



**BUSINESS OF THE CITY COUNCIL
BONDURANT, IOWA
AGENDA STATEMENT**

Item No. 5a
For Meeting of 6/29/2020


ITEM TITLE: Resolution approving Temporary Outdoor Service Area Permit Program for Temporary Restaurant Occupancy Limitation Relief as a Result of the COVID-19 Pandemic.

CONTACT PERSON: Maggie Murray, Planning & Community Development Director

SUMMARY EXPLANATION: Section 177.10.11 of Bondurant's Zoning Code contains the following minimum parking stall count requirement for restaurant uses: at least 1 space on the lot per 100 SF of gross floor area + one space for every 4 outside seats. An existing restaurant cannot utilize their minimum parking stall count areas for reasons other than for parking purposes.

The enclosed resolution proposes to establish a Temporary Outdoor Service Area Permit to allow for temporary placement of outdoor restaurant seating back on private property within a site's required parking stall count area. This temporary program is being considered for adoption to provide restaurants with an alternative solution for establishing patron seating areas while still adhering to the State's 6' separation between groups requirement for restaurant uses. This Temporary Outdoor Service Area Permit Program grants staff the administrative authority to review and approve submitted permits. This Program requires that the business also submit documentation of the State's Outdoor Service Area Permit as part of this permit if the business is proposing to serve alcohol within the temporary outdoor service area. This Temporary Outdoor Service Area Permit Program will expire on October 31, 2020.

Some Iowa cities such as [Des Moines](#) have taken some similar type actions to assist in providing alternative outdoor dining opportunities for restaurant establishments that have been impacted by social distancing requirements and guidelines of the ongoing COVID-19 pandemic.

<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Contract	<input type="checkbox"/> Other (Specify) _____
Funding Source <u>N/A</u>			
APPROVED FOR SUBMITTAL _____			
 City Administrator			

RECOMMENDATION: Approve the resolution.

CITY OF BONDURANT
RESOLUTION NO. 200629-186

RESOLUTION APPROVING TEMPORARY OUTDOOR SERVICE AREA PERMIT PROGRAM FOR TEMPORARY RESTAURANT OCCUPANCY LIMITATION RELIEF AS A RESULT OF THE COVID-19 PANDEMIC

WHEREAS, in reaction to the ongoing COVID-19 pandemic, the City of Bondurant is establishing a Temporary Outdoor Service Permit Program to allow for temporary use of parking stalls back on private property for use of outdoor food and beverage service; AND

WHEREAS, the purpose of this Temporary Outdoor Service Permit Program is to help reduce the risk of transmission of the COVID-19 virus by allowing providing an alternative option for locating patrons of a service establishment; AND

WHEREAS, food service establishments desiring to serve alcoholic beverages in the expanded Temporary Outdoor Service Program will need relief from the City Code sections that regulate normal outdoor service areas where alcoholic beverages are sold; AND

WHEREAS, a Temporary Outdoor Service Permit must be obtained prior to establishing such a temporary service area back on private property within a required parking stall area as regulated by Section 177.09 of the Zoning Code; AND

WHEREAS, the parameters of this Temporary Outdoor Service Permit Program are as follows:

1. Temporary outside service area cannot comprise more than 30% of the parking spaces on site or more than 50% of the allowed interior seating, whichever is less.
2. Temporary outside service area must be within a reasonable distance to the building.
3. A 6'-wide unobstructed ADA-compliant sidewalk must be maintained from the remaining parking area to the entrance of the building.
4. Tables and chairs placed within the temporary outside service area must be placed with 6' separation.
5. No more than 6 people may be seated at a table within the temporary outside service area.
6. Seating associated with a temporary outside service area is limited to a 1.5-hour time limit per table.
7. Service to the temporary outside service area must end at 9:00 p.m. if adjacent to a Residential Use/District and must end at 11:00 p.m. if not adjacent to a Residential Use/District.
8. If any exterior lighting is proposed to illuminate the temporary outside service area, it cannot be directed toward adjacent residential properties.
9. If alcohol is being served, the service area must be fenced off with a partition or fence and non-patrons must not be allowed into the area. Documentation of the State's Outdoor Service Area Permit must be submitted to the City prior to City approval of the Temporary Outdoor Service Area Permit.
10. No advertising signs may be placed within the permitted area or any fixtures used for enclosure, with the exception of advertising on individual umbrellas or equipment that customarily includes advertising; unless granted the required temporary sign permit.

11. All Temporary Outdoor Service Area Permits shall expire on **October 31, 2020**.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Bondurant, Iowa, that this resolution is hereby approved as presented.

Passed and adopted this 29th day of June, 2020,

Curt Sullivan, Mayor

ATTEST: I, Shelby Hagan, City Clerk of Bondurant, hereby certify that at a meeting of the City Council held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year above written.

Shelby Hagan, City Clerk

Council Action	Ayes	Nays	Abstain	Absent
McKenzie				
Peffer				
Enos				
Cox				
Elrod				