| * | Roll Call Number | | Agenda Item Number | | |
|---|--|---|--------------------|--|--|
| Dat | e 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 March 14, 2013, setting forth the time and place for the hearing on the proposed tamendments, 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 proposed text amendments were given the opportunity to be heard and have presented the views to the City Council. | | | | |
| | | | | | |
| NOW, THEREFORE, BE IT RESOLVED by the City Council of the C Moines, Iowa that having considered the facts and statements of interested p arguments of counsel both for and against the proposed amendments, the hearing is arguments in favor of the text amendments are upheld, and the proposed text ame Chapter 134 of the Municipal Code are hereby approved. | | | | | |
| | | Moved by the text amendments to Chapter 134 or Municipal Code, subject to final passa | f the Des Moines | | |
| | APPROVED AS TO FORM: Michael F. Kelley Assistant City Attorney | | | | |

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT | |
|----------------|------|------|------|----------|--|
| COWNIE | | | | | |
| COLEMAN | | | | | |
| GRIESS | | | | | |
| HENSLEY | | | | | |
| MAHAFFEY | | | | | |
| MEYER | | | | | |
| MOORE | | | | | |
| TOTAL | | | | | |
| MOTION CARRIED | | | A | APPROVED | |

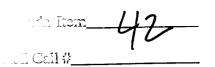
Mayor

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.

| City Cle |
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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 | Х | | | |
| JoAnne Corigliano | X | | | |
| Shirley Daniels | X | | | |
| Jacqueline Easley | Χ | | | |
| 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:

<u>Will Page</u> 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 <u>and small engine repair shops</u>, provided that any runup or testing of engines shalltake place within the shop building.