

**COUNCIL ACTION FORM**

**SUBJECT: ZONING TEXT AMENDMENT REGARDING WEIGHT OF TRUCKS SERVING SPECIAL USE PERMIT USES IN RESIDENTIAL ZONES**

**BACKGROUND:**

On July 9, 2013, City Council referred to staff a memo describing an issue with truck weight limits for Special Use Permitted uses in residential zones. The referral was in response to the Ames Community Pre-school Center's (ACPC) recently approved Special Use Permit to operate at the former Willson-Beardshear School at E. 9<sup>th</sup> Street and Carroll Avenue. ACPC's weekly food delivery is from a small semi-tractor that exceeds the 26,000 pound maximum weight limit specified in our zoning code. **In response to this specific issue, staff has prepared a minor text amendment to add a food delivery truck exception to the Special Use standards.**

The Planning and Zoning Commission reviewed the proposed text amendment at its August 7, 2013 meeting and unanimously recommended that the City Council approve the food delivery truck exception.

**PROPOSED AMENDMENT:**

The text amendment would allow exemption of food delivery vehicles from the weight requirement as one of the criteria for consideration of a Special Use Permit in a residential zone by the Zoning Board of Adjustment. In addition, the word 'pounds' would be inserted after '26,000' for clarity. Section 29.1503(4)(b)(iii) would be replaced with the following language.

(iii) Not generate truck trips by trucks over 26,000 pounds g.v.w (gross vehicular weight) to and from site except for food delivery vehicles, waste collection vehicles and moving vans

Zoning Analysis:

Ames Municipal Code, Section 29.1503(4)(b) describes the criteria that Special Use Permits must meet in order to be approved by the Zoning Board of Adjustment. Included is the following standard for residential zoning districts:

(iii) Not generate truck trips by trucks over 26,000 g.v.w (gross vehicular weight) to and from site except for waste collection vehicles and moving vans.

Within residential zoning districts, a number of uses are allowed by Special Use Permit that may include some type of service delivery vehicle. These include:

1. Group Living
2. Colleges and Universities
3. Child Day Care Facilities
4. Religious Institutions
5. Schools
6. Social Service Providers
7. Funeral Facilities
8. Hospices
9. Assisted Living
10. Nursing Homes

Food delivery trucks are similar in operation to the waste collection vehicles already exempted. Both provide a needed ancillary service to businesses and other uses. Both provide their services on a more-or-less regular schedule and along a more-or-less fixed route. Finally, both services are operated by a third-party vendor outside the direct control of the business that receives their services. Larger trucks usually mean more infrequent deliveries. In the ACPC circumstance, deliveries are made just once a week.

**ALTERNATIVES:**

1. The City Council can approve the proposed draft amendment language to exempt food delivery vehicles from the weight limit for Special Use Permits in residential zones.
2. The City Council can approve modified zoning text amendment language.
3. The City Council can not adopt the proposed text amendments.

**Recommendation of the Planning & Zoning Commission.** At its meeting of August 7, 2013, the Planning and Zoning Commission unanimously recommended that the Council adopt Alternative 1 as described above.

**RECOMMENDED ACTION:**

This amendment, although written in response to one particular approved Special Use Permit, would apply to any future Special Use Permit applications in a residential zoning district. Residential zoning includes a variety of low, medium, and high density zoning districts throughout the City. However, the limited impact of introducing food delivery trucks over 26,000 pounds is not anticipated to impact the quality of life of residents near these Special Permit uses.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative No. 1, thereby approving the proposed draft amendment language to exempt food delivery vehicles from the weight limit for Special Use Permits in residential zones.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.1503(4)(b)(iii) AND ENACTING A NEW SECTION 29.1503(4)(b)(iii) THEREOF, FOR THE PURPOSE OF WEIGHT OF TRUCKS SERVING SPECIAL USE PERMIT USES IN RESIDENTIAL ZONES; 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 enacting a new Section 29.1503(4)(b)(iii) as follows:

**“Sec. 29.1503. SPECIAL USE PERMIT.**

...

**(4) Review Criteria.**

...

(b) Residential Zone Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use in a residential zone meets the following standards, as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

...

(iii) Not generate truck trips by trucks over 26,000 pounds g.v.w (gross vehicular weight) to and from site except for food delivery vehicles, waste collection vehicles and moving vans.”

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

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Ann H. Campbell, Mayor