

ORDINANCE NO. 2299

ORDINANCE AMENDING THE CITY OF NEWTON CODE OF ORDINANCES, TITLE XV, CHAPTERS 155 AND 158, ESTABLISHING ZONING REGULATIONS AND SITE PLAN APPLICABILITY FOR FIREWORKS SALES AND WAREHOUSING USES.

WHEREAS, the State of Iowa has established new laws related to the use, sale, and warehousing of consumer fireworks in the state;

WHEREAS, the Planning and Zoning Commission has recognized that there are zoning and site plan implications related to the sale and warehousing of fireworks within the City of Newton;

WHEREAS, the Planning and Zoning Commission reviewed and unanimously recommended approval of amending Chapter 155: Site Plan Control and Chapter 158: Zoning to address review process and locational issues related to fireworks businesses within the city limits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1.

Title XV, Chapter 155 and Title XV, Chapter 158 is amended as shown in "Attachment A."

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on May 19, 2017, after the final passage, approval and publication as provided by law.

PASSED this 15th day of May, 2017.

APPROVED this 16th day of May, 2017.



Michael L. Hansen
Michael L. Hansen, Mayor

ATTEST: IOWA

Katrina Davis
Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the 16th day of May, 2017 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the 19th day of May, 2017.

Dated this 19th day of May, 2017.

Katrina Davis
Katrina Davis, City Clerk

ATTACHMENT A.

Amendment to Title XV, Chapter 155, Site Plan Control as follows:

Addition to Applicability of Site Plan Applicability:

155.04 (A)

(6) Temporary Structure or Tent Sales with a total footprint (structure/tent and required additional parking) in excess of 360 square feet, that do not impact on-site parking or circulation patterns, and are erected for more than 20 days. A basic site plan consisting of all information required by 155.26 except for the submittal of the grading plan, drainage and erosion control plan, storm-water detention plan and drainage report, and existing topography of the site.

- a. Fireworks related businesses: Shall show on their site plan the distances from the fireworks sales or warehousing/storage structure to any residences or fuel sources within 200 feet. Applicants shall verify distance from the next nearest fireworks related business.
- b. Previously approved site plans which included a layout for seasonal outdoor sales are exempted from this requirement.

Amendment to Title XV, Chapter 158, Zoning as follows:

Addition to 158.003 Definitions:

Fireworks: Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation. Toy smoke devices, wire or dipped sparklers, and cap guns are not considered fireworks for the purpose of this chapter.

Amendments to Districts:

158.023 C-A: Arterial Commercial.

(C) *Permitted Uses.*

(14) Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.

158.027 C-T: Tourism Oriented Commercial District

(C) *Conditional Uses.*

(8) Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.

158.029 I-L: Light Industrial

(C) *Permitted Use*

(26) Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.

(27) Fireworks Warehousing or Storage without on-site sales. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.

158.030 I-H: Heavy Industrial

(C) *Permitted Use*

(7) Fireworks sales with storage of fireworks in a space equal to or less than 20% of the sales floor area. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.

(8) Fireworks Warehousing or Storage without on-site sales. The activity shall be located at least 150 feet from any residential dwelling, 150 feet from any fuel source, and 750 feet away from any other fireworks sales use.

Amendment to Home Occupation Section:

158.116 Home Occupations.

(H) Fireworks related business is not allowed as a home occupation.

Amendment to Signs Section:

158.159 General Regulations.

(H) Fireworks related business sign. No more than one sign per business with a maximum size of 25 square feet per sign side is allowed. A fireworks related business sign is not exempt from the sign permit requirement.

Amendment to Parking:

158.139 Schedule of Parking Requirements.

(G) *Commercial.*

Automobile laundries	10 stacking spaces for each wash rack or bay
Furniture and appliance stores and similar large item sales establishments, retail or wholesale	1 parking space for each 600 square feet of sales or showroom area
Motor vehicle and machinery sales and similar sales establishments using outdoor sales and display areas	1 parking space for each 300 square feet of enclosed sales or display area
Offices, business or professional	1 parking space for each 200 square feet of floor area
Other commercial uses as listed in 34.04	Adequate parking spaces, as determined by the City Planner, to serve persons employed on the premises as well as the visiting public
Restaurants, dining rooms, taverns and other establishments providing food or beverages for consumption on the premises	Parking spaces equal to 25% of the seating capacity. Where carry-out or drive-up service is provided, there shall be, additionally, 4 parking or stacking spaces for each 3 feet of service counter or window
Retail stores and banks having over 4,000 square feet of customer service area	1 parking space for each 200 square feet of customer service floor area over 2,000 square feet
Retail stores, banks, service shops having less than 4,000 square feet of customer service floor area	1 space for each 200 square feet of sales room or customer service area
Fireworks Sales, temporary or permanent	1 parking space for each 200 square feet of floor area occupied by the fireworks business, plus adequate turn around area for on-site circulation.