

ORDINANCE NO. 16,273

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 134-6.5.2, Section 134-3.8.1 and Table 134-3.1-1 and Table 134-3.9-1, relating to consumer fireworks sales; alcoholic liquor, wine, beer sales; and utility and public service infrastructure repair or modification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, s heretofore amended, is hereby amended, amending Section 134-6.5.2, Section 134-3.8.1 and Table 134-3.1-1 and Table 134-3.9-1, relating to consumer fireworks sales; alcoholic liquor, wine, beer sales; and utility and public service infrastructure repair or modification, as follows:

**6.5.2 AUTHORIZED TYPE1 ZONING EXCEPTIONS**

Unless otherwise allowed by this ordinance, only the following may be approved as Type 1 zoning exceptions:

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- 11. Exceptions to allow repair, modification, or upgrade of existing utility or public service infrastructure services and equipment.
- 12. Other exceptions expressly provided in this chapter.

**3.8.1 CONSUMER FIREWORKS SALES**

**A.** Retail sales of Consumer Fireworks, as defined in chapter 46 of this code, shall be permitted only in those zoning districts where such sales are specifically classified as permitted uses by applicable district regulations.

**B.** In each zoning district where retail sales of Consumer Fireworks, as defined in chapter 46 of this code, are classified as a permitted use, such sales shall be undertaken in full compliance with chapter 46 of this code.

**Tables 134-3.1-1 and 134-3.9-1**

Revising Table 134-3.1-1 and Table 134-3.9-1 as shown on attachment hereto, and by this reference made a part hereof, as follows:

**Table 134-3.1-1. Principal Use Table**

Expansion of Consumer Fireworks Sales to include DX1, DX2, DXR, MX1, MX2, MX3, RX1, RX2, CX, and EX as permitted by right (4) and supplemental use regulations apply (\*).

language added to KEY:

- = requires conditional use approval unless eligible for Type 1 Zoning Exception

**Table 134-3.9-1. Alcoholic Liquor, Wine and Beer Sales**

- Delete Alcoholic Liquor, Wine, Beer Sales under Limited Retails Sales in RX1/RX2.
- Delete Alcoholic Liquor, Wine, Beer Sales under Fuel Station in MX1.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED: Gary D. Goudelock Jr., Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest: I, Laura Baumgartner, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an Ordinance (Roll Call No. 23-1149), passed by the City Council of said City at the meeting held on August 7, 2023 and signed by the Mayor on August 7, 2023 and published and provided by law in the Business Record on August 25, 2023. Authorized by Publication Order No. 12390.

Laura Baumgartner, City Clerk