

★ **Roll Call Number**

Agenda Item Number

38B

Date May 5, 2008

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,832 passed June 19, 2000, and Ordinance No. 13,839 passed July 10, 2000, and Ordinance No. 13,889 passed November 20, 2000, and Ordinance No. 14,124 passed July 22, 2002, and Ordinance No. 14,668 passed July 9, 2007 by amending Sections 134-3, 134-842, and 134-947 thereof, relating to zoning and site plan review of gas stations and convenience stores",

which was considered and voted upon under Roll Call No. 08-518 of March 24, 2008; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

_____ City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,832 passed June 19, 2000, and Ordinance No. 13,839 passed July 10, 2000, and Ordinance No. 13,889 passed November 20, 2000, and Ordinance No. 14,124 passed July 22, 2002, and Ordinance No. 14,668 passed July 9, 2007 by amending Sections 134-3, 134-842, and 134-947 thereof, relating to zoning and site plan review of gas stations and convenience stores.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,832 passed June 19, 2000, and Ordinance No. 13,839 passed July 10, 2000, and Ordinance No. 13,889 passed November 20, 2000, and Ordinance No. 14,124 passed July 22, 2002, and Ordinance No. 14,668 passed July 9, 2007 is hereby amended by amending Sections 134-3, 134-842, and 134-947 thereof, relating to zoning and site plan review of gas stations and convenience stores, as follows:

Sec. 134-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

| *Gas station* means any building or premises used to any extent for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor

vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting; body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engines requiring the removal of an engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

Sec. 134-842. Principal permitted uses.

Only the following uses of structures or land shall be permitted in the C-1 neighborhood retail commercial district.

(2) Retail business or service establishments such as the following:

s. Gas stations, including minor automobile repairs as an accessory but not a principal use, provided that the proposed use has undergone site plan review and approval pursuant to guidelines set forth at section 82-214.8, and the design of the site permits no more than six vehicles to be fueled at a time. Gas stations on the following streets only may be designed to permit up to eight vehicles to be fueled at a time:

Sec. 134-947. Principal permitted uses.

(b) Any use permitted in the C-1 district shall be permitted in the C-2 district, without limitation as to the size, hours of operation or number of fueling stations provided that any proposed use as a gas station or convenience store has undergone site plan review and approval pursuant to guidelines set forth at section 82-214.8.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney