

COUNCIL ACTION FORM

SUBJECT: AMENDMENT TO CORRECT SCRIVENER’S ERROR IN TABLE 29.805(3)—ZONE DEVELOPMENT STANDARDS IN PRC ZONE

BACKGROUND:

An error was found in the Development Standards table for the Planned Regional Commercial zoning district regarding rear setbacks. In 2007, Table 29.805(3) (Planned Regional Commercial Zone Development Standards) was amended to reflect new requirements for the then-new Northeast Gateway Overlay District. The amendment added new requirements for setbacks from the street lot line.

The Table currently reads:

Table 29.805(3)
 Planned Regional Commercial (PRC) Zone Development Standards

DEVELOPMENT STANDARDS	PRC ZONE
Minimum Lot Area	One Acre
Minimum Lot Frontage except in the O-GNE	50 ft.
Minimum Lot Frontage for O-GNE only	50 ft. or cross-access easement agreements to which the City is a party for the limited purposes of modification or termination of the legal access rights
Minimum Building Setbacks:	
Street Lot Line except in the O-GNE	50 ft.
Street Lot Line O-GNE only	As specified in approved master plan
Side Lot Line	0
Rear Lot Line	50 ft. side
Lot Line Abutting an R Zoned Lot	50 ft. rear
Maximum Building Setbacks:	
Street Lot Line	None
Landscaping in Setbacks Abutting a Residentially Zoned Lot	20 ft. @ L3. See Section 29.403
Maximum Building Coverage	50%
Minimum Landscaped Area	15%
Maximum Height	100 ft. or nine stories
Parking Allowed Between Buildings and Streets	Yes
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Limited to garden centers and similar accessory uses, automotive and marine trade, in defined areas
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

Please note that the Minimum Building Setbacks for Rear Lot Line reads “50 ft. side” and that Lot Line Abutting an R Zoned Lot reads “50 ft. rear.”

Below is the table as it read prior to the 2007 amendment. Note that the setback for a Rear Lot Line was 0 feet.

**Table 29.805(3)
Planned Regional Commercial (PRC) Zone Development Standards**

DEVELOPMENT STANDARDS	PRC ZONE
Minimum FAR	.50
Minimum Lot Area	One Acre
Minimum Lot Frontage	50 ft.
Minimum Building Setbacks:	
Street Lot Line	50 ft.
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting an R Zoned Lot	50 ft. side 50 ft. rear
Maximum Building Setbacks:	
Street Lot Line	None
Landscaping in Setbacks Abutting a Residentially Zoned Lot	20 ft. @ L3. See Section 29.403
Maximum Building Coverage	50%
Minimum Landscaped Area	15%
Maximum Height	100 ft. or nine stories
Parking Allowed Between Buildings and Streets	Yes
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Limited to garden centers and similar accessory uses, automotive and marine trade, in defined areas
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

There was a mistake in the formatting of the Council-approved Ordinance No. 3928 in 2007 which only recently came to light. That Minimum Building Setback row of the current table should read:

Minimum Building Setbacks	
Street Lot line except in O-GNE	50 ft
Street Lot Line in O-GNE only	As specified in approved master plan
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting an R Zoned Lot	50 ft. side 50 ft. rear

Recommendation of the Planning & Zoning Commission. At its meeting of November 28, 2012, by a vote of 6-0, the Planning and Zoning Commission recommended that the City Council adopt the draft ordinance as proposed to correct this error.

ALTERNATIVES:

1. The City Council can approve the attached zoning code text amendment to correct the Rear Lot Line setback requirements in Table 29.805(3).
2. The City Council can chose not to adopt the proposed text amendment.

MANAGER’S RECOMMENDED ACTION:

Staff believes that the proposed amendment returns the code regarding rear setbacks to the intent of the ordinance prior to the 2007 amendments. As currently written, the requirement is ambiguous and open to wide interpretation.

Therefore, it is the recommendation of the City Manager that the Council accept Alternative No. 1, thereby approving the attached zoning code text amendment to correct the Rear Lot Line setback requirements in Table 29.805(3).

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ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.805 TABLE 29.805(3) ENACTING A NEW SECTION 29.805 TABLE 29.805(3) THEREOF, FOR THE PURPOSE OF CORRECTING A FORMATTING ERROR ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; 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 Table 29.805(3) and enacting a new Section 29 Table 29.805(3) as follows:

“Sec. 29.805. “PRC” PLANNED REGIONAL COMMERCIAL.

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(3) **Zone Development Standards.** The zone development standards for the PRC Zone are set forth in Table 29.805(3) below:

**Table 29.805(3)
Planned Regional Commercial (PRC) Zone Development Standards**

DEVELOPMENT STANDARDS	PRC ZONE
Minimum Lot Area	One Acre
Minimum Lot Frontage except in the O-GNE	50 ft.
Minimum Lot Frontage for O-GNE only	50 ft. or cross-access easement agreements to which the City is a party for the limited purposes of modification or termination of the legal access rights
Minimum Building Setbacks: Street Lot Line except in the O-GNE Street Lot Line O-GNE only Side Lot Line Rear Lot Line Lot Line Abutting an R Zoned Lot	50 ft. As specified in approved master plan 0 0 50 ft. side 50 ft. rear
Maximum Building Setbacks: Street Lot Line	None
Landscaping in Setbacks Abutting a Residentially Zoned Lot	20 ft. @ L3. See Section 29.403
Maximum Building Coverage	50%
Minimum Landscaped Area	15%
Maximum Height	100 ft. or nine stories
Parking Allowed Between Buildings and Streets	Yes
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Limited to garden centers and similar accessory uses, automotive and marine trade, in defined areas
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

(Ord.. No. 3899, 02-13-07; Ord. No. 3928, 07-24-07)”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

Section Four. 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