

ORDINANCE NO. 14,896

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, by adding and enacting a new Division 32 - Vehicle Display Lot Overlay District, to Article III - Districts, to Chapter 134 - Zoning Ordinance, to establish an new "VDL" Vehicle Display Lot Overlay District wherein the creation of new vehicle display lots and expansion of existing vehicle display lots would be generally prohibited.

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 adding and enacting a new Division 32 - Vehicle Display Lot Overlay District, to Article III - Districts, to Chapter 134 - Zoning Ordinance, to establish an new "VDL" Vehicle Display Lot Overlay District wherein the creation of new vehicle display lots and expansion of existing vehicle display lots would be generally prohibited, as follows:

Chapter 134 ZONING
Article III. Districts
Division 32. Vehicle Display Lot Overlay District

Sec. 134-1260. Statement of Intent.

There exist within the City of Des Moines segments of commercial corridors wherein the concentration of vehicle display lots has reached a level that has discouraged investment and reinvestment in other uses in the area. As retail and service businesses close and property values within the affected corridors decline or fail to rise with the overall market, the most profitable use of the vacant properties is often for additional vehicle display lots. This further increases the concentration of vehicle display lots and their impact on other properties.

The creation or expansion of vehicle display lots is generally prohibited in the VDL vehicle display lot overlay district. It is expected that over time the concentration of vehicle display lots will decline through attrition and conversion to other uses, and the detrimental impact of the remaining vehicle display lots will decline as vehicle display lots are upgraded over time to the current landscaping and setback standards.

Sec. 134-1261. Application of VDL Vehicle Display Lot Overlay District.

- (a) Property may be zoned to the VDL vehicle display lot overlay district when the City Council has made a determination that at least one of the following conditions exist within the corridor along which the property is located:
 - (1) The corridor or portion thereof to be rezoned to the VDL overlay district

contains a high concentration of vehicle display lots and the concentration of vehicle display lots has reached a level where it is discouraging, or with any increase is likely to discourage, further investment and reinvestment in other uses along the corridor.

- (2) The use of the required front yard for vehicle display is contrary to the predominant character of the corridor or portion thereof to be rezoned to the VDL overlay district, and would detrimentally impact that character and property values along the corridor.
- (b) The City Council, after review and recommendation by the Plan and Zoning Commission, may consider removal of the VDL vehicle display lot overlay district designation from a specific parcel, if the Council finds that the above conditions no longer exist or that the proposed use demonstrates provision of exceptional setbacks, landscaping and other site amenities that mitigate the visual impact of the vehicle display lot from the corridor.

Sec. 134-1262. Limitations on Permitted Uses.

- (a) Property in the VDL vehicle display lot overlay district shall continue to be subject to all the zoning regulations applicable in the underlying zoning district, except as otherwise specifically provided in this division. Where this division identifies a more restrictive requirement than is otherwise applicable in the underlying zoning district, the more restrictive requirement of this division shall control. Any property used in common with property in the VDL district shall be subject to the limitations of the VDL district as provided in section 134-1276(h).
- (b) Except as provided in paragraph (c), no vehicle display lot shall be created or expanded and no site plan shall be approved for the creation or expansion of a vehicle display lot within the VDL overlay district.
- (c) An vehicle display lot which was a lawful use when rezoned to the VDL overlay district and has not been discontinued for more than six (6) months or abandoned, may be redeveloped or expanded provided that: i) such redevelopment or expansion is entirely upon adjoining land or upon land separated only by an intervening alley, which is owned of record by the owner of the portion of such land devoted to the vehicle display lot when such land was rezoned to the VDL overlay district; and, ii) the entire vehicle display lot as so redeveloped or expanded conforms with the applicable zoning and site plan requirements.

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

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 09-1806), passed by the City Council of said City at a meeting held September 28, 2009 signed by the Mayor on September 28, 2009 and published as provided by law in the Business Record on October 12, 2009. Authorized by Publication Order No. 6854.

Diane Rauh, City Clerk