

ITEM # 28a  
DATE 10/28/08

## COUNCIL ACTION FORM

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT DEFINING “FRONT YARD” FOR CLARIFICATION OF THE EXISTING FRONT YARD PARKING PROHIBITION IN RESIDENTIAL ZONES “RL”, “RM”, “UCRM”, “FS-RL” AND “FS-RM”**

### **BACKGROUND:**

Until 2000, the City of Ames Zoning Ordinance (Chapter 29 of Municipal Code) contained a definition for “front yard” which was used to determine the exact location of where parking was prohibited on residential lots. During the comprehensive update of the Zoning Ordinance in 2000, the definition was deleted. Although, the general prohibition of front yard parking was kept in the new 2000 Code, the provisions for determining the boundaries of that area were then effectively left to interpretation. Due to staff turnover and the ongoing demand for parking spaces since that deletion, this lack of definition has occasionally resulted in excessive staff time and inconsistent responses to the public. There are other references to “front setback” and “front yard” in the Code, which address the placement of buildings, fences, and landscaping that this proposed amendment will not influence. Those references pertain to dimensions for specific setbacks, and are defined solely by the street address of the subject lot. For setback purposes, the street address defines what all the setback dimensions will be for the lot. **The existing definition for “front”, as it applies to building and structure setbacks, cannot be used to determine where driveways can be located or for daily parking enforcement activities because the existing code definitions for “yard” and “setback” are different. “Yard” is the actual open space between the structure and the right of way, and “setback” is the minimum distance that the space is required to be in the zone. Therefore, a front yard definition specifically for the location of parking surfaces as well as daily enforcement activities is needed.**

### Procedural History

It came to the attention of the City Attorney’s office in July that a definition for front yard, which could be applied to parking, did not exist in Municipal Code. City attorney Doug Marek forwarded a proposed draft amendment to three applicable departments: Planning, Inspections, and Police. On August 26, 2008, City Council was presented with a memo from Mr. Marek, which included the draft definition and described the need for this definition for front yard to apply to parking. Council referred this issue to staff. The Planning & Zoning Commission heard a report from planning staff and then forwarded a recommendation for adoption of the definition to City Council on October 15, 2008. There were no public comments at the meeting.

Public Impact

The prohibition of front yard parking is enforced primarily by two departments of Ames City government: The Police Department and the Inspections Division of the Fire Department. The primary impact of this definition will be to the public, which will improve customer service by creating a definition that can be applied to all lot configurations. The secondary impact will be to City staff because the definition will serve to eliminate concerns over conflicting interpretations.

