

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: May 13, 2019

Item: Amendment to City Code, Title 9 (Zoning), Chapter 2 (Zoning Rules And Definitions), and Chapter 6 (Commercial, Office And Industrial Zoning District) and Chapter 10, (Performance Standards) Title 3, (Business And Licensing), Chapter 2, (Beer And Liquor Control) to modify certain regulations as they pertain to Restaurants, Bars and Outdoor Service Areas – City Initiated – AO-004825-2019

Request Action: Recommend Approval of Amendments to City Code

Case Advisor: J. Bradley Munford 

Applicant's Request: Staff is requesting an amendment to the following sections within Title 3, (Business and Licensing) and Title 9 (Zoning) of City Code to modify certain regulations as they pertain to Restaurants, Bars and Outdoor Service Areas: (See Exhibit A, Proposed Ordinance)

- Title 9 *Zoning*
 - Chapter 2 *Zoning Rules And Definitions*
 - Section 2 *Definitions*
 - Chapter 6 *Commercial, Office And Industrial Zoning District*
 - Section 6 *Commercial, Office and Industrial Use Regulations*
 - Chapter 10 *Performance Standards*
 - Section 4 (Specific Use Regulations), Subsection C, Table 6.1- Use Matrix, Division G
- Title 3 *Business And Licensing*
 - Chapter 2 *Beer And Liquor Control*
 - Section 7 *Outdoor Service Areas*, Subsections B

History: For a number of years staff have fielded complaints from the public and business owners pertaining to eating places that established themselves as ‘restaurants’ but have physical and operational aspects that are not consistent with their initial claims. These inconsistent operational aspects such as late hours, noise, trash and a number of other things have had impacts on surrounding businesses and residences. While investigating these complaints, staff realized that within the food and drink industry, more restaurants are changing their business plan from only operating around the peaks of breakfast, lunch and dinner, to a plan that extends their operation to capture a fourth peak as a late night entertainment destination. This change expands their customer base and helps the business, but it often come with impacts similar to that of a drinking place (bar). The neighborhood impacts of this industry trend is also compounded when other physical features such as outdoor service areas and operable store fronts (windows, garage doors, other façade openings not used primarily for entry) are added to the building.

City Council Subcommittee: Staff presented information about the trending physical and operational aspects that are occurring in the food and drink industry to the Development and Planning City Council Subcommittee for guidance on January 22, 2018. Staff pointed out that our current code only uses the percentage of sales as the test when determining if a business is a restaurant or a bar. Staff expressed how difficult it is to verify alcohol percentage because it involves auditing a business’s financial information. Staff also pointed out that under our current code, patios and operable store fronts could be located in a way that can disturb adjacent properties. The Subcommittee directed staff to modify the City code to take additional operational factors into account and create performance standards so that late night restaurants, bars and outdoor service areas will have the least impact on surrounding neighborhoods.

The code amendments pertaining to Restaurants, Bars and Outdoor Service Areas was discussed at the April 1, 2019, Development and Planning City Council Subcommittee meetings. The subcommittee expressed support of the amendment to the City Code.

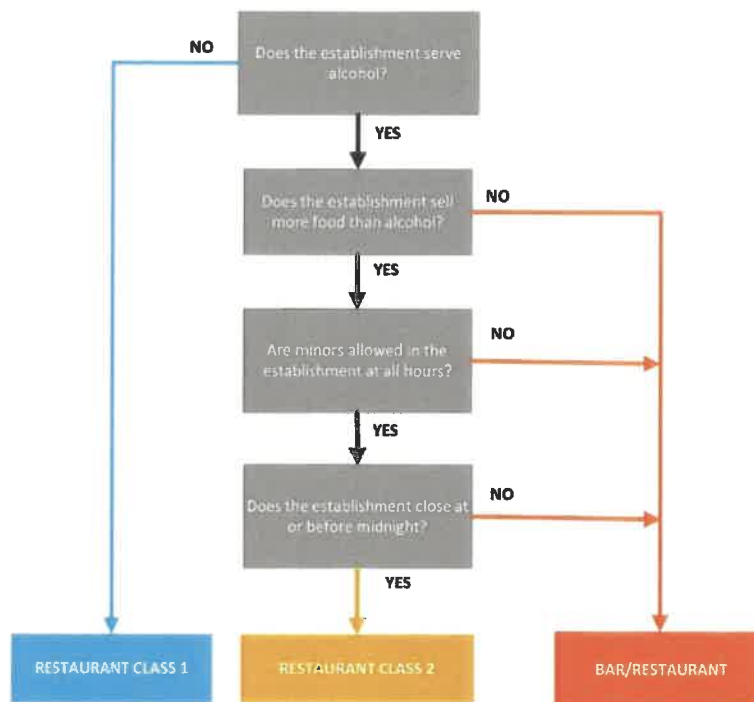
Staff Review and Comment: There are no outstanding issues. Staff notes the following:

