NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: October 31, 2016

ITEM: Eating Places and Drinking Places - Amend City Code Title 9 (Zoning) to regulate eating places and drinking places uses in the Light Industrial and General Industrial zoning districts – City Initiated (AO-003186-2016)

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines is requesting an amendment to City Code, Title 9, Zoning, Chapter 6, Commercial, Office, and Industrial Use Regulations) to regulate SIC 5812 Eating Places and SIC 5813 Drinking Places in the Light Industrial and General Industrial zoning districts (See Exhibit I – Proposed Ordinance). The City received a Pre-Application for a multiuse project south of Railroad at the 900 block that included a proposal for sit-down restaurant services and through discussions among staff and the City Council Subcommittee have agreed to a city code amendment to accommodate the proposed use.

Previous Council Action:
Vote: 5-0 approval
Date: October 17, 2016
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	LS
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	September 30, 2016	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	August 8, 2016		
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 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICTS), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO REGULATE SIC 5812 EATING PLACES AND TO REGULATE SIC 5813 DRINKING PLACES IN THE LIGHT INDUSTRIAL AND GENERAL INDUSTRIAL ZONING DISTRICTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:
Section 1. 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 bold and highlighted text and deleting text in bold, strikeout, italicized text:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
58 Eating and drinking places															
5812 Eating places, sit down eating places	P	P	P	Pc	P	Pc	P	P			**Pc**	**Pc**	Pc	Pc	
-Eating places with takeout only - no drive-throughs	P	P	P	Pc	P	Pc	P	P			**Pc**	**Pc**	Pc	Pc	
-Eating places with drive-throughs	P	P			P	Pc		P							
5813 Drinking places	Pc	Pc	Pc		Pc		Pc	Pc			**Pc**	**Pc**			

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 _____, 2016, and approved this _____ day of _____, 2016.

_____
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 _____, 2016, and was published in the Des Moines Register on _____, 2016.

_____
Ryan T. Jacobson
City Clerk