



Legal Department

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July 11, 2011

The Honorable Ann Campbell, Mayor,
And Members of the City Council
of the City of Ames, Iowa

Re: Corrective amendment to Zoning Code definition of "Mechanical Unit"

Dear Mayor and City Council:

Late last summer, the Zoning ordinance was revised to add provisions for wind energy systems. At that time, it was proposed to revise the definition of "mechanical unit" in that chapter to clarify that wind energy systems are not mechanical units.

After the wind energy provisions had undergone first passage and were in the later stages of the adoption process of three readings and publication, another zoning provision, that related to screening of mechanical units began undergoing revision. This revision was to make it easier and less expensive for developers to comply with the screening requirements. This latter proposed revision first went to Planning and Zoning for a recommendation before a first reading for adoption. At that time, since the adoption of the revised definition of "mechanical unit" including wind energy systems was not fully through the adoption process, the proposed mechanical screening revisions used the then-current definition of "mechanical unit" which did not omit wind energy systems. Unfortunately, when the wind energy provisions were finally adopted, the mechanical unit revisions failed to incorporate the newly adopted definition of mechanical unit. Therefore, when the screening provisions were finally adopted, they contained the mechanical unit definition without reference to wind systems. In effect, the later-adopted mechanical screening revisions undid the definitional change that the earlier wind energy adoption had just accomplished. This error came about because the second revision was commenced before the first ordinance adoption was complete and it was not apparent to staff until the code supplements for the quarter were published.

The amendment before you is simply to correct this error that occurred. It adopts the definition that was originally proposed with the wind energy provisions which excludes wind energy systems from being defined as "mechanical units".

Your favorable consideration of this ordinance is asked. I would be happy to provide any additional information you may need.

Sincerely,

Judy K. Parks
Assistant City Attorney

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.201(116) AND ENACTING A NEW SECTION 29.201 (116) THEREOF, FOR THE PURPOSE OF REVISING THE DEFINITION OF MECHANICAL UNIT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.201(116) and enacting a new Section 29.201(116) as follows:

“Sec. 29.201 DEFINITIONS.

(116) Mechanical Unit means a climate control device and/or a piece of hardware used for the delivery or measurement of utilities, not including solar or wind energy systems as defined in Section 29.1309 and Section 29.1310.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor