



Planning Department

REVISED: June 20, 2011

ZONING INTERPRETATION RECORD ZI10-04

SUBJECT OF INTERPRETATION:

Sale of consumer fireworks.

ZONING CODE ORDINANCE SECTIONS:

Section 5.701 – Neighborhood Shopping Center
Section 5.710 – Shopping Center
Section 5.730 – Neighborhood Commercial
Section 5.750 – General Commercial
Section 5.770 – Heavy Commercial
Section 5.782 – Commercial Shopping Center
Section 5.120 – Rural Residential
Section 5.200 – Suburban Residential
Section 5.300 – Urban Residential
Section 5.400 – Multiple Residence

TITLE OF SECTIONS:

Permitted Uses
Uses Subject to Conditions
Uses Subject to Conditional Use Permit

CAUSE FOR INTERPRETATION:

Arizona State House of Representatives Bill 2246 was signed into law May 10, 2010 and becomes effective December 1, 2010. This bill will amend the state statutes to define and permit the sale of “consumer firework(s)”. At this time, the Zoning Ordinance does not address retail sales of fireworks. This interpretation is to establish land use regulations for the sale of consumer fireworks.

HB 2246 defines consumer fireworks as “small firework devices that contain restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion...” When effective, this law will allow the retail sales of “permissible consumer fireworks” which, unlike “display fireworks”, do not include “anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground...” For purposes of this interpretation, the term “permissible consumer fireworks” shall be referred to as “consumer fireworks.”

INTERPRETATION:

Within the permitted uses listed for each of the commercial zoning districts listed above, there are provisions to allow general merchandising of retail goods, such as food, apparel, and accessories. As state law will permit the retail sale of consumer fireworks, such items will be considered retail goods and be permitted to be sold in all districts where general merchandising is permitted.

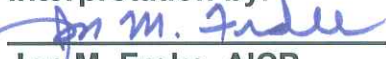
The outdoor sale of merchandise in the above listed zoning districts is prohibited. An exception to this requirement is the allowance of Seasonal Sales and Special Events per Section 7.503. As fireworks may be related to particular seasonal events, temporary sales of fireworks will be permitted under this section with the following restrictions:

1. A Minor and Major Event Application and appropriate fee must be submitted and approved before any event or related display may be placed on properties.
2. A maximum of 30 calendar days is permitted for each event.
3. Fireworks sales may only be located on commercially zoned properties and on residentially zoned properties with permitted non-residential land uses.
4. Outdoor fireworks sales are not required to be in conjunction with an existing retailer.
5. All fireworks displays, sales, and tents are to be located on an improved surface.
6. Only one fireworks vendor shall be allowed to locate on each property.
7. A maximum tent or canopy size of 800 square feet is permitted.
8. Property owner authorization is required.

CONCLUSION:


It is therefore determined that the sale of consumer fireworks is permitted in the above referenced zoning districts and that the temporary outdoor sale of consumer fireworks is subject to Section 7.503.

Interpretation by:


Jon M. Froke, AICP
Planning Director

Date: 10.21.10

Revised Interpretation by:


Jon M. Froke, AICP
Planning Director

Date: 06.20.11