NO CHANGE FROM PREVIOUS READING

5(b)

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: November 2, 2015

ITEM: Event Venues – Amend Title 9, Zoning, Chapter 2, Definitions, Chapter 6, Commercial, Office and Industrial Zoning District, Chapter 15, Off-Street Parking, and Chapter 10, Performance Standards to establish a definition, amend parking standards, amend use matrix, and modify regulations as related to event venues – City Initiated – AO-002851-2015

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff had received inquiries for places of business desiring to use assembly space for events not related to the principal use. Staff proposed an amendment to City Code, Title 9, Zoning to establish a definition, amend parking standards, amend the use matrix for commercial, office and industrial zoning districts, and modify regulations regarding event venues.

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

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	August 27, 2015 and September 24, 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 EVENT VENUE; 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 ADD EVENT VENUES AND IDENTIFY WHERE ALLOWED; AMEND TITLE 9 (ZONING), CHAPTER 10, PERFORMANCE STANDARDS TO ESTABLISH REGULATIONS FOR EVENT VENUES; AND AMEND TITLE 9 (ZONING), CHAPTER 15, OFF STREET PARKING AND LOADING TO DEFINE PARKING REQUIREMENTS FOR EVENT VENUES

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 definition:

> **Event Venue – a commercial facility for hosting functions with the option of having food or drink regardless whether such is provided during the event, including, but not limited to, weddings, receptions, banquets, anniversaries, and similar celebrations. May also be used for meeting space, conferences, or other assembly uses. A small event venue is 5,000 gross square feet or less in size. A large event venue is over 5,000 gross square feet in size. A commercial facility is one that charges a fee to use the space, charges an entry fee or cover charge to attend the event, or charges money for food and/or beverages. See Chapter 10 Performance Standards and Chapter 15 Off-Street Parking for further regulations. Does not include SIC 58 Eating and Drinking Places.**

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 deleting the text in strikethrough lettering and adding the text in bold lettering:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
7299 Miscellaneous personal services, not elsewhere classified															
- 01 Personal appearance services	P	P			P	P	P	P							
- 02 Massage therapy establishments and steam bath services	P	P	P	Pc	Pc	Pc	P	Pc					P	P	
- 03 Dating and escort services	Pc				Pc	Pc	Pc								
- 04 House and baby sitting services	P	P			P	P	P	P					P	P	
~~**- 05**Facility rental and party planning services~~ -	~~P~~	~~P~~	-	-	~~P~~	~~P~~	~~P~~	~~Pc~~	~~Pc~~	-	-	-	-	~~Pc~~	

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
79 Amusement and Recreational Services															
- Event Venue less than 5,000 sq. ft.	**Pc**	**Pc**	**Pc**		**Pc**	**Pc**	**Pc**	**Pc**	**Pc**	**Pc**	**Pc**	**Pc**	**Pc**	**Pc**	
- Event Venue greater than 5,000 sq. ft.	**Pc**							**Pc**	**Pc**		**Pc**	**Pc**		**Pc**	
7941 Professional sports clubs and promotions	P	P						Pc							Pc
7948 Racing, including track operations	Pc														Pc
7991 Physical fitness facilities	P	P	Pc		Pc	Pc	Pc	Pc	Pc	P	P	P	P	P	
7992 Public golf courses	P	P						P	P						P
7993 Coin operated amusement devices (video arcades)	P	P	Pc		Pc	Pc	Pc								
7996 Amusement parks															Pc
7997 Membership sports and recreation clubs	Pc	Pc			Pc	Pc	Pc	Pc			Pc	Pc		Pc	Pc
7999 Amusement and recreation services, not elsewhere classified (e.g., golf courses - miniature, driving ranges, circus companies and fairs)	Pc	Pc	Pc				Pc	Pc		Pc	Pc	Pc			Pc

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

15. The Following Standards Shall Apply to All Event Venues:

1. General Requirements:

a. All event venues must comply with all building and fire code regulations related to assembly uses.

