

★ **Roll Call Number**  
08-1534

**Agenda Item Number**  
42A

**Date** August 25, 2008

WHEREAS, on August 11, 2008, by Roll Call No. 08-1420, it was duly resolved by the City Council that the proposal to amend §82-219, §114-361.02 and §134-1353 of the City Code regarding the prohibition of parking in violation of an approved site plan and the allowed continuation of nonconforming uses, for the purpose of addressing the problem of businesses parking vehicles in required setbacks and other areas not designated for parking or vehicle display and the resumption of commercial and industrial uses that do not conform with the required setbacks and other requirements, be set down for hearing on August 25, 2008, at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, by said Roll Call No. 08-1420, the City Council referred the proposed amendments to the City Manager to recommend appropriate changes to the address issues of concern to the public and automobile dealership businesses; and,

WHEREAS, the City Manager has revised the proposed amendments to be as set forth in Exhibit "A" to address the identified issues of concern; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register as provided by law on August 14, 2008; and

WHEREAS, in accordance with the notice, those interested in the proposed amendments, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to said proposed amendments to the Zoning Ordinance be and the same are hereby overruled, and the hearing closed.

MOVED by Meyer to adopt and approve the proposed amendment, subject to final passage of the enacting ordinance.

( continued )

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FORM APPROVED:

*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	7			

MOTION CARRIED

APPROVED

*Christina L. Heasley*

Mayor

MAYOR PRO TEM

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.

*Diane Fauh* City Clerk