1. **Reclassification of Businesses That Serve Food and Beverages:** Currently, code uses the percentage of alcohol vs food sales as the only test when determining if a business is a restaurant or a bar. In some cases, the City was

told that more food would be sold than alcohol, but it later became apparent that that was not the case. To verify that the establishment was in violation or compliance of the code is difficult because it involves auditing a business's private financial information. The proposed code amendment not only take into account the service of alcohol, but also, through the use of a flowchart, uses four easily verifiable tests to classify businesses that serve food and beverages into three categories. Those categories are:

- Restaurant Class 1: Businesses that serve food but no alcohol (i.e. McDonalds)
- Restaurant Class 2: Businesses that serve food and alcohol but closes before midnight (i.e. Applebee's)
- Bar/Restaurant: Businesses that:
 - a) Serve food and alcohol and closes after midnight (i.e. Wellman's)
 - b) Serve alcohol only

Flowchart to determine class category for businesses that serve food and beverages .



2. **Research and Justification for the Direction of the Proposed Code:** Once the new way of categorizing businesses that serve food and beverages was established, staff took a closer look at the approval process for these businesses. Restaurant Class 1 and 2 are currently allowed in commercial districts by right. Bar/Restaurants that sell more alcohol than food are only allowed in commercial districts with the approval of a Permitted Conditional use Permit (PC) by the Board of Adjustment.

Staff then used GIS to map service liquor licenses. It became clear that businesses under the new code, that would be classified as a Bar/Restaurant, that were in close proximity to residential was where the majority of complaints were generated. It appeared that once a Bar/Restaurant was over 300 feet away from residential, there was little issue. Staff took this information into consideration and is purposing in the new code, to remove the requirement for a PC for Bar/Restaurants that are more than 300 feet away from residential. Staff then ran a test scenario where the proposed code was applied to the existing businesses with service liquor licenses. The result of that test is as follows:

- There are currently 126 liquor licenses issued in the city.
 - 102 liquor licenses would be considered Restaurant Class 1 or 2 or a Bar/Restaurant that is over 300' from residential areas. These businesses are able to continue to operate under the proposed code with no issue.
 - The remaining 24 liquor licenses are within 300' of a residential area.
 - 16 of them have operational factors that qualify them as Restaurant Class 2 within 300' from residential areas. These businesses are able to continue to operate under the proposed code with no issue.
 - 6 of them have operational factors that qualify them as Bar/Restaurants within 300' from residential areas. These business are able to continue to operate as legal non-conforming uses and are eligible for a PC if the non-conformity goes away (abandoned, expanded etc.).
 - 2 of them have operational factors that qualify them as Bar/Restaurants within 300' from residential areas. These are able to continue to operate as legal non-conforming uses and are not eligible for a PC if the non-conformity goes away (abandoned, expanded etc.).
3. **Outdoor service areas:** Having outdoor service areas and operable store fronts (windows, garage doors, other façade openings not used primarily for entry) are trends that are becoming more popular in the food and beverage industry. What once was a small outdoor area with a few tables have become larger areas with lights, TVs, outdoor bars and music. Buildings are designed to have large operable store fronts to bring the outdoors in. Outdoor service areas are a great amenity and adds to the customer's experience. However, when placed poorly and utilized late at night, without considering the impacts to neighbors, the outdoor service area can become a point of conflict between the business and adjacent property owners. Code currently have limited regulations when it comes to outdoor service areas. Most of the current regulations deal with emergency exiting and providing information to where alcohol will be served. Over the years, the complaints about noise, trash and in some cases trespassing have increased as the activity that have historically only been in the building has started to come outside. In addition, as alcohol service expands outside, clearer, visible and more permanent delineation of the service areas are needed so that customers and law enforcement know where alcohol can legally be consumed.

