

★ **Roll Call Number**

Agenda Item Number

67 A

Date August 20, 2007

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, as heretofore amended, by repealing Section 134-948 thereof, and enacting a new Section 134-948, and by adding and enacting a new Section 134-956, to permit limited transient automobile scratch and dent repair as an accessory use to vehicle display lot, rental car agency, and fleet vehicle operations",

presented.

MOVED by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

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

MOTION CARRIED

APPROVED

.....
Mayor

67A

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, as heretofore amended, by repealing Section 134-948 thereof, and enacting a new Section 134-948, and by adding and enacting a new Section 134-956, to permit limited transient automobile scratch and dent repair as an accessory use to vehicle display lot, rental car agency, and fleet vehicle operations.

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, be and is hereby amended by repealing Section 134-948 thereof, and enacting a new Section 134-948, and by adding and enacting a new Section 134-956, to permit limited transient automobile scratch and dent repair as an accessory use to vehicle display lot, rental car agency, and fleet vehicle operations, as follows:

Sec. 134-948. Permitted accessory uses.

The permitted accessory uses in the C-2 general retail and highway-oriented commercial district are as follows:

- 1. ~~shall be the a~~Accessory uses permitted in the C-1 district, except storage of material incidental to a principal uses, other than a retail use, may not exceed 40 percent of the floor area used for such nonretail use.
- 2. Temporary scratch and dent repair services, subject to the limitations in section 134-956 of this division.

Section 134-956. Temporary scratch and dent repair services.

Temporary scratch and dent repair service for vehicles is an allowed accessory use to a principal use as a vehicle display lot, rental car agency, and businesses which operate a fleet of vehicles, subject to the following conditions:

- 1. A certificate of zoning compliance must be obtained from the zoning enforcement officer for each new site where such services are to be provided, which shall be issued only if the applicant demonstrates that such service can be provided in compliance with the requirements of this section. The zoning enforcement officer may revoke the zoning certificate of compliance if the provision of such services at any site does not comply with the requirements of this section.
- 2. The service must be provided with the consent of the property owner or authorized tenant, upon a site that either contains at least 0.5 acres of land, or is operated in

- compliance with an approved vehicle display lot site plan.
3. Such services shall be limited to minor dent and blemish removal/repair on vehicles owned, or leased and operated by the business which is the principal use of the site, and the performing of minor reparative and touch-up painting to damaged or blemished areas of such vehicles, and shall exclude replacement of auto body components, cutting, welding or frame repair.
 4. The area in which such service activities are conducted shall be:
 - a) Entirely within a tent or other completely enclosed structure;
 - b) Entirely upon a paved surface, and outside any required yard and not exceeding 200 square feet in area;
 - c) At least 50 feet from any stormwater intake, surface drain or open water that is downhill from the site, unless such intake or drain is temporarily plugged;
 - d) Separated from any dwelling upon adjoining property by at least 50 feet.
 5. Except in "M" industrial districts, such service activities, including set-up and take-down, shall occur only between the hours of 7 a.m. and 10 p.m. each day.
 6. The operation of such service shall conform to the following standards:
 - a) The storage, use and disposal of all paints, coatings, cleaning solvents and thinners used in conjunction with painting and repair activities shall comply with all applicable federal, state county and local laws, regulations, ordinances and orders.
 - b) Paint shall be applied using a high volume, low pressure coating delivery and application system, and no compressed air equipment shall be utilized..
 - c) Paints and coatings shall be formulated and mixed in quantities of four (4) ounces or less.
 - d) All paints shall be of a non-reactive nature.
 - e) Storage of volatile materials shall not exceed 20 gallons.
 - f) "Wet-sanding" is prohibited. All dust from sanding activities must be vacuumed during the sanding process and upon completion the day's activities.
 - g) The business shall maintain on site and available for review by the employees and agents of city, a copy of the manufacturer's specifications that demonstrate that the rated transfer efficiency for the painting equipment used or available for use on the site is at least 85%.
 - h) Except in industrial districts, no equipment or tools associated with the service, including any temporary tent or enclosure, shall be left on the site at the end of the normal work day.

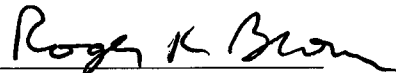
Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

67A

ORDINANCE NO. _____

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FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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