

Date January 24, 2011

RESOLUTION INITIATING AN AMENDMENT TO THE ZONING
ORDINANCE TO PROHIBIT GAS STATIONS IN THE "C-3" AND "C-
3A" DISTRICTS AND ESTABLISHING A TEMPORARY
MORATORIUM ON NEW GAS STATIONS IN SUCH DISTRICTS

WHEREAS, the "C-3" Central Business District Commercial District and the "C-3A" Central Business District Support Commercial District encompass the entire downtown core; and,

WHEREAS, the "C-3" and "C-3A" Districts do not currently contain any gas stations or other businesses engaged in the retail sale of fuels for motor vehicles; and,

WHEREAS, the City Council desires to initiate and consider a proposal to amend the Zoning Ordinance to no longer allow gas stations and other businesses engaged in the retail sale of fuels for motor vehicles to locate the "C-3" and "C-3A" Districts; and,

WHEREAS, a temporary moratorium on the approval of site plans and permits for the construction or development of new gas stations and other businesses engaged in the retail sale of fuels for motor vehicles in the "C-3" and "C-3A" Districts is necessary and appropriate to prevent such development from occurring until the Plan and Zoning Commission and the City Council have an opportunity to consider such proposal; NOW THEREFORE,

BE IT RESOLVED by the City Council for the City of Des Moines, Iowa, as follows:

1. No gas station and other business engaged in the retail sale of fuels for motor vehicles shall be commenced, no structures shall be constructed and no site plans or building permits shall be approved or issued for the commencement of any use or construction of any improvements for such a business within the "C-3" Central Business District Commercial District or the "C-3A" Central Business District Support Commercial District. The City Staff shall not issue any permit or site plan approval for any development which is prohibited by this section.
2. Any party may by written application to the City Clerk request relief from the effect of this moratorium where necessary to avoid unnecessary hardship. The application shall identify the basis for the applicant's contention that the moratorium is causing unnecessary hardship. The application shall be presented for consideration by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such unnecessary hardship.

(continued)

★ Roll Call Number

11-0110

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- 3. The Community Development Department and Plan and Zoning Commission are hereby directed to diligently proceed with consideration of an amendment to the Zoning Ordinance to no longer allow gas stations and other businesses engaged in the retail sale of fuels for motor vehicles to locate the "C-3" and "C-3A" Districts. The Community Development Department and Plan and Zoning Commission shall endeavor to complete their report and recommendation for receipt by the City Council at its meeting on March 28, 2011.
- 4. This moratorium shall take effect immediately upon the adoption of this resolution and shall expire on April 12, 2011 (after a term of 63 days), unless terminated or extended by further action of the City Council. The City Council hereby expresses its intent to immediately terminate this moratorium if the City Council determines at any time that the proposed amendment to the Zoning Ordinance should be rejected.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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.

T. M. Franklin Mayor

Diane Rauh City Clerk