The proposed code sets the following performance standards for outdoor service areas:

- The outdoor area is contiguous with the licensed establishment.
- The boundary of an outdoor area shall be delineated by a barrier that is a minimum of 3.5 feet in height and discourages the free movement of people between the outdoor service area and non-licensed areas.
- If the outdoor service area is to be used for more than a two (2) week period, the delineating barrier shall be constructed of a material that is complimentary to the architecture of the building housing the use and shall be in character with the surrounding areas. All open designed barriers shall include a top rail with lower intermediate rails spaced so that a twelve-inch sphere cannot pass through. Densely planted shrubbery may be permitted as a delineating barrier if it is determined that the intent is met.
- The outdoor service area must provide emergency exits sized and spaced in accordance with the fire and building codes. Such exits shall be clearly identified and provide unobstructed areas to a public way.
- The outdoor service area shall not reduce the width of any existing or proposed pedestrian pathway to be less than 4 feet of clear pathway or minimum of 6 feet of clear pathway when adjacent to head in parking.
- The outdoor areas and any operable storefront such as windows, garage doors other façade openings not used primarily for entry, that are located within 300 feet of the nearest residentially zoned or comprehensively planned property, shall be out of the line of sight of the residential property and oriented to direct light and sound away from the residential property. The outdoor areas and façade openings shall not be used or open after 10 pm. Distance to residential is measured from the closest point of the outdoor area's barrier or façade opening to the nearest residential property line, shall be out of the line of sight of the residential property and oriented to direct light and sound away from the residential property.

4. **Industry Outreach:** After staff drafted the proposed code amendment, we reached out to individuals that the changes would affect to obtain feedback. Staff met individually with:

- West Des Moines Police Chief, Chris Scott
- Representative from The State of Iowa Alcohol Beverages Division
- Thomas and Annie Baldwin with Dark Side of the Spoon (*owners of 1908 Draught House, Blu Toro, Blue Moon Piano Bar, The Irish, Shotgun Betty's, Wellmans*)
- Steven McFadden (*owner of The Grumpy Goat (2 locations)*)
- Scott Anderson with Riley Drive Entertainment (*owners of Saints Pub, Taco Hangover, Tonic*)
- Kelly and Denny Sharp (*owners of Vino 209*)
- Planners from other communities (*via the Des Moines Area Metropolitan Planning Organization*)

Each person felt that the changes proposed are fair and needed. The business owners believed that it was unfair that they complied by the more food than alcohol rule or obtained a Permitted Conditional Use Permit, while some other businesses didn't and still were able to operate without repercussions. Chief Scott appreciate the addition of a 3.5 foot barrier around outdoor service areas. He believes that it will clearly let his officers know when someone is consuming outside the appropriate area. Chief Scott also believes that the locational requirements along with the noise and light screening measures for outdoor patios and operable store fronts will reduce the number of noise complaints from neighbors. Representative from The State of Iowa Alcohol Beverages Division held a neutral position towards the proposed code amendment, but confirmed that it would not violate any State regulations. Planners from other communities appreciated our used of the flowchart and confirmed that the majority of our methods are used in other metro communities.

Comprehensive Plan Consistency: The ordinance amendment has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed ordinance amendment is consistent with the Comprehensive Plan in that the amendment is consistent with all of the goals and policies of the Comprehensive Plan.

Noticing Information: On May 3, 2019 notice of the May 13, 2019, Plan and Zoning Commission and the May 20, 2019 City Council public hearing for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

- Attachment A – Plan and Zoning Commission Resolution
- Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC-19-037

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2019 BY AMENDING TITLE 3, (BUSINESS AND LICENSING), CHAPTER 2, (BEER AND LIQUOR CONTROL), TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), CHAPTER 10, (PERFORMANCE STANDARDS), TO MODIFY CERTAIN REGULATIONS AS THEY PERTAIN TO RESTAURANTS, BARS AND OUTDOOR SERVICE AREAS.

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to amend Title 9 (Zoning), Chapter 2 (Zoning Rules And Definitions), Section 2 (Definitions) to amend definitions as they pertain to Restaurants, Bars and Outdoor Service Areas. Amend Chapter 6 (Commercial, Office and Industrial Zoning District), Section 6 (Commercial, Office and Industrial Use Regulations) to create benchmarks to clearly distinguish the differences in Restaurants and Drinking Establishments. Amend Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection C, Table 6.1- Use Matrix, Division G: to amend zoning districts as they pertain to Restaurants and Drinking Establishments. Amend Title 3 (Business and Licensing), Chapter 2 (Beer and Liquor Control), Section 7 (Outdoor Service Areas), Subsections B, to amend Design and Performance Standards as they pertain to Outdoor Service Areas; and

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference; and

WHEREAS, this Commission held a duly-noticed hearing on May 13, 2019 to consider the application for an amendment to ordinance; and

WHEREAS, this Commission did consider the request for an amendment to ordinance.

