

Date March 11, 2013


WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2013, its members voted 14-0 in support of a motion to recommend **APPROVAL** of the amendment to the Zoning Ordinance Text in Chapter 134 of the City Code with regard to the addition of a definition for small engine repair use.

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

1. That the meeting of the City Council at which the proposed amendments to the Zoning Ordinance are to be considered shall be held in the Council Chambers at City Hall at 5:00 p.m. on March 25, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:



 Michael F. Kelley
 Assistant City Attorney

(10-2013-5.01)

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

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

 Mayor

 City Clerk

March 8, 2013

Date _____

Agenda Item 23

Roll Call # _____

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held March 7, 2013 the following action was taken regarding a City Council Initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to the addition of a definition for small engine repair use.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 14-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdill	X			
Greg Wattier	X			

APPROVAL of the amendment to Chapter 134 with regard to the addition of a definition for small engine repair use. (10-2013-5.01)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed text amendment.

STAFF REPORT

Pursuant to Roll Call 13-0136 which was approved on January 28, 2013, the City Council referred a request to the Plan and Zoning Commission to consider a zoning text amendment regarding the definition of "small engine repair".



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

On February 13, 2013 the Regulation and Ordinance (R&O) subcommittee of the Plan and Zoning Commission recommended that the following definition be prepared for public hearing by Plan and Zoning Commission:

Small engine means a motor used to power home tools and equipment including generators, lawnmowers and other outdoor power tools producing an average output that ranges around 25 horsepower, which is usually powered by gasoline and that varies in size, shape and compression process depending on its configuration.

The proposed definition would be added to Section 134-3 of the City Code. In addition, the list of permitted uses for the C-1, Neighborhood Retail Commercial District (Section 134-842) would be amended to specifically reference small engine repair shops.

II. ADDITIONAL APPLICABLE INFORMATION

Staff contacted DMAACC for input regarding the proposed definition of a small engine. DMAACC representatives indicated they do not have a "small engine" certification program and did not offer any changes to the proposed definition.

SUMMARY OF DISCUSSION

There was no discussion

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.


CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Will Page moved staff recommendation to approve the amendment to Chapter 134 with regard to the addition of a definition for small engine repair use.

Motion passed 14-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

cc: File

Section 134-3. Definitions

Small engine means a motor used to power home tools and equipment including generators, lawnmowers and other outdoor power tools producing an average output that ranges around 25 horsepower, which is usually powered by gasoline and that varies in size, shape and compression process depending on its configuration.

Sec. 134-842. Principal permitted uses.

Only the following uses of structures or land shall be permitted in the C-1 neighborhood retail commercial district.

- vv. Lawn mower and small engine repair shops, provided that any runup or testing of engines shall take place within the shop building.