NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: March 9, 2015

ITEM: Ordinance Amendment - Amend Title 9 (Zoning), Chapter 2 (Zoning Rules And Definitions) to add a definition for Tap Rooms (Beer Parlors), Amend Title 9 (Zoning), Chapter 6 (Commercial, Office And Industrial Zoning Districts), Section 6 (Commercial, Office And Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) to make SIC 5813 – Tap Rooms And Beer Parlors a Permitted Conditional Use in the General Industrial, Light Industrial and Business Park Zoning Districts, Amend Title 9 (Zoning), Chapter 10, Performance Standards to add regulations for tap rooms (beer parlors) in the General Industrial, Light Industrial, and Business Park Zoning Districts, and Amend Title 9 (Zoning), Chapter 15, Off Street Parking And Loading to regulate parking requirements for Tap Rooms associated with breweries – City Initiated – AO-002599-2015

ORDINANCE: Approval of Second Reading, Waive Third and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Development Services staff received an inquiry from Fox Brewing to allow a tap room in conjunction with a proposed craft brewery on a parcel in the General Industrial district. Fox Brewing indicated that tap rooms allow for socializing and tasting the beer that the brewery produces. Staff reviewed the code to find that a brewery was an allowed use in the General Industrial, Light Industrial, and Business Park zoning districts; however, nothing in the City Code addressed tap rooms. Staff determined that because the beer is sold retail, the establishment operates similar to a bar versus free tasting with prospective retailers of the product as would be done as part of the wholesale of the beer. Per City Code, Bars (SIC 5813) are not allowed in the zoning districts in which breweries are allowed. Staff requests approval of an ordinance amendment to define tap rooms (beer parlors), to allow tap rooms in association with a brewery as a permitted conditional use in the General Industrial, Light Industrial, and Business Park districts (the same zoning districts that breweries are allowed), and to establish requirements for area coverage, licensing, and parking.

Previous Council Action:
Vote: 4-0 approval, Council member Trimble abstained due to a potential conflict of interest
Date: February 23, 2015
Motion: Approval of the First Reading of the ordinance

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the second reading, waive the third reading and adopt the Ordinance amendment in final form, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser, AICP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	February 6, 2015
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	January 29, 2015		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENT:

Exhibit I - Proposed Ordinance

EXHIBIT I

Prepared by: KTragesser, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

TO AMEND TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS) TO ADD A DEFINITION FOR TAP ROOMS (BEER PARLORS), AMEND TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICTS), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO MAKE SIC 5813 – TAP ROOMS AND BEER PARLORS A PERMITTED CONDITIONAL USE IN THE GENERAL INDUSTRIAL, LIGHT INDUSTRIAL AND BUSINESS PARK ZONING DISTRICTS, AMEND TITLE 9 (ZONING), CHAPTER 10, PERFORMANCE STANDARDS TO ADD REGULATIONS FOR TAP ROOMS (BEER PARLORS) IN THE GENERAL INDUSTRIAL, LIGHT INDUSTRIAL, AND BUSINESS PARK ZONING DISTRICTS, AND AMEND TITLE 9 (ZONING), CHAPTER 15, OFF STREET PARKING AND LOADING TO REGULATE PARKING REQUIREMENTS FOR TAP ROOMS ASSOCIATED WITH BREWERIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 9: Zoning, Chapter 2: Zoning Rules and Definitions, is hereby amended to place in alphabetical order the following definitions:

BEER PARLOR (TAP ROOM): an area within a brewery devoted to the sale and consumption of a limited variety of malt beverages typically brewed on-site (SIC 5813 Tap Rooms and Beer Parlors and SIC 2082 Manufacturing of Malt Beverages). This definition only applies to tap rooms that are ancillary to and included in a brewery, with the brewery being the primary use. Any other establishment for the sale and consumption of beer will be considered a bar for the purposes of this definition.

TAP ROOM (BEER PARLOR): an area within a brewery devoted to the sale and consumption of a limited variety of malt beverages, (SIC 5813 Tap Rooms and Beer Parlors and SIC 2082 Manufacturing of Malt Beverages). This definition only applies to tap rooms that are ancillary to and included in a brewery, with the brewery being the primary use. Any other establishment for the sale and consumption of beer will be considered a bar for the purposes of this definition.

Section 2. Amendment. Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning Districts), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix) is hereby amended by adding the text in bold lettering:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
5813 Drinking Places	Pc	Pc	Pc		Pc		Pc	Pc							
SIC 5813 Tap Room/Beer Parlor in conjunction with brewery									**Pc**		**Pc**	**Pc**			

Section 3. **Amendment.** Title 9 (Zoning), Chapter 10 (Performance Measures), Section 4 (Specific Use Regulations), Paragraph J is hereby amended by adding the text in bold lettering:

J. The Following Standards Shall Apply To All Uses Within The Business Park District Unless Noted Otherwise In This Title:

8. Tap Rooms or Beer Parlors shall only be allowed by approval of a permitted conditional use permit to operate in conjunction with a brewery. The brewery must have a Native Beer Brewery (NAB or NAAB) permit issued through the State of Iowa and a Class B beer license approved by the City of West Des Moines. The tap room shall occupy no more that 20 percent of the gross square footage of the brewery or be no greater than 3,000 sq. ft. whichever is more restrictive. The Class B beer license shall be restricted to serving only those beers brewed on-site, plus a maximum of five (5) additional micro-brewery beers that are brewed off-site. No class LC liquor permit will be allowed in conjunction with the tap room; having such license will classify the establishment as a bar.

Section 4. **Amendment.** Title 9 (Zoning), Chapter 10 (Performance Measures), Section 4 (Specific Use Regulations), Paragraph K is hereby amended by adding the text in bold lettering:

K. The Following Standards Shall Apply To All Industrial Districts Unless Noted Otherwise Within This Title:

9. Tap Rooms or Beer Parlors shall only be allowed by approval of a permitted conditional use permit to operate in conjunction with a brewery. The brewery must have a Native Beer Brewery (NAB or NAAB) permit issued through the State of Iowa and a Class B beer license approved by the City of West Des Moines. The tap room shall occupy no more than 20 percent of the gross square footage of the brewery or be no greater than 3,000 sq. ft. whichever is more restrictive. The Class B beer license shall be restricted to serving only those beers brewed on-site, plus a maximum of five (5) additional micro-brewery beers that are brewed off-site. No class LC liquor permit will be allowed in conjunction with the tap room; having this license will classify the establishment as a bar.

Section 5. **Amendment.** Title 9 (Zoning), Chapter 15 (Off Street Parking and Loading), Section 7-E is hereby amended by adding the text in bold lettering:

58 Eating and drinking places	
5813 Drinking places	• 1.5 spaces per 100 square feet of GFA
5813 Tap Rooms/Beer parlor	• **1.5 spaces per 100 square feet of GFA in addition to that parking required of SIC 2082: Malt Beverages**

Section 6. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 7. Savings Clause. If any section, provision, sentence, clause, phrase 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 8. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 9. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 10. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2015, and approved this _____ day of _____, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2015, and was published in the Des Moines Register on _____, 2015.

_____
Ryan T. Jacobson
City Clerk