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval in the staff report dated May 13, 2019 or as amended orally at the May 13, 2019 Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-004825-2019) is recommended to the City Council for approval.

PASSED AND ADOPTED on May 13, 2019.

Erica Andersen, Chair
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on May 13, 2019, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: J.B. Munford, 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. _____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2019, BY AMENDING TITLE 3, "BUSINESS AND LICENSING", CHAPTER 2, "BEER AND LIQUOR CONTROL", SECTION 7, "OUTDOOR SERVICE AREAS", SUBSECTION B, TITLE 9, (ZONING), CHAPTER 2, (ZONING RULES AND DEFINITIONS), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT), CHAPTER 10, (PERFORMANCE STANDARDS). TO MODIFY CERTAIN REGULATIONS AS THEY PERTAIN TO RESTAURANTS, BARS AND OUTDOOR SERVICE AREAS.

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 deleting the highlighted strike-through text and adding the bold italic text accordingly in alphabetical order:

~~BAR OR SALOON: Any place devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises (see also definitions of cocktail lounge, cabaret, nightclub and tavern).~~

~~COCKTAIL LOUNGE, CABARET: Any place of business, other than a "nightclub", located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one person performance and dancing is prohibited (see also definitions of Tavern, and Nightclub).~~

BAR/ RESTAURANT (Also known as Drinking Place, Bar, Saloon or Tavern): An establishment or part of an establishment primarily engaged in the retail sale of alcoholic drinks, such as beer, ale, wine and liquor, for consumption on the premises. For the purposes of identifying applicable zoning districts Bar/ Restaurant shall be categorized in accordance with Title 9: Zoning, Chapter 6: Commercial, Office and Industrial Zoning District, Section 4: Specific Use Regulations

BEER PARLOR (TAPROOM): An area within a brewery devoted to the sale and consumption of a limited variety of malt beverages typically brewed on site (SIC 5813 taprooms and beer parlors and SIC 2082 manufacturing of malt beverages). This definition only applies to taprooms 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.

EATING PLACES: See definition of Restaurant.

NIGHTCLUB: Any place of business *other than an Event Venue* located within any building or establishment, established and operated for the purpose of supplying entertainment, *live or recorded music for dancing*, or both. *The establishment may or may not serve food or engage in the serving of beer, wine or liquor for consumption on the premises.* and providing meals and refreshments prepared on the premises, having a seating capacity of not less than forty (40) people at tables, providing a dance floor containing not less than three hundred eight (308) square feet, and serving beer, wine or liquor for consumption on the premises.

OUTDOOR SERVICE AREA: *A portion of a Restaurant or Bar/ Restaurant service area that is located outside.*

RESTAURANT: *A retail establishment where food is prepared and served and not operated as a dining room in connection with a hotel, motel or ancillary to other residential or service uses. For the purposes of identifying applicable zoning districts, restaurants shall be categorized in accordance with Title 9: Zoning, Chapter 6: Commercial, Office and Industrial Zoning District, Section 4: Specific Use Regulations*

TAVERN: See definition of Bar or Saloon. Any place devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereof, and where such beverages are consumed on the premises (see also definitions of Cocktail Lounge, Cabaret, and Nightclub).

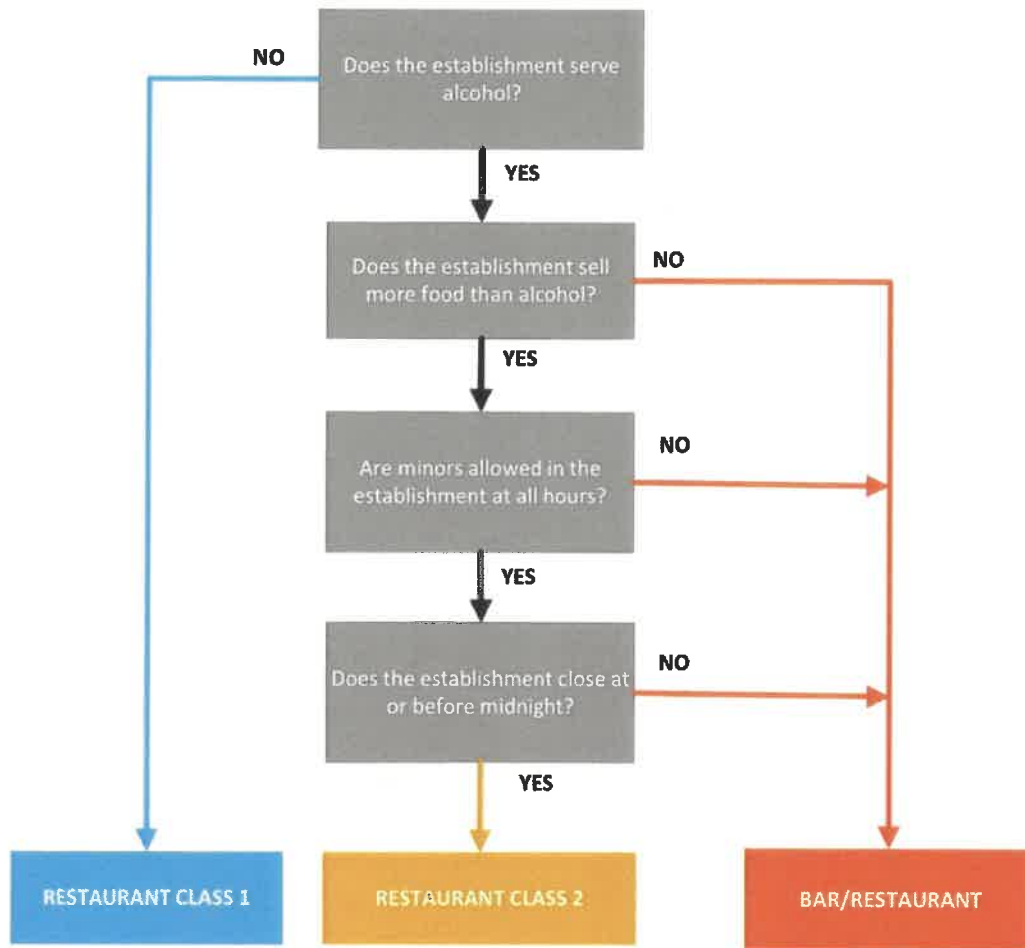
SECTION 2. Amendment. Title 9 (*Zoning*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), Section 4 (*Specific Use Regulations*), is hereby amended by adding the bold italic text in numerical order:

The following regulations shall be applied to the specific uses listed below in any district where that use is allowed:

- 5. The intent of this section is to create benchmarks to clearly distinguish the differences in Restaurants and Drinking Places. In determining the variations in the use, business that serve food and beverages are divided into three class categories. The classes are defined by a list of operational characteristics that help to establish the intensity of how the use operates and help anticipate possible impact to the surrounding area. The following chart shall be used to determine the class category for uses under SIC 58.***

Flowchart 6.2 – Flowchart to Determine Class Category for Businesses That Serve Food and Beverages

Flowchart to determine class category for businesses that serve food and beverages .



SECTION 3. 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 G, is hereby amended by deleting the highlighted strike-through text and inserting the bold italic text accordingly:

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	Pe	P	Pe	P	P	-	-	Pe	Pe	Pe	Pe	

Eating places with takeout only no drive-throughs	P	P	P	Pe	P	Pe	P	P	-	-	Pe	Pe	Pe	Pe	
Eating places with drive-throughs	P	P	-	-	P	Pe	-	P	-	-	-	-	-	-	-
- Restaurant Class 1 and Class 2 & Bar/ Restaurant With drive-through	P	P			P	Pc		P							
- Restaurant Class 1	P	P	P	P	P	Pc	P	P	P	Pc	Pc	Pc	P	P	
- Restaurant Class 2	P	P	P	Pc	P	Pc	P	P	Pc	Pc	Pc	Pc	P	P	
- Bar/ Restaurant Less than 300 feet from residential.	Pc	Pc	Pc		Pc		Pc	Pc			Pc	Pc			
- Bar/ Restaurant 300 feet or more from residential.	P	P	P		P		P	P			P	P			
5813 Drinking places	Pe	Pe	Pe	-	Pe	-	Pe	Pe	-	-	Pe	Pe	-	-	-
- 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	Pc	Pc				Pc			Pc	Pc		Pc	Pc		

