NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: June 11, 2018

ITEM: Amendment to City Code – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) to allow within the general industrial zoning district uses related to Used Car Dealers– Reid Tamisiea – (AO-003877-2018)

ORDINANCE: Approval of Second Reading, Wave Third Reading, and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Reid Tamisiea, developer of West Green Industrial park at 175 S. 9th Street, is requesting an amendment to City Code to allow used car dealers (SIC 5521) as permitted uses within the General Industrial zoning district. The request stems from a potential tenant/buyer of an industrial condominium unit that has a used car collection and will be selling a few cars per year. For this he needs an Iowa dealer's license and the proper zoning.

Previous City Council Action
Vote: 5-0 Approval
Date: May 29, 2018
Motion: Approve the first reading of the amendment to Title 9, Zoning, Chapter 6, Commercial, Office, and Industrial Zoning District

RECOMMENDATION: Based upon the preceding review, Staff recommends the City Council approve the second reading, waive the third reading and adopt in final form the ordinance to amend City Code to allow used car dealers (SIC 5521) with indoor showrooms in the General Industrial Zoning District.

Lead Staff Member: Kara Tragesser, AICP KAT

Staff Reviews:

Department Director	LS
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	KA

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	May 17, 2018
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	April 30, 2018		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:
Exhibit I - Ordinance

EXHIBIT I

Prepared by: K Tragesser, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT) TO ALLOW USED CAR DEALERSHIPS (SIC 5521) WITH INDOOR SHOWROOMS IN THE GENERAL INDUSTRIAL DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 9 (*Zoning*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), Section 6 (*Commercial, Office and Industrial Use Regulations*), Table 6.1 – Use Matrix, Division G – Retail Trade is hereby amended by adding the text in bold italicized lettering:

C: TABLE 6.1 – Use Matrix: Division G – Retail Trade

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
55 Automotive Dealers and Service Stations															
551 New and Used Car dealers					Pc			Pc							
552 Used Car Dealers					Pc			Pc							
5521 Used Car Dealers – Indoor Showroom Only					***Pc***			***Pc***				***Pc***			

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 3. Savings Clause. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 4. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 5. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2018, and approved this _____ day of _____, 2018.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2018, and was published in the Des Moines Register on _____, 2018.

_____
Ryan T. Jacobson
City Clerk