



**Roll Call Number**

**Agenda Item Number**

42

**Date** March 25, 2013

WHEREAS, on March 11, 2013 by Roll Call No. 13-0402, the City Council of the City of Des Moines resolved to set a public hearing for March 25, 2013 at 5:00 p.m. in the Council Chambers at City Hall on the proposed amendments to the Zoning Ordinance text in Chapter 134 of the Municipal Code relating to the regulation of lawn mower and small engine repair shops; and


WHEREAS, notice of the hearing was duly published in the Des Moines Register on March 14, 2013, setting forth the time and place for the hearing on the proposed text amendments, a true copy of which is on file in the Office of the City Clerk; and

WHEREAS, pursuant to the published notice both those in favor and those against the proposed text amendments were given the opportunity to be heard and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that having considered the facts and statements of interested persons and arguments of counsel both for and against the proposed amendments, the hearing is closed, the arguments in favor of the text amendments are upheld, and the proposed text amendments to Chapter 134 of the Municipal Code are hereby approved.

Moved by \_\_\_\_\_ to adopt and approve the text amendments to Chapter 134 of the Des Moines Municipal Code, subject to final passage of the ordinance.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael F. Kelley  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				

**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

Agenda Item 42  
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 DMACC for input regarding the proposed definition of a small engine. DMACC 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.