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TO: Mayor and Ames City Council

FROM: Kelly Diekmann, Planning and Housing Director

DATE: January 24, 2020

SUBJECT: Request for Zoning Text Amendment to Permit Outdoor Fireworks sales in the Planned Regional Commercial (PRC) zone.

BACKGROUND:

At the November 26th Council meeting the City Council referred to staff a text amendment request to allow for the sale of fireworks within the Outdoor Display standards in Planned Regional Commercial zones (PRC). There are two PRC zoned areas in the City which include: the area of North Grand Mall as well as the area east of I-35 on either side of East 13th Street. The standards for this zone are designed to accommodate a mall or other large big box and multi-bay retail store design.

Currently sales of fireworks are only allowed in zones that permit Outdoor Display and do not restrict the type of outdoor sales. PRC does not permit Outdoor Display, except for garden centers and similar accessory uses, and automotive and marine trade uses. Some other commercial zoning districts have broader allowances for outdoor display, including fireworks sales, such as Highway-Oriented Commercial (HOC), Downtown Service Center (DSC), Campustown Service Center (CSC) and Convenience General Service (CGS). Some other commercial zones permit only plants and produce similar to PRC and restrict fireworks sales. Outdoor Display is also permitted in General Industrial zones (GI). No residential zones allow for Outdoor Display.

Supplemental Outdoor Display standards are found in Section 29.405, notably requiring display areas to meet building setbacks, which is currently 50 feet in PRC zoning. Outdoor Display can include uses such as temporary fireworks stands, permanent or temporary vehicle sales, food trucks, temporary trailers and other outdoor retail or food uses. These types of uses, even if temporary, must not interfere with required parking, disrupt the flow of traffic in parking lots or on adjacent public rights of way.

The request to allow for fireworks sales could be approached in one of three ways if City Council is interested in pursuing this request. Each option addresses Outdoor Display as a use beyond just fireworks stands. Staff believes it's best to address Outdoor Display rather than insert language only referring to fireworks display as it will address other related issues.

OPTIONS:

A. Address Outdoor Display in Planned Regional Commercial (PRC) zones.

City Council would initiate changes to the PRC zoning standards dealing with Outdoor Display. The current standards for Outdoor Display have a narrow range of allowed uses compared to HOC zoning and it has the greatest building setback of any zoning district. PRC has a 50-foot front yard setback and setbacks abutting residential areas with no side or rear setbacks otherwise. Given the larger nature of PRC zoned properties some areas between buildings and streets could be permitted while others restricted. For example, the City Council could choose to permit Outdoor Display only along a limited number of frontages on corner lots or restrict them in front yards along arterial streets or adjacent to residential areas. This would eliminate issues with proliferation of multiple outdoor displays in areas such as North Grand Mall with expansive parking lots. This change would directly affect the North Grand Mall site and the north super Wal-Mart site. This directly addresses the applicant's interest. **This option involves the least amount of staff time to prepare a text amendment.**

B. Address Outdoor Display Standards in all commercial zones.

As described earlier the outdoor display standards vary by zoning district involve a broad range of activities, beyond just fireworks sales. A review whether to allow Outdoor Display across all commercial zoning districts could be done with changes applying to all commercial zones in the city beyond just PRC. Restrictions on locations for specific uses could still be applied in certain commercial zones after reviewing the districts for consistency. **This option is somewhat more time consuming for staff time than Option A as options would be created prior to proceeding with a zoning text amendment.** The Council could direct the review of options to occur with the P&Z and then proceed with a zoning text amendment that would ultimately be approved by the City Council.

C. Initiate a change to add separate standalone use standards for outdoor and temporary uses.

Addressing this issue now would provide for a new set of standards that would define how temporary and outdoor display uses are permitted and allowed to operate across the city as well as address what zoning districts they would be allowed in. These uses would include fireworks stands, food trucks, temporary coffee stands and other outdoor temporary food or retail uses. This would also be in line with a work plan item approved by the City Council in September of 2017. This would be a new set of standards in Article 4 of the Zoning ordinance with specific review of site layout and permitting requirements. **This option would be comprehensive in its approach, would be the most involved option regarding staff time, would take the most time to complete, and would require a reprioritization of the department's program of work.**

STAFF COMMENTS:

City Council currently has a non-prioritized item related to this issue as part of the P&H work plan. **Staff would prefer to take a look at temporary uses and displays in a comprehensive manner (Option C) that would have the** most benefit to the overall community compared to the isolated issues of PRC zoning. If City Council chooses to proceed with any of the options other than Option A (which is the prospective applicant's preference) , it would need to articulate that it is a priority for staff to proceed with project, as opposed to initiating other projects, and assume it would take 3-4 months to complete.