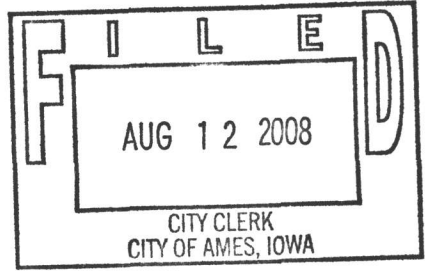




City Attorney's Office

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August 11, 2008



The Honorable Ann H. Campbell, Mayor,
and Members of the City Council
of the City of Ames, Iowa

Re: Exempting Youth Sports Complex from Parking Lot Paving Requirement

Dear Mayor Campbell and Council Members:

The Hunziker Youth Sports Complex is located on City property in the Government/Airport S-GA Zone. The parking lots at the Complex do not have hard surfacing. For the past several years, the Zoning Board of Adjustment has granted a variance to the Complex to allow seal-coat surfacing in lieu of five inch asphalt hard surfacing. The variance will expire this October.

Last year when the issue of hard surfacing of the parking lots was raised before the City Council, I was directed to draft ordinance that would provide an exemption from zoning code standards for parking lot surface material. Such a draft is attached.

It is my opinion, however, that it is unnecessary to enact the ordinance. Hard surfacing for parking lots is not required in the S-GA Zone, which has a "legal exemption from local zoning requirements." See Ames Municipal Code Section 29.1002. Historically, the City has striven to hold its own property to the same zoning standards as privately-owned property. For that reason, issues like the parking lots at the Complex have been referred routinely to the Zoning Board of Adjustment so that they would be treated the same as property located in other zoning districts. While laudable and consistent with past practices, the process of obtaining a variance is not required for property in the S-GA Zone. The surface materials standards for off-street parking areas contained in the City zoning code are not applicable at the Complex. For that reason, it is unnecessary to create by ordinance an exemption from the standards.

I recommend that instead of proceeding with the passage of an ordinance, the Council may pass a resolution stating that seal coating instead of paving is acceptable in off-street parking lots in the S-GA Zone. A draft resolution to that effect is attached.

Yours truly,

Douglas R. Marek
City Attorney

Enclosures

c: Steve Osguthorpe, Karen Thompson

RESOLUTION NO. _____

**RESOLUTION EXEMPTING THE PARKING LOTS AT THE
HUNZIKER YOUTH SPORTS COMPLEX FROM THE
STANDARDS FOR IMPROVEMENT OF OFF STREET
PARKING AREAS**

WHEREAS, the City of Ames, Iowa, has entered into a long-term lease with a non-profit corporation, Hunziker Youth Sports Complex, for the development and maintenance of facilities for youth softball, baseball, and soccer at a City-owned site; and

WHEREAS, Hunziker Youth Sports Complex, Inc., has planned to but has been unable to complete the hard-surface paving of off-street parking lots to the standards set out in the Municipal Zoning Code; and

WHEREAS, the site of the Hunziker Youth Sports Complex in 2000 and 2004 sought and received variances to the zoning standards for improvements of off-street parking lots; and

WHEREAS, City staff has determined that due to limited/seasonal usage it is unnecessary for the parking lots at the Hunziker Youth Sports Complex to be built up to the standards set out in the zoning standards; and

WHEREAS, the site of the Hunziker Youth Sports Complex is within the Government/Airport S-GA Zone S-GA Zone and therefore has a legal exemption from zoning requirements; and

WHEREAS, the City Council of the City of Ames would now like to recognize the exemption and relieve the parking lots at the Hunziker Youth Sports Complex from the improvement standards of the zoning code and the necessity of a variance;

NOW, THEREFORE, BE IT RESOLVED that the parking lots at the Hunziker Youth Sports Complex are exempted from the standards for the improvement of off-street parking areas.

ADOPTED this _____ day of _____, 2008.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor