



Council Communication

Office of the City Manager

Date

August 25, 2008

Agenda Item No. 42
Roll Call No. 08-
Communication No. 08-518
Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

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.

SYNOPSIS:

The proposed ordinance 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 and Vehicles). Under the current code, parking in violation of an approved site plan is only enforced through the general penalty section of the City Code (i.e. a municipal infraction through court action in 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 \$40.00 fine.

The City Council imposed a moratorium on the creation or expansion of vehicle display lots pending a comprehensive review of applicable regulations and guidelines. The moratorium will expire on August 26, 2008. Staff is attempting to review the current site plan guidelines as it relates to creation and expansion of vehicle display lots to determine if the standards should be enhanced. This review should be accomplished within seventy days. The moratorium would need to be extended should the City Council want new car lots to be constructed under any enhanced guidelines that might be adopted.

FISCAL IMPACT:

Amount: Indeterminate

Funding Source: General Fund property tax revenue.

ADDITIONAL INFORMATION:

At the 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 on vehicle display lots.

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 changes to their members for review.

The Plan and Zoning Commission reviewed the proposed changes at its August 7, 2008 meeting and approved the proposed amendments to the City Code.

The moratorium on new or expanded vehicle display lots is scheduled to expire on August 26, 2008. City Council has approved three lots for construction or expansion since the moratorium was established. Staff has had a limited number of requests for information regarding construction of a new lot or expansion of an existing lot since the moratorium was established.

On August 11, 2008 the City Council set hearing on the proposed changes and asked that the ordinance be drafted to take into account and accommodate business practices common to vehicle display lots. Specially, the need to move cars on the lot to accommodate movement of inventory for display and the need to move vehicles when they receive shipments causing temporary violations of the site plan requirements.

Staff has redrafted the proposed ordinance to accommodate the temporary storage of vehicles on lots in violation of site plan requirements. Parking of vehicles for extended periods of time in violation of the site plan would be considered a violation and enforcement could be pursued under the proposed ordinance and existing ordinances.

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. Move by Meyer to adopt. Motions Carried 7-0

BOARD/COMMISSION ACTION(S):

Date: August 7, 2008

Action: Recommendation of the Plan and Zoning Commission forwarded to the City Council.

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. City Council will vote to extend the moratorium or allow it to expire.

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