



# Council Communication

Office of the City Manager

Date

August 11, 2008

Agenda Item No. 19  
Roll Call No. 08-  
Communication No. 08-501  
Submitted by: Larry Hulse, Community  
Development Director

## AGENDA HEADING:

Set date of hearing regarding City Council initiated amendments to Chapter 134 of the City Code (Zoning Ordinance) regarding non-conforming use provisions, Chapter 82 (Site Plan Ordinance) regarding penalties for parking violations of a Site Plan, and to Chapter 114 (Traffic & Vehicles Ordinance) regarding illegal off-street parking. (8-25-2008)

## SYNOPSIS:

Recommend City Council set the date of a public hearing on the proposed ordinance for August 25, 2008.

The proposed ordinance (see attached Exhibit A) includes the following:

- An amendment to Chapter 134 of the City Code (Zoning) that states if a non-conforming use in any district other than a residential district ceases for a period of more than 6-months, for any reason, that such use shall thereafter conform to the uses permitted in the district which it is located. Under the existing code, the non-conforming use may cease for a period of up to one year and still maintain a legal non-conforming status.
- An amendment to Chapter 82 of the City Code (Site Plan regulations) that allows the penalty for parking in violation of an approved site plan to be enforced as a violation of the illegal off-street parking section of Chapter 114 of the City Code (Traffic & Vehicles). Under the current code, parking in violation of an approved site plan is only enforced via the general penalty section of the City Code (i.e. a municipal infraction via District Court).
- An amendment to Chapter 114 of the City Code (Traffic and Vehicles) that makes parking in violation of Chapter 82 (Site Plan Regulations) illegal and makes each violation subject to a \$40 fine.

## FISCAL IMPACT:

Amount: Indeterminate.

Funding Source: General fund property tax revenue.

## ADDITIONAL INFORMATION:

At a June 2, 2008 City Council worksession, the City Council received a presentation from staff regarding the enforcement of zoning regulations and site plan regulations for vehicle display lots. The City Council directed staff to prepare several amendments to the City Code for formal consideration that could enhance staff's enforcement abilities.

The Regulation and Ordinance Subcommittee of the Plan and Zoning Commission met on July 9 and July 23, 2008 to discuss the proposed ordinance changes. Representatives of the Iowa Independent Automobile Dealers Association (IIADA) and a local automobile financing entity were in attendance at both meetings. Those entities have forwarded the proposed ordinance to their members for review.

The Plan and Zoning Commission is scheduled to review and make a recommendation on the proposed ordinance on August 7, 2008. The moratorium on new or expanded vehicle display lots is scheduled to expire on August 26, 2008.

### **PREVIOUS COUNCIL ACTION(S):**

Date: June 23, 2008

Roll Call Number: 08-1145

Action: Extension of temporary moratorium on creation or expansion of vehicle display lots until August 26, 2008. Moved by Vlassis to adopt. Motion Carried 7-0.

Date: June 1, 2008

Roll Call Number: City Council Worksession

Action: Presentation by staff regarding vehicle display lot enforcement and identification of proposed code changes. Council directed staff to prepare ordinances for consideration.

Date: March 24, 2008

Roll Call Number: 08-510A

Action: Approving temporary moratorium of 92 days (through June 24, 2008) on the creation or expansion of vehicle display lots pending a comprehensive review of applicable regulations and guidelines. Moved by Meyer to adopt. Motion Carried 7-0.

### **BOARD/COMMISSION ACTION(S):**

Date: August 7, 2008.

Action: The recommendation of the Plan and Zoning Commission will be forwarded to the City Council prior to the August 25, 2008 meeting.

### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Public hearing and first reading of the proposed ordinance on August 25, 2008. Second and Final consideration of the ordinance as directed.

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