b. **All event venues must comply with parking requirements as follows and as outlined in Chapter 15 Off-Street Parking and Loading of this title.**
   i. **Parking will be calculated at 1 parking space required per 50 sq. ft. of assembly or event venue space.**
   ii. **If the event venue is not the principal use of the building or tenant space, the business of the principal use of the building or tenant space may not be conducted during the event except with event attendees, unless the parking required for the principal use is provided in addition to parking required for the event venue.**
   iii. **In cases where the parking available is not equal to or greater than that needed for the proposed event venue, the event venue space square footage and maximum occupancy load as determine by the Fire Code and Building Code will be limited in size and occupancy load to match the available parking.**
   iv. **If the event venue is part of a commercial center with shared parking, parking will be calculated at the commercial center rate, plus one space per 50 sq. ft. of event venue area to avoid an under-parked situation for other tenants.**
   v. **No outside activity is allowed if located within 300 feet of property zoned for residential development or used for residential. This includes, but is not limited to, patios, decks, amplified sound, roll-up windows, or garage-type doors.**

Section 4. Amendment. Title 9 (Zoning), Chapter 15 (Off Street Parking and Loading), Section 7-B-2 is hereby amended by adding the text in bold lettering and deleting the text in strikethrough lettering:

2. In planned commercial centers, if any restaurant, coffee shops, drinking places, or office uses individually exceed ten percent (10%) of the gross floor area (GFA) of the center, that portion in excess of ten percent (10%) shall be calculated at its individual requirement as specified in this chapter.

If an event venue is located within a planned commercial center, the parking requirement will be equal to one (1) space for each 50 square feet of assembly area in addition to the parking required for the planned commercial center.

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 and deleting the text in strikethrough lettering:

E. Individual Uses Not Part Of A Planned Commercial Center:

Residential	
SIC Code/Land Use	**Requirement In All Districts Except VJHB (All requirements listed for each land use are the minimum that must be met)**
Multi-family dwelling	*Efficiency apartment - 1.5 spaces per unit 1-2 bedroom units - 2.0 spaces per unit 3+ bedroom units - 2.5 spaces per unit *A maximum of 0.67 covered spaces per unit shall be allowed to count toward meeting the required number of parking spaces *1 space per 300 square feet of GFA for lease management offices ~~*1 space per 100 square feet of GFA for a building or portion of a building designated for multipurpose recreational uses~~ ***1 space per 50 square feet of GFA for a building or portion of a building designated for multipurpose recreational uses or assembly space, e.g. club house**
Manufactured housing park	*2 spaces per unit *1 space per 10 units required as visitor parking *Tandem parking allowed

	*1 space per 300 square feet of GFA for lease management offices ~~*1 space per 100 square feet of GFA for a building or portion of a building designated for multipurpose recreational uses~~ ***1 space per 50 square feet of GFA for a building or portion of a building designated for multipurpose recreational uses or assembly space, e.g. club house**

726Funeral Service, Crematories 7291Tax Services 7299Misc. Personal Services, Not Elsewhere Classified (except ~~Banquet Hall Facilities~~ **Event Venues (see Chapter 10, Performance Standards)** and Wedding Chapels)	*Up to 50,000 s.f. of G.F.A.- 1 space per 225 s.f *Over 50,001 s.f of G.F.A.- 1 space per 250 s.f.
~~Banquet Hall Facilities and~~ Wedding Chapels	*1 space per 4 fixed seats (18 lineal inches of bench = 1 seat) *1 space per 50 s.f. of assembly area
73Business Services (except 734, 738)	*1 space per 200 s.f. of G.F.A.
734Services to Dwellings and Other Buildings	*3 spaces per 1,000 s.f. of G.F.A.
7381Detectives, Guard and Armored Car Services 7382Security Systems Services 7389Business Services, Not Elsewhere Classified (Office Related)	*Up to 20,000 s.f. of G.F.A.- 1 space per 200 s.f *Over 20,001 s.f. of G.F.A.- 1 space per 225 s.f.
~~Conference and Convention Facilities~~	~~*1 space per 250 s.f. of G.F.A.~~

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