5. *The outdoor service area shall not reduce the width of any existing or proposed pedestrian pathway to be less than 4 feet of clear pathway or minimum of 6 feet of clear pathway when adjacent to head in parking.*
6. *The outdoor areas and any operable storefront such as windows, garage doors other façade openings not used primarily for entry, that are located within 300 feet of the nearest residentially zoned or comprehensively planned property, shall be out of the line of sight of the residential property and oriented to direct light and sound away from the residential property. The outdoor areas and façade openings shall not be used or open after 10 pm. Distance to residential is measured from the closest point of the outdoor area's barrier or façade opening to the nearest residential property line, shall be out of the line of sight of the residential property and oriented to direct light and sound away from the residential property.*

SECTION 5: Amendment. Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A is hereby amended by deleting the highlighted, strike-through text and inserting the bold italic text accordingly:

27. *Outdoor service area and operable storefronts : All outdoor service area and operable storefronts for uses classified as SIC 58 Eating and drinking places shall comply with the performance standards listed in Title 3, Business and Licensing, Chapter 2, Beer and Liquor Control, Section 7, Outdoor Service Areas, Subsection B.*

SECTION 6: Amendment. Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Specific Use Regulations), Subsection A is hereby amended by deleting the highlighted strike-through text and inserting the bold italic text accordingly:

15. Taprooms or Beer Parlors: In those districts where a taproom/beer parlor is allowed, the taproom/beer parlor 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. The Class B beer license shall be restricted to serving only those beers brewed on site, plus a maximum of five (5) additional microbrewery or craft beers that are brewed off site.

No Class LC liquor permit will be allowed in conjunction with the taproom; having such license will classify the establishment as a ~~drinking place/bar~~ **bar/restaurant** for the purposes of this subsection and regulation.

For taprooms/beer parlors exceeding fifty percent (50%) of the gross square footage of the brewery, or serving more than five (5) varieties of microbrewery or craft beers, those uses will be considered a ~~drinking place/bar~~ **bar/restaurant** for purposes of this subsection and regulation.

Parking space requirements for a brewery with taproom/beer parlor will be calculated at the parking rate for ~~5813 drinking establishments~~ **eating and drinking places** for that portion of the brewery identified as the taproom/beer parlor. This parking calculation shall be in addition to the parking requirement for SIC 20 food and kindred products for that portion of the brewery identified for production purposes.

SECTION 7: Amendment. Title 9 (Zoning), Chapter 15 (Off-Street Parking and Loading), Section 7 (Number of Parking Spaces Required), Subsection E is hereby amended by deleting the highlighted strike-through text and inserting the bold italic text accordingly:

58 Eating and drinking places	
5812 Restaurant-takeout -Restaurant Class 1 or 2 - takeout	*1 space per 500 square feet of GFA *11 queuing spaces per drive-through (5 of which shall be designated for the ordering station if it is separate from the pick-up window)

- Restaurant – sit down fast food -Restaurant Class 1 or 2 - sit down fast food and/or drive-through	*1.5 spaces per 100 square feet of GFA *11 queuing spaces per drive-through (5 of which shall be designated for the ordering station if it is separate from the pick-up window)
- Restaurant Class 1 or 2 - Restaurant – sit down, no fast food, delicatessen/donut shops	*1 space per 100 square feet of GFA
- Restaurant Class 1 or 2 - Coffee shop - with or without drive-through	*1 space per 100 square feet of GFA *5 queuing spaces per drive-through (4 spaces must clearly be out of the main traffic lanes of the site)
- Bar/Restaurant	*1.5 spaces per 100 square feet of GFA
5813 Drinking places –	*1.5 spaces per 100 square feet of GFA –
-Taprooms/beer parlor in conjunction with a brewery	*1.5 spaces per 100 square feet of GFA of the taproom/beer parlor in addition to that parking required of SIC 20: food and kindred products
-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 8: Amendment. Title 9 (*Zoning*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), Section 7 (*Index*), is hereby amended by deleting the highlighted strike-through text:

G	5813	Bar, see drinking places
G	5813	Drinking Places
G	5812	Eating Places, Sit-Down Eating Places, Eating Places with Take-Out Only

SECTION 9. Repealer. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 10. 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 11. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 & 2 of the City Code of the City of West Des Moines, Iowa.

SECTION 12. 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 13. Effective Date. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

Passed by the City Council on the _____ day of _____, 2019, and approved this _____ day of _____, 2019.

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 _____, 2019, and was published in the Des Moines Register on _____, 2019.

Ryan T. Jacobson
City Clerk