the ordinance amendment request by the City Council does not indicate support or opposition to the request.

RECOMMENDATION: Staff recommends initiation of the ordinance amendment request and forwarding it to the Plan and Zoning Commission for their review and recommendation.

Lead Staff Member: Lynne Twedt

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In		
Date(s) Published		
Letter sent to surrounding property owners		

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation	Yes ☐	No ☐	Split ☐