NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: December 11, 2017

ITEM: Ordinance Amendment - Amend Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions) to add a definition for distilleries and tasting rooms, Amend Title 9 (Zoning) Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations) to add SIC 2085 – Distillery, Amend Title 9 (Zoning), Chapter 10 (Performance Standards) to add regulations for distilleries with a tasting room, and Amend Title 9 (Zoning), Chapter 15 (Off Street Parking and Loading) to regulate parking requirements for distilleries with a tasting room – City Initiated – AO-003660-2017

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

FINANCIAL IMPACT: Undetermined.

BACKGROUND: At the last Iowa legislative session, legislation was adopted that allows distilleries to sell their products by the glass for on-site consumption with the proper liquor license. This new legislation goes into effect on January 1, 2018. Because of this new legislation, staff reviewed City code and found that SIC 2085, Distillery was not specifically listed, however, SIC 208, Beverages (which distilleries would fall under) was listed as a Permitted Conditional Use in Business Park and Light Industrial zoning and permitted by right in General Industrial zoning. Nothing in the code addressed tasting rooms for on-site consumption associated with a distillery. Staff determined that because the liquor will be sold retail, a tasting room 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 liquor. Per a recent change to City Code, taprooms associated with a brewery are allowed in the same zoning districts in which distilleries are allowed. To be consistent with that recent City Code change, staff requests approval of an ordinance amendment to define tasting rooms, to allow tasting rooms in association with a distillery as a permitted conditional use in the General Industrial, Light Industrial, Business Park, and other commercial districts and to establish requirements for area coverage, licensing, and parking.

Previous Council Action:
Vote: 5-0 approval
Date: November 27, 2017
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: Brian Portz, AICP BP

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	Des Moines Register	
Date(s) Published	October 27, 2017	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 27, 2017		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENT:

Exhibit I - Proposed Ordinance

EXHIBIT I

Prepared by: B. Portz, 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 DISTILLERIES AND TASTING ROOMS, TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), SECTION 6 (COMMERCIAL, OFFICE AND INDUSTRIAL USE REGULATIONS), SUBSECTION C, TABLE 6.1 (USE MATRIX) TO ADD SIC 2085 – DISTILLERY, AMEND TITLE 9 (ZONING), CHAPTER 10 (PERFORMANCE STANDARDS) TO ADD REGULATIONS FOR DISTILLERIES WITH A TASTING ROOM, AND AMEND TITLE 9 (ZONING), CHAPTER 15 (OFF STREET PARKING AND LOADING) TO REGULATE PARKING REQUIREMENTS FOR DISTILLERIES WITH A TASTING ROOM

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), Section 2 (Definitions), is hereby amended by placing in alphabetical order the following definitions in italicized and bold lettering:

> ***Distillery: A business that produces an alcoholic product by the process of distillation.***
>
> ***Tasting Room: Any portion of a distillery where either the sale or consumption of the distillery product by the glass occurs.***

Section 2. Amendment. Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations), Subsection C, Table 6.1 (Use Matrix – Division D - Manufacturing) is hereby amended by adding the text in italicized and bold lettering and deleting the strikethrough highlighted text:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
2082 Brewery with no taproom									***Pc***		***Pc***	***P***			
2082 Brewery less than ***or equal to*** 5,000 sq. ft. in conjunction with a taproom	Pc	Pc	Pc		Pc		Pc	Pc	Pc		Pc	Pc			
2082 Brewery ***greater than 5,000 sq. ft. and*** less than ***or equal to*** 10,000 sq. ft. in conjunction with a taproom	Pc	Pc			Pc			Pc	Pc		Pc	Pc			
2082 Brewery ***greater than*** ~~over~~ 10,000 sq. ft. ~~with or without~~ ***in conjunction with*** a taproom									Pc		Pc	P			
2085 Distillery with no tasting room									***Pc***		***Pc***	***P***			
2085 Distillery less than or equal to 5,000 sq. ft. with a tasting room	***Pc***	***Pc***			***Pc***		***Pc***	***Pc***	***Pc***		***Pc***	***Pc***			
2085 Distillery greater than 5,000 sq. ft. and less than or equal to 10,000 sq. ft. with a tasting room	***Pc***	***Pc***			***Pc***			***Pc***	***Pc***		***Pc***	***Pc***			
2085 Distillery greater than 10,000 sq. ft. with a tasting room									***Pc***		***Pc***	***Pc***			

5813 Drinking Places	Pc	Pc	Pc		Pc		Pc	Pc			Pc	Pc			
-Taproom/beer parlor in conjunction with a brewery of less than ***or equal to*** 5,000 sq. ft.	Pc	Pc	Pc		Pc		Pc	Pc	Pc		Pc	Pc			
-Taproom/beer parlor in conjunction with a brewery ***or distillery*** greater than 5,000 sq. ft. and less than ***or equal to*** 10,000 sq. ft.	Pc	Pc			Pc			Pc	Pc		Pc	Pc			
-Taproom/beer parlor in conjunction with a brewery ***or distillery*** greater than 10,000 sq. ft.									Pc		Pc	Pc			

Section 3. <u>Amendment.</u> Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Paragraph A, is hereby amended by adding the following italicized and bold text:

24. Tasting Rooms in conjunction with a Distillery: In those districts where a tasting room is allowed, the tasting room shall only be allowed by approval of a permitted conditional use permit to operate in conjunction with a distillery. The distillery must have a native distilled spirits liquor control license issued through the State of Iowa and a class LC liquor license issued by the city. For tasting rooms exceeding 50 percent of the gross square footage of the distillery, or serving cocktails, spirits or liquor produced elsewhere, those uses will be considered a drinking place/bar for purposes of this ordinance and regulation.

Parking space requirements for a distillery with a tasting room will be calculated at the parking rate for SIC 5813, drinking places for that portion of the distillery identified as the liquor consumption area. This parking calculation shall be in addition to the parking requirement for SIC 2085, Distillery for that portion of the distillery identified for production purposes.

Section 4. Amendment. Title 9 (Zoning), Chapter 15 (Off Street Parking and Loading), Section 7-E is hereby amended by adding the following italicized and bold text:

2085 Distillery with Tasting Room	• ***3 spaces per 1,000 square feet of GFA for the distillery plus 1.5 spaces per 100 square feet of GFA for the area of the distillery where the tasting room is located***
5813 Drinking places	• 1.5 spaces per 100 square feet of GFA
-Tasting Room in conjunction with a distillery	• ***1.5 spaces per 100 square feet of GFA of the tasting room in addition to that parking required of the distillery***

Section 5. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 6. 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 7. 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 8. 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 9. 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 _____, 2017, and approved this _____ day of _____, 2017.

_____
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 _____, 2017 and was published in the Des Moines Register on _____, 2017.

_____
Ryan T. Jacobson
City Clerk

S:___Development Projects\Ordinance Amendments\Distilleries\AO-003660-2017_SR_Distillery Regulations_12-11-2017_CC 2nd 3rd and adopt.docx