

★ Roll Call Number  
09-430

Agenda Item Number  
48

Date March 9, 2009

RESOLUTION EXTENDING THE TEMPORARY MORATORIUM  
ON THE CREATION OR EXPANSION OF VEHICLE DISPLAY LOTS PENDING A  
COMPREHENSIVE REVIEW OF THE APPLICABLE REGULATIONS AND GUIDELINES

WHEREAS, on March 24, 2008, by Roll Call No. 08-510A, the City Council imposed a temporary moratorium through June 23, 2008, on the creation or expansion of vehicle display lots at any location within the City of Des Moines that is zoned to the "C-2" General Retail and Highway Oriented Commercial District, to maintain the status quo until additional regulations and guidelines are established to better regulate how vehicle display lots are designed and operated in the "C-2" District; and,

WHEREAS, on June 22, 2008, by Roll Call No. 08-1145, the City Council continued the moratorium until August 26, 2008, in response to the flooding that occurred in the City of Des Moines and the need for the City Staff to focus upon the recovery efforts; and,

WHEREAS, on August 25 the City Council passed Ordinance No. 14,795 prohibiting the parking of vehicles in violation of an approved site plan, and restricting the resumption of nonconforming uses such as nonconforming vehicle display lots after a temporary discontinuance of such use, but such Ordinance did not fully resolve the City Council's concerns regarding the appearance and operation of vehicle display lots and the impact of vehicle display lots upon the existing and planned uses of adjoining property; and,

WHEREAS, on August 25, 2008, by Roll Call No. 08-1533, and on November 10, 2008, by Roll Call No. 08-2010, the City Council continued the moratorium until March 10, 2009, to allow time for the review and consideration of further amendments to the Site Plan Regulations to address the design of new and expanded vehicle display lots; and,

WHEREAS, after further study and consideration, the City staff and the Regulations and Ordinances Committee have recommended that in lieu of further amendments to the Site Plan Regulations, an amendment to the Zoning Ordinance be considered to create a Vehicle Display Lot Prohibition Overlay District to be applied to those areas where it is determined there is an existing or potential threat for an over-concentration of vehicle display lots and where additional vehicle display lots would hinder redevelopment opportunities identified in neighborhood and corridor plans; and,

WHEREAS, it would be appropriate to extend the temporary moratorium until June 9, 2009, to enable the City staff to work with the City Plan and Zoning Commission to finalize the requirements and restrictions to be applied in the proposed Vehicle Display Lot Prohibition Overlay District, to identify areas where such an overlay district would be appropriate, to meet with the affected property owners, and for the Commission to hold a public hearing and make a recommendation on the proposed ordinance and rezoning; and,

( continued )

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WHEREAS, the continuance of the temporary moratorium on the approval of site plans for the construction or expansion of vehicle display lots is necessary and appropriate to prevent new development from occurring at locations incompatible with the existing and planned uses of adjoining property; and,

WHEREAS, any aggrieved party may apply to the City Council to be released from the application of this moratorium where necessary to avoid undue hardship by filing a written application with the City Clerk in accordance with the procedures established in Roll Call No. 08-510A; NOW THEREFORE,

BE IT RESOLVED by the City Council for the City of Des Moines, Iowa, that the temporary moratorium on the creation and expansion of vehicle display lots initially imposed by Roll Call No. 08-510A of March 24, 2008 is hereby extended through June 9, 2009.

( Council Communication No. 09- 134 )

MOVED by Vlassis to adopt and continue the moratorium through June 9, 2009.

FORM APPROVED:

Roger K. Brown  
Roger K. Brown  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

MOTION CARRIED APPROVED  
T. M. Franklin  
Mayor

Diane Rauh City Clerk