

ORDINANCE NO. 2298

AN ORDINANCE AMENDING ORDINANCE NO. 1489 OF THE ORDINANCES OF THE CITY OF FORT DODGE, IOWA: THE SAID ORDINANCE NO. 1489 BEING ENTITLED: "AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION AND USE OF BUILDINGS AND STRUCTURES, AND THE USE OF LAND IN THE CITY OF FORT DODGE, IOWA, AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS AND CREATING BOARD OF ADJUSTMENT, REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE REGULATIONS."

BE IT ORDAINED BY THE CITY COUNCIL OF FORT DODGE, IOWA:

SECTION I

This Ordinance amends said Ordinance No. 1489 by directing the incorporation of language within the zoning regulations.

SECTION II

That Ordinance No. 1489 of the City of Fort Dodge, Iowa, as adopted, enacted and passed on the 17th day of October, 1978, be the same is hereby amended by making the following changes:

Amending Section 17.07.09.B. to include interior fireworks sales as a permitted use in the OC District:

- B. PERMITTED USES: The following uses are permitted in the OC District:
6. Firework sales, as long as situated within a fully enclosed, permanent, building.

Amending Section 17.07.09.C. to clarify outdoor display and sales in the OC District:

- C. ACCESSORY USES: Uses of land or structure customarily incidental and subordinate to a permitted use in the OC District:
4. Outdoor display and sales. The display and/or tent for outdoor display and sale of fireworks, including all membranes, guy wires, and ropes, as well as any other trailers, storage units, or similar objects associated with the display and/or tent, must be at least 100 feet from all structures.

Amending Section 17.07.10.B. to include interior fireworks sales as a permitted use in the AC District:

- B. PERMITTED USES: The following uses are permitted in the AC District:
9. Firework sales, as long as situated within a fully enclosed, permanent, building.

Amending Section 17.07.10.C. to clarify outdoor display and sales in the AC District:

- C. ACCESSORY USES: Uses of land or structure customarily incidental and subordinate to a permitted use in the AC District:
5. Outdoor display and sales. The display and/or tent for outdoor display and sale of fireworks, including all membranes, guy wires, and ropes, as well as any other trailers, storage units, or similar objects associated with the display and/or tent, must be at least 100 feet from all structures.

Adding to Table 17.07.11-11. Downtown Uses to include indoor fireworks sales as a conditional

use in the D-1 and D-2 District:

Commercial (indoors only)	D-1 Core	D-2 Corridor
Firework sales	C	C

Adding Section 17.07.11.D.5.:

5. Firework sales are permitted so long as situated within a fully enclosed, permanent, building.

Adding to Table 17.07.11-11. Downtown Uses to include outdoor display and sale of fireworks as a prohibited accessory use in the D-1 District and a conditional accessory use in the D-2 District

Accessory Uses	D-1 Core	D-2 Corridor
Outdoor display and sale of fireworks		C

Adding Section 17.07.11.D.6.:

6. Outdoor display and sale of fireworks are permitted as an accessory use, so long as the display and/or tent, including all membranes, guy wires, and ropes, as well as any trailers, storage units, or similar objects associated with the display and/or tent, are at least 100 feet from all structures.

Amending Section 17.07.12.B. to include interior fireworks sales as a permitted use in the SC District:

- C. PERMITTED USES: The following uses are permitted in the SC District:

10. Firework sales, as long as situated within a fully enclosed, permanent, building.

Amending Section 17.07.12.D.2. to clarify outdoor display and sales in the SC District:

- B. SPECIAL EXCEPTIONS: Certain uses may be permitted in the SC District subject to specific conditions and requirements intended to make them compatible with an acceptable to adjacent uses.

2. Outdoor displays, excluding the outdoor display and sale of fireworks.

Amending Section 17.07.13.B. to include interior fireworks sales as a permitted use in the LI District:

- C. PERMITTED USES: The following uses are permitted in the LI District:

10. Firework sales, as long as situated within a fully enclosed, permanent, building.

Amending Section 17.07.13.C. to include outdoor fireworks sales as a permitted accessory use in the LI District:

- C. ACCESSORY USES: Use of land or structure customarily incidental and subordinate to a permitted use in the LI District:

3. Outdoor display and sales. The display and/or tent for outdoor display and sale of fireworks, including all membranes, guy wires, and ropes, as well as any trailers, storage units, or similar objects associated with the display and/or tent, must be at least 100 feet from all structures.

Amending Section 17.07.14.C. to include outdoor fireworks sales as a permitted accessory use (interior use already allowed as permitted use) in the HI District:

- C. ACCESSORY USES: Use of land or structure customarily incidental and subordinate to a permitted use in the HI District:

3. Outdoor display and sales. The display and/or tent for outdoor display and sale of fireworks, including all membranes, guy wires, and ropes, as well as any trailers,

storage units, or similar objects associated with the display and/or tent, must be at least 100 feet from all structures.

Amending Section 17.07.17.D.2. to prohibit the outdoor display and sale of fireworks in the O-CG District:

2. Outdoor display and sale of fireworks.

Amending Section 17.07.19.D. to prohibit the outdoor display and sale of fireworks in the O-CC District:

- D. PROHIBITED USES: The following uses are prohibited in the O-CC Overlay District:

7. Outdoor display and sale of fireworks.

Amending Section 17.07.19.E.3. to prohibit the outdoor display and sale of fireworks in the O-CC District:

3. Outdoor Display. Outdoor display of merchandise for immediate sale, excluding fireworks, is permitted in areas immediately adjacent to a main building. However, the display area may not be located within a required yard or required off-street parking space and may not be located in a manner that obstructs building entrances and exits, sidewalks, bicycle parking areas, pedestrian routes, or vehicular use areas.

Adding Section 17.07.20.E. to prohibit the outdoor display and sale of fireworks in the O-DG District:

- E. PROHIBITED USES: The following uses are prohibited in the O-DG Overlay District:

8. Outdoor display and sale of fireworks.

SECTION III

That upon enactment of this Ordinance as by law provided that the City cause the change to be made upon the zoning regulations adopted in Ordinance 1489 and make notation in ink thereon of reference to the date of passage and approval of this amendatory Ordinance.

SECTION IV

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION V

This Ordinance shall be in full force and effect from and after its publication as provided by law.

The above Ordinance passed and adopted by the City Council of the City of Fort Dodge, Iowa this 22nd day of April 2019.

CITY OF FORT DODGE, IOWA
Matt Bemrich, Mayor
Jeff Nemmers, City Clerk