

ITEM # 36
DATE 10/14/08

COUNCIL ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT PERMITTING SALES AND SERVICING OF MOTORIZED BICYCLES IN ALL COMMERCIAL ZONING DISTRICTS

BACKGROUND:

The zone use table for each commercial zoning district currently permits all "Retail Sales and Services—General" in all commercial zoning districts. Table 29.501(4)-3 TRADE USE CATEGORIES includes sales and servicing of bicycles (see Attachment A).

On the other hand, the same Table lists sales of motorcycles under the category Automotive and Marine Craft Trade. The Ordinance includes servicing of motorcycles as a "Vehicle Repair Facility." These uses are permitted only in the larger scale commercial zoning districts: Highway-Oriented Commercial and Planned Regional Commercial.

An owner of a bicycle sales business asked if selling motorbikes, such as mopeds and scooters, is allowed in the Downtown Service Center District (see Attachment B). Since the Zoning Ordinance includes no definitions for bicycle, motorbike, or motorcycle, any form of bicycle with a motor is considered a motorcycle and sales and servicing is only permitted in the Highway-Oriented Commercial and Planned Regional Commercial zoning districts. In response to a request from that business owner, the City Council directed that a zoning text amendment to allow this use be considered.

City staff has prepared the attached text amendments that define bicycle and motorized bicycle and add motorized bicycle to the use tables in Article 5 where bicycle is listed. (See Attachment C) Taken together, these two text amendments to the Zoning Ordinance add sales and servicing of motorized bicycles as a permitted use in all commercial zoning districts, as is currently the case for bicycles. Since these definitions are proposed to be added only to the Zoning Ordinance, they should not affect other municipal ordinances that regulate where bicycles, with and without motors, can ride and other rules for their use. This approach does not change where sales and servicing of motorcycles is allowed.

After considering definitions from various sources, City staff derived the two definitions (Attachment C) from definitions enacted in the *Code of Iowa* in 2006. These definitions are used by the Iowa Department of Transportation for licensing purposes. The Iowa Department of Transportation notes that the definitions do not address "mopeds" or "scooters" because they are more general, generic terms that do not have consistent

and specific meanings. Instead, the definitions use measurable standards and verifiable evidence.

Recommendation of the Planning and Zoning Commission. At its meeting of October 1, 2008, with a vote of 6-0, the Planning and Zoning Commission recommended approval of the proposed text amendment to amend Table 29.501(4)-3 and Section 29.201 to allow sales and servicing of motorized bicycles in all commercial zoning districts. No one from the public spoke on this issue.

ALTERNATIVES:

1. The City Council can adopt the language as proposed by staff to amend Table 29.501(4)-3 and Section 29.201 to allow sales and servicing of motorized bicycles in all commercial zoning districts.
2. The City Council can deny the language as proposed by staff to amend Table 29.501(4)-3 and Section 29.201.
3. The City Council can adopt the language as proposed by staff to amend Table 29.501(4)-3 and Section 29.201 with modifications.
4. The City Council can refer this back to staff for additional analysis.

MANAGER'S RECOMMENDED ACTION:

Sales and servicing of the smaller, lighter types of motorized bicycles in all places where bicycles are now sold will not change the basic character of the commercial land uses. These activities will not have impacts on surrounding areas that are any different than impacts of currently permitted uses. Even the types of buildings and sites common in the smaller scale commercial districts, such as neighborhood commercial areas and the Downtown, can accommodate the sales and servicing of motorized bicycles.

However, the smaller scale commercial districts cannot accommodate as easily the sales and servicing of all scooters, as requested (see Attachment B). It is more difficult to differentiate scooters from motorcycles. There are vehicles marketed as scooters with engines as large and speeds as fast as vehicles marketed as motorcycles. Examples include the Vespa Granturismo 200 (200cc), Honda Silver Wing (582cc) or the Volta Electric Motor Scooter. The sales and servicing of larger and louder motorcycles cannot be as easily accommodated where buildings are located at the right-of-way line, or where there are no side and/or rear yards or front yard parking. The space needed to store, display, and operate motorcycles is more commonly found in the larger scale commercial and industrial areas, where gas stations, vehicle sales, and repair shops are found. These zoning districts where motorcycle sales and servicing is permitted make up the majority of the total commercially and industrially zoned property in Ames.

The proposed text amendments provide a clear standard to distinguish between motorized bicycles and motorcycles. This distinction will make it possible to allow sales and servicing of motorized bicycles in all commercial areas. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the language as proposed by staff to amend Table 29.501(4)-3 and Section 29.201 to allow sales and servicing of motorized bicycles in all commercial zoning districts.**

ATTACHMENT A

Accessory Uses

Coffee shops and dining areas primarily for use by guests or residents of the facility

**Table 29.501(4)-2
OFFICE USE CATEGORIES**

Definition. Activities conducted in an office setting and primarily focusing on administrative, business, government, professional, medical, or financial services. Contractors and others who perform services off-site are included in this Use Category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

Exception: Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity.

Uses Included

Office uses such as:

- Banking and bank-related services
- Brokerage houses
- Data processing centers
- Government offices
- Insurance services
- Lenders and credit services
- Public utility offices
- Real estate and related services
- Sales offices
- General office uses
- Medical and dental clinics, laboratories and offices
- Professional service offices such as:
 - Accountants
 - Architects
 - Engineers
 - Lawyers
- Televisions and radio studios

Accessory Uses

Cafeterias, health facilities, and other amenities primarily for the use of employees or visitors of the firm or building

**Table 29.501(4)-3
TRADE USE CATEGORIES**

Automotive and Marine Craft Trade

Definition. Retail sale or leasing of automobiles, including cars and trucks, and marine craft, including all types of boats and ships.

Uses Included

Sales or leasing of consumer vehicles, including:

- Passenger vehicles
- Motorcycles
- Light and medium trucks
- Other recreational vehicles
- Marine craft and accessories, retail

Accessory Uses

Vehicle servicing, repair, detailing, body work and finishing when conducted as a secondary activity to the sale of vehicles

Entertainment, Restaurant and Recreational Trade

Definition. Facilities providing entertainment or recreation services and eating and drinking establishments.

Uses Included

Banquet halls
Bars and taverns
Billiards and pool halls
Bowling alleys
Catering establishments
Exhibition and meeting areas (20,000 sf or less)
Game arcades
Health clubs and gyms
Ice or roller skating rinks
Indoor firing ranges
Lodges and social clubs
Membership clubs
Movie theaters
Restaurants, cafes, delicatessens (with seating areas)
Swimming pools (not open to the public)
Tennis courts (not open to the public)
Theaters

Accessory Uses

Offices and storage of food and alcohol

Retail Sales and Services—General

Definition. Uses that involve the sale, lease or rental of new or used consumer products, including prepared foods, to the general public and uses providing services involving predominantly personal or business services, including repair of consumer and business goods.

Exceptions: Lumber yards and other building material sales facilities that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Trade. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Trade. Uses for the repair and service of consumer motor vehicles, motorcycles, and light and medium trucks are classified as Vehicle Service Facilities. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

Uses Included

Retail Sales:

Stores selling, leasing, or renting consumer, home, and business goods including:

Antiques
Appliances
Art
Art supplies
Automobile supplies (no services)
Bicycles
Books and printed material
Clothing
Computer hardware and software sales and service

Convenience Store
Dry goods
Electronic equipment
Fabric
Furniture
Garden supplies
Gifts
Groceries
Hardware
Home improvements
Household products
Jewelry
Music supplies
Newspaper distribution
Office machines
Package liquor
Pets
Pet food
Pharmaceuticals
Plants and flowers
Shoes
Sporting goods
Stationery
Tobacco products
Toys
Video

Food sales (not including seating areas):

Bakeries
Candy
Delicatessens

Retail Personal, Business and Repair Services:

Animal grooming salons
Blueprinting and photocopying services
Branch banks
Business and commercial trade schools
Business and management consulting services
Dance or music schools
Dry cleaning collection and distribution centers
Emergency medical care facilities
Employment agencies
Hair, tanning, and personal care services
Kennels
Laundromats
Locksmiths

Martial arts instruction
Office equipment rental
Photo drop-off
Photographic studios
Quick printing
Recycling drop-off
Scientific and professional instrument repair
Sign making
Tailors
Television, bicycle, clock, watch, shoe, gun, appliance and office equipment repair
Upholsterers
Veterinarian offices

Accessory Uses

Offices and storage of goods, and manufacture or repackaging of goods for on-site sale

Wholesale Trade

Definition. Uses that involve the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. Uses emphasize on-site or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

Uses Included

Mail order houses

Sale or rental of:

- Agricultural and Farm Equipment
- Building materials (including lumber)
- Electrical supplies
- Equipment
- Heating and plumbing equipment
- Heavy trucks
- Janitorial supplies
- Machine parts
- Machinery
- Restaurant equipment
- Special trade tools
- Store fixtures
- Welding supplies

Wholesalers of:

- Alcoholic beverages
- Auto parts
- Building hardware
- Clothing
- Electronics
- Home furnishings
- Food

Accessory Uses

Offices, product, repair, warehouses, minor fabrication services, limited retail areas, and repackaging of goods

ATTACHMENT B

Photo 7-18-08
copy to: Steve O.



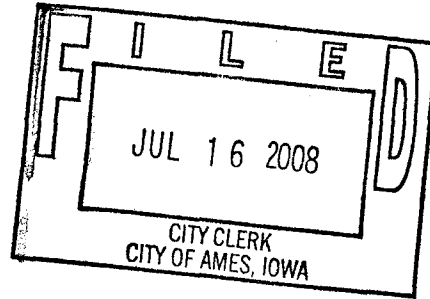
Address: 2105 SE 5th Street, Ames, Iowa 50010

Tel: (515) 232-0277 | Fax: (515) 232-0279

Email: cyclsource@aol.com | Website: www.cyclesg.com

July 16, 2008

City Council of Ames
515 Clark Avenue
Ames, IA 50010



Dear Council Members:

On behalf of my retail bicycle store named Bicycle Surplus, located at 411 Kellogg, downtown Ames, I am asking for a change in zoning to permit my bicycle store to sell motorized bicycles and scooters in this location.

These vehicles have long been sold in association with bicycle stores and, in fact, my family began selling these products in this very same facility over 35 years ago. We believe the Ames community and ourselves can benefit from our offerings of these fuel efficient vehicles. We ask for a zoning change to once again allow this product in this facility.

Kind regards,

A handwritten signature in black ink, appearing to read 'Nyle Nims'.

Nyle Nims
Owner
Bicycle Surplus
411 Kellogg
Ames, IA 50010

Cell 631 816 1430

Attachment C

ZONING ORDINANCE TEXT AMENDMENT

Amendment to Definitions (Article 2) and Use Categories (Table 29.501(4)-3)

To Table 29.501(4)-3 TRADE USE CATEGORIES under Retail Sales and Services—General change “Bicycles” to “Bicycles and Motorized Bicycles.”

To Table 29.501(4)-3 TRADE USE CATEGORIES under Retail Personal, Business and Repair Services (which is a subcategory of Retail Sales and Services—General) add “motorized bicycles” to “Television, bicycle, clock, watch, shoe, gun, appliance and office equipment repair.”

To Section 29.201 DEFINITIONS, add the following:

“Bicycles means either of the following: (1) A device having two wheels and having at least one saddle or seat for the use of a rider, which is propelled by human power. (2) A device having two or three wheels with fully operable pedals and an electric motor of less than 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than 20 miles per hour, as certified by the original manufacturer.”

“Bicycles, Motorized means a motor vehicle having a saddle or a seat for the use of a rider, designed to travel on not more than three wheels in contact with the ground, and not capable of operating at a speed in excess of 30 miles per hour on level ground unassisted by human power, as certified by the original manufacturer.”

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 29.201 AND TABLE 29.501(4)-3, FOR THE PURPOSE OF ZONING ORDINANCE TEXT AMENDMENTS; 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 amending Section 29.201 and Section 29.501(4)-3 as follows:

“Sec. 29.201. DEFINITIONS.

Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:

* * *

“(210) **Bicycles** means either of the following: (1) A device having two wheels and having at least one saddle or seat for the use of a rider, which is propelled by human power. (2) A device having two or three wheels with fully operable pedals and an electric motor of less than 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than 20 miles per hour, as certified by the original manufacturer.”

(211) **Bicycles, Motorized** means a motor vehicle having a saddle or a seat for the use of a rider, designed to travel on not more than three wheels in contact with the ground, and not capable of operating at a speed in excess of 30 miles per hour on level ground unassisted by human power, as certified by the original manufacturer.

Sec. 29.501. CLASSIFICATION OF USES.

**Table 29.501(4)-3
TRADE USE CATEGORIES**

Automotive and Marine Craft Trade

Definition. Retail sale or leasing of automobiles, including cars and trucks, and marine craft, including all types of boats and ships.

Uses Included

Sales or leasing of consumer vehicles, including:

- Passenger vehicles
- Motorcycles
- Light and medium trucks
- Other recreational vehicles
- Marine craft and accessories, retail

Accessory Uses

Vehicle servicing, repair, detailing, body work and finishing when conducted as a secondary activity to the sale of vehicles

Entertainment, Restaurant and Recreational Trade

Definition. Facilities providing entertainment or recreation services and eating and drinking establishments.

Uses Included

- Banquet halls
 - Bars and taverns
 - Billiards and pool halls
 - Bowling alleys
 - Catering establishments
 - Exhibition and meeting areas (20,000 sf or less)
 - Game arcades
 - Health clubs and gyms
 - Ice or roller skating rinks
 - Indoor firing ranges
 - Lodges and social clubs
 - Membership clubs
 - Movie theaters
 - Restaurants, cafes, delicatessens (with seating areas)
 - Swimming pools (not open to the public)
 - Tennis courts (not open to the public)
 - Theaters
- Accessory Uses**
- Offices and storage of food and alcohol

Retail Sales and Services—General

Definition. Uses that involve the sale, lease or rental of new or used consumer products, including prepared foods, to the general public and uses providing services involving predominantly personal or business services, including repair of consumer and business goods.

Exceptions: Lumber yards and other building material sales facilities that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Trade. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Trade. Uses for the repair and service of consumer motor vehicles, motorcycles, and light and medium trucks are classified as Vehicle Service Facilities. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

Uses Included

Retail Sales:

Stores selling, leasing, or renting consumer, home, and business goods including:

- Antiques
- Appliances
- Art
- Art supplies
- Automobile supplies (no services)
- Bicycles and Motorized Bicycles
- Books and printed material
- Clothing
- Computer hardware and software sales and service
- Convenience Store
- Dry goods

Electronic equipment
Fabric
Furniture
Garden supplies
Gifts
Groceries
Hardware
Home improvements
Household products
Jewelry
Music supplies
Newspaper distribution
Office machines
Package liquor
Pets
Pet food
Pharmaceuticals
Plants and flowers
Shoes
Sporting goods
Stationery
Tobacco products
Toys
Video

Food sales (not including seating areas):

Bakeries
Candy
Delicatessens

Retail Personal, Business and Repair Services:

Animal grooming salons
Blueprinting and photocopying services
Branch banks
Business and commercial trade schools
Business and management consulting services
Dance or music schools
Dry cleaning collection and distribution centers
Emergency medical care facilities
Employment agencies
Hair, tanning, and personal care services
Kennels
Laundromats
Locksmiths
Martial arts instruction
Office equipment rental

Photo drop-off
Photographic studios
Quick printing
Recycling drop-off
Scientific and professional instrument repair
Sign making
Tailors
Television, bicycle, motorized bicycle, clock, watch, shoe, gun, appliance and office equipment repair
Upholsterers
Veterinarian offices
Accessory Uses
Offices and storage of goods, and manufacture or repackaging of goods for on-site sale

Wholesale Trade

Definition. Uses that involve the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. Uses emphasize on-site or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

Uses Included

Mail order houses

Sale or rental of:

Agricultural and Farm Equipment

Building materials (including lumber)

Electrical supplies

Equipment

Heating and plumbing equipment

Heavy trucks

Janitorial supplies

Machine parts

Machinery

Restaurant equipment

Special trade tools

Store fixtures

Welding supplies

Wholesalers of:

Alcoholic beverages

Auto parts

Building hardware

Clothing

Electronics

Home furnishings

Food

Accessory Uses

Offices, product, repair, warehouses, minor fabrication services, limited retail areas, and repackaging of goods

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable by a penalty of \$500 for a first violation and \$750 for each repeat violation.

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 _____, 2008.

Diane R. Voss, City Clerk
O0992

Ann H. Campbell, Mayor