

ITEM#: 23
DATE: 08-22-23
DEPT: P&H

COUNCIL ACTION FORM

SUBJECT: REQUEST TO INITIATE A ZONING TEXT AMENDMENT FOR BASE ZONING DISTRICT MINIMUM LANDSCAPE PERCENTAGE EXEMPTIONS

BACKGROUND:

On July 27, 2023, City Council directed staff to place on a future agenda a request from Ames Ford Lincoln to amend the City's landscaping standards related to electric vehicle charging stations. Ames Ford Lincoln was recently approved to install a new transformer and 12 charging stations on its 6-acre site. The approved plan included replacement of approximately 300 square feet of displaced landscaping to maintain consistency with the City's current minimum landscape percentage requirement.

The Ames Ford Lincoln site is nonconforming as it sits just below the minimum 15% landscape coverage requirement at approximately 14.5% of landscape coverage. Per zoning standards, a reduction in landscape percentage that would increase the degree of nonconformity is not permitted. Therefore, the applicant proposed to remove 300 square feet of paving to compensate for adding the transformer and chargers to the site within an existing landscaped area. Adding these features within the existing paved area would not have affected the landscape percentage calculation.

ZONING STANDARDS:

Many of the City's base commercial and industrial zoning districts include a minimum landscape area requirement as a percentage of the site area (typically 15% – 20%). The percentage requirement works in tandem with the front yard, buffer yards, and parking lot planting requirements, but is an independent standard. This means it is possible that a site may require more than the minimum percentage of landscaped area to accommodate required plantings, or a site may accommodate all the plantings and then have extra landscaped areas to meet the percentage requirements.

The property owner did not propose to remove any required plantings; their issue relates solely to the condition as a previously developed site and its landscape coverage.

The key issue related to the request is the definition of "landscaping" within the Zoning Ordinance, in Section 29.201, cited below:

(110) Landscape, Landscaped, Landscaping, means the improvement of a lot, parcel, or tract of land with grass, shrubs trees flowers and/or groundcovers. Landscaping may include incidental ornamental features such as fountains, statuary, boulders, sculptures, pedestrian paths and other similar natural and artificial objects or improvements only when they are completely surrounded by adjacent plant material.

The definition allows for ornamental features to be excluded from the calculations of landscaped area, but does not allow for features such as paved pads for transformers to be counted as landscaped area. Staff is not aware of any recent decisions to allow for utility equipment pads to count towards landscaping requirements, but also it has not come up as a specific issue until now.

Staff has some minimal latitude related to transformer locations and landscaping requirements within Article IV of the Zoning Ordinance for specific types of site constraints. However, the landscape percentage requirement is a base zoning standard and staff does not believe it has authority to vary from it. Staff did not propose to the applicant to grant relief because of the limits of current requirements.

ALTERNATIVES:

When an applicant has questions about standards, staff advises them of past precedents and options to appeal a staff interpretation to the Zoning Board of Adjustment or to petition City Council for an ordinance change. Staff believes the current definition of landscaping is clear and it is unlikely to be appropriate to have the property owner appeal the staff decision to the Zoning Board of Adjustment. **Assuming the definition is clear in City Council's eyes and the discussion is focused on a change of standards, staff believes there are two primary perspectives related to the requested zoning text amendment and what type of relief is requested or needed.**

The first perspective is to consider the request solely related to electric vehicle chargers. The alternative perspective is broader than that of charging equipment and would consider the issue through the lens of improvements to previously developed sites that are nonconforming and could be affected by any proposed increase of paving or other coverage of a site.

ALTERNATIVE 1. Exemption From Landscape Coverage Limitations For Electric Vehicle Charger Equipment For New or Previously Developed Sites

Council recently adopted setback encroachment allowances for electric vehicle chargers. An allowance for variations to landscape coverage related only to transformers and electric vehicle chargers could be added to the Zoning Ordinance similar to the recent setback allowance.

This option would only exempt the dimensions of the equipment and would not allow for additional paving in order to create vehicle charging areas. The approved Ames Ford Lincoln charging equipment is estimated to contain approximately 300 square feet of displaced area for the equipment related to the twelve charging installations.

ALTERNATIVE 2. Limited Exemption to Landscape Coverage Limitations for Previously Developed Sites, Not Just For Electric Charging Stations

Alternative #2 offers a broader landscaped coverage exemption for existing sites which are more constrained than new sites. This option would include vehicle chargers, but could also include other minor improvements for previously developed sites.

Such relief could be up to a 1% area encroachment or a defined amount of area, such as 2,500 square feet. Using a percentage encroachment would allow for larger sites to have more flexibility compared to a defined maximum amount. For Ames Ford Lincoln, 1% would be approximately 2,600 square feet.

ALTERNATIVE #3. Initiate a different zoning text amendment related to landscape coverage exemptions related to electric charging stations.

ALTERNATIVE #4. Do not initiate a text amendment at this time.

It should be noted that any exemptions allowed in Alternatives 1,2, or 3 would still require conformance to actual landscape planting and configuration requirements, it would be only a reduction of calculated area.

CITY MANAGER’S RECOMMENDED ACTION:

City Council recently created standards to promote installation of electric charging stations as a balance between typical landscaping requirements and promoting use of electric vehicles. These changes maintained minimum functional landscaping requirements for front yards with setbacks for transformers and allowed for removal of vehicle parking spaces to support equipment, if needed.

The Ames Ford Lincoln installation appropriately is set internally to the site and did not need to take advantage of the setback exception. However, as a previously developed site that was nonconforming for landscape coverage, the new equipment was subject to landscape coverage limitations and necessitated replacement of displaced area. The actual impact to the Ames Ford Lincoln site is de minimis in scope at approximately 300 square feet of area.

Staff believes that support for any of the alternatives would not have a significant impact on the aesthetics of the City, or this particular site. In addition, a text amendment would facilitate the City Council’s sustainability goal by helping to promote electric vehicle usage. The simplest change would be to support exempting electric vehicle charging station installations. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

The City Council should note that if it initiates a text amendment, Ames Ford Lincoln can continue with its approved plan for installation of equipment during the drafting and review of the zoning text amendment by the Planning and Zoning Commission and the City Council. Use of the charging stations would not be withheld during consideration of the text amendment.

**Attachment A
Request to Council**



LINCOLN

www.amesford.com

July 19, 2023

Dear Honorable Mayor Haila and City Council Members,

We are writing to ask for a variance or update to the current green space requirements when it comes to incorporating a new "green initiative" into an existing business.

We're installing 12 new Electric Vehicle Chargers on our property and need to remove a small strip of grass in order to accommodate the new row of chargers. As a result, we'll fall below the City's current green space percentage requirement by about 1%. These charging stations will be open to the public and will greatly enhance the citizens of Ames' access to charging infrastructure. Our contractor is currently facilitating 17 of these installations, and the other 16 communities consider the chargers and pads they rest on as green space themselves, or don't take the loss of green space into account when it's being replaced with EV chargers.

We're excited to enhance the public's access to electric vehicle charging and for the environmental benefits that come with more EV's on our roadways.

We appreciate your consideration in adjusting green space requirements for existing businesses that decide to add EV Charging infrastructure.

Respectfully submitted,

Casey & Nick Johnson

Owners

Ames Ford Lincoln