NO CHANGE FROM PREVIOUS READING

5(c)

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 2, 2015

ITEM: Roll-Up and Sliding Doors and Windows – Amend Title 9, Zoning, Chapter 10 Performance Standards to establish regulations regarding the implementation of roll-up and sliding doors and windows in restaurants and bars – City Initiated – AO-002860-2015

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff recommended an amendment to Title 9, Zoning, Chapter 10, Performance Standards, to establish regulations for roll-up (garage type) and sliding doors and windows for restaurants and bars that are within 300 feet of residential property. A recent trend appears to be the implementation of these elements that allows an open-air connection between the inside of the business and a patio or deck. This amendment will restrict implementation of these doors and windows when near residential zones. This amendment request is for consistency in response to the amendment to the ordinance regarding event venues and limiting outdoor activity within 300 feet of residential zones.

Previous Council Action:
Vote: 4-0 approval, Council member Mickelson absent
Date: October 19, 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 KAT

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	RTG

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	October 2, 2015	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	October 8		
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 10, PERFORMANCE STANDARDS TO ESTABLISH REGULATIONS REGARDING ROLL-UP AND SLIDING DOORS AND WINDOWS FOR SIC 58 EATING AND DRINKING ESTABLISHMENTS (RESTAURANTS AND BARS)

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

Section 1. Amendment. Title 9: Zoning, Title 9 (Zoning), Chapter 10 (Performance Measures), Section 4 (Specific Use Regulations), Subsection A is hereby amended by adding the text in bold lettering:

Paragraph 14. Roll-Up and Sliding Doors and Windows Relating to Eating and Drinking Places (SIC 58): The use of roll-up and sliding doors or windows, including garage-type doors, for SIC 58 Eating and Drinking Places is prohibited when the nearest point on the tenant space in a multi-tenant building or stand-alone structure housing the eating or drinking place is within 300 feet of nearest point on a residential structure when measured in a straight line, regardless of intervening structures.

Roll-up and sliding doors and windows function such that the door or window rolls up or slides open for purposes including, but not limited to, allowing outside air into the space, offering bar or food services, displaying TV or video, providing for music out of doors or allowing other business to be conducted through the opening. For the purposes of this regulation, roll up or sliding door and window does not mean vehicular access, drive-in bays, or windows for drive-thru service.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 3. 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 4. 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 5. 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 6. 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