

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENT RELATING TO SOLID WASTE COLLECTION AREAS

BACKGROUND

In response to a general code cleanup assessment included as part of the Planning Division work plan, staff has reviewed several minor development standards for consistency with terminology and development review practices. **The intent is to clarify interpretations and standards, particularly as it relates to allowing trash and recycling collection areas to be constructed in the front yard, and requirements for design and materials used in the construction of enclosures for these areas.**

The current standards ensure that the dumpsters and trash receptacles are contained and screened as described in Article IV of Chapter 29 of the Ames Municipal Code. The Zoning Ordinance includes landscape screening and fence standards to meet this requirement. This is accomplished typically with no significant issues related to side and rear yards. **However, the staff has observed more circumstances in the past year for commercial sites with multiple front yards having complications with fence limitations in front yards and meeting the screening requirement.**

The primary issue regarding front yards is the application of fence standards. The height of fences is limited to four feet within front yards for residential and commercial zoning districts, while fences typically can be six feet high in side and rear yards. Many trash enclosures require more than four feet of screening to meet standards and landscaping is typically not a good solution in tight environments. **This issue has arisen for multiple sites in the past year, all of which are sites with more than one street frontage, making it harder to locate a structure outside of a front yard.**

Refinements to the language in Chapter 29 will provide greater clarity in the application of standards for garbage and recycling collection areas and the enclosures constructed for screening purposes. Municipal Code does not currently reference recyclable materials, only garbage. The proposed amendment includes recyclables, refuse, garbage, and trash as all requiring enclosures.

The broader solid waste terminology relates to the incidental generation of waste from the operation of a primary use on property. For example, a retail store that creates trash and recycling materials through its stocking and sale of merchandise would be required to contain the receptacles and provide screening. **Under the proposed change in the Code, a principal use related to Waste processing or a Recycling drop-off will not be subject to the screening. For example, the solid waste collection screening requirements would not apply to the City's glass recycling containers that are located on various commercial properties in the City, including the Lincoln Center Hy-Vee and north Fareway.**

Additionally, the amendment would allow for solid waste collection areas in commercial front yards, outside of setbacks, when they are upgraded with materials matching the aesthetic and architectural quality of the principal building. Currently, fence height restrictions would likely restrict locating an enclosure in a front yard, regardless of size or depth of the front yard. The amendment also authorizes the Planning and Housing Director to approve alternative locations, including waiving of setbacks, for unusual sites that have three or more street frontages that may unduly restrict siting options.

The Planning and Zoning Commission reviewed draft changes at its January 15th meeting. The Commission discussed the differences in creating a fencing exception rather than new garbage collection standards and the differences in front yards and front yard setbacks. The Commission voted 7-0 in support of the staff recommendation, which is to allow waste enclosures in the front yard, but outside of setbacks, when they meet certain design standards.

ALTERNATIVES:

1. Approve on first reading the proposed text amendments for solid waste collection areas and design requirements within commercial front yards.
2. Approve the proposed text amendments on first reading with modifications.
3. Decline to approve the proposed text amendments and make no changes to garbage collection area requirements.

CITY MANAGER RECOMMENDED ACTION:

The proposed zoning text amendments clarify requirements and expectations for the location, as well as the design, materials and construction of enclosures for trash and recycling collection areas. Changes would allow such areas to be located outside the minimum required building setback within commercial front yards and street side yards.

This will provide the developers of commercial properties the option of using the front yard as a possible location for trash and recycling collection areas, especially in the case of corner lots where the acceptable locations for trash and recycling collection areas is extremely limited. In unique conditions for a site with three or more street frontages, the Planning Director may waive certain setbacks as well. **The proposed amendments apply only to properties located in commercial zones, and not to properties zoned residential.**

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described above.

Addendum

Existing Zoning Ordinance

Sec. 29.408. OTHER GENERAL DEVELOPMENT STANDARDS.

(1) **Vibration.**

(a) All Uses. Every use shall be operated so that continuous, frequent or repetitive vibrations inherently or recurrently generated may not be perceptible to a person of normal sensitivities on any point of any property line of the lot on which the use is located.

(b) Exemptions. Vibrations from temporary construction work and vehicles which leave the lot, such as trucks, trains and helicopters, are exempt from this Section, as are vibrations lasting less than 5 minutes per day. Vibrations from primarily on-site vehicles and equipment are not exempt.

(2) **Fences.**

(a) Applicability. These standards apply to all zoning districts except General Industrial (GI), Research and Innovation (RI), and Planned Industrial (PI).

(b) Types of Fences. These standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, earthen, or other material.

(c) Location and Height.

(i) Height in Front Setbacks & Yards. The maximum height of fences in front setbacks and front yards is four (4) feet.

(ii) Height in Side and Rear Setbacks. The maximum height for fences in side or rear setbacks is six (6) feet, except as further limited by this section in setbacks abutting street rights-of-way.

(iii) Height in Setbacks Abutting Rights-of-way. The maximum height of fences in any setback abutting a street right-of-way is four (4) feet, except that up to six (6) feet of fence is allowed in any side or rear setback if:

a. The lot does not abut the front yard of any other residential property along the same side of the street; and

b. The fence is at least five (5) feet from the property line abutting a street right-of-way. Within this five (5) foot area, landscaping is required consisting of one landscape tree for every 50 lineal feet and two high or three low shrubs for every ten lineal feet of area to be planted.

(iv) Height Outside of Setbacks. The maximum height for fences that are not placed in setbacks is eight (8) feet, except that in any portion of a front yard fences shall not exceed four (4) feet.

(v) Retaining Wall. In the case of retaining walls and supporting embankments, the above requirements shall apply only to that part of the wall above finished grade of the retained embankment, provided that the finished grade at the top of the wall or embankment extends at least 20 feet or if the available area is less than 20 feet, the grade extends to the principal structure. Otherwise, it will be considered an earthen berm and will be subject to the height limitation for fences.

(vi) Visibility Triangle. All fencing shall meet the requirements of the visibility triangle as defined in section 29.408(5) of the Municipal Code.

(d) Prohibited Materials. Barbed wire, razor wire, electric, and similar types of fences are prohibited.

(Ord. No. 3796, 09-14-04; Ord. No. 4052, 12-14-10; Ord. No. 4245, 1-26-16)

(3) **Garbage Collection Areas.** All outdoor garbage cans in outside collection areas shall be screened from all public rights-of-way other than alleys and from any adjacent properties to the High Screen or F2 standards set forth in Section 29.403. Trash receptacles for pedestrian use are exempt.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 29, SECTION 29.408(3) AND ENACTING A NEW CHAPTER 29, SECTION 29.408(3) AND ENACTING A NEW CHAPTER 29.201 211A THEREOF, FOR THE PURPOSE OF TRASH AND RECYCLING COLLECTION AREAS IN COMMERCIAL 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 Chapter 29, Section 29.408(3) and enacting a new Chapter 29, Section 29.201 211A as follows:

“Chapter 29, Section 29.201. DEFINITIONS.

...

(211A) **Solid Waste** includes refuse, garbage, trash, and recyclable materials.

...

Chapter 29, Section 29.408(3).

...

(3) **Solid Waste Collection Areas.** All containers of garbage, trash, refuse, and recycling incidental to the principal use shall be located within defined collection areas and shall be screened from all public rights-of-way, other than alleys, and from adjacent properties to the High Screen (*i.e. 6-foot tall planting landscape buffer*) or F2 (*i.e. opaque fence*) standards set forth in Section 29.403. Individual receptacles for incidental pedestrian use are exempt. Recycling drop-off and other Waste Processing uses are not considered incidental to the principal use as described in this section.

(a) **Exception. Collection Areas in Commercial Zones.** The intent is to ensure that solid waste collection areas and associated enclosures are serviceable, durable, unobtrusive, and architecturally compatible with the principal building(s) on the site. The following provisions constitute the minimum requirements for collection areas when located within a front yard.

(i) Location in the Front Yard or Side Yard Adjacent to a Street. Exterior collection areas are prohibited within any required front yard setback, street side yard setback, and required front yard landscape areas. Enclosures shall be located in a visually unobtrusive location on the site that is readily accessible for collection services without interfering with other characteristics of the site layout.

(ii) Design and Materials. The design of enclosures placed within the front yard, outside of setbacks, shall be compatible with the architectural features, materials, and colors of the principal building(s) on the development site. Materials used to construct the enclosures, including gates, shall be durable and unobtrusive in appearance

a. Minimum Height and Opacity of Enclosures. All front yard enclosures shall meet screening standards of “F2.” Walls enclosing collection areas related to this section shall not be subject to requirements for a “fence” located in a front yard.

(iii) Alternatives to location standards regarding minimum setbacks, including waiver of setbacks, may be approved by the Planning and Housing Director if there are three, or more streets abutting the development site.

...

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

John A. Haila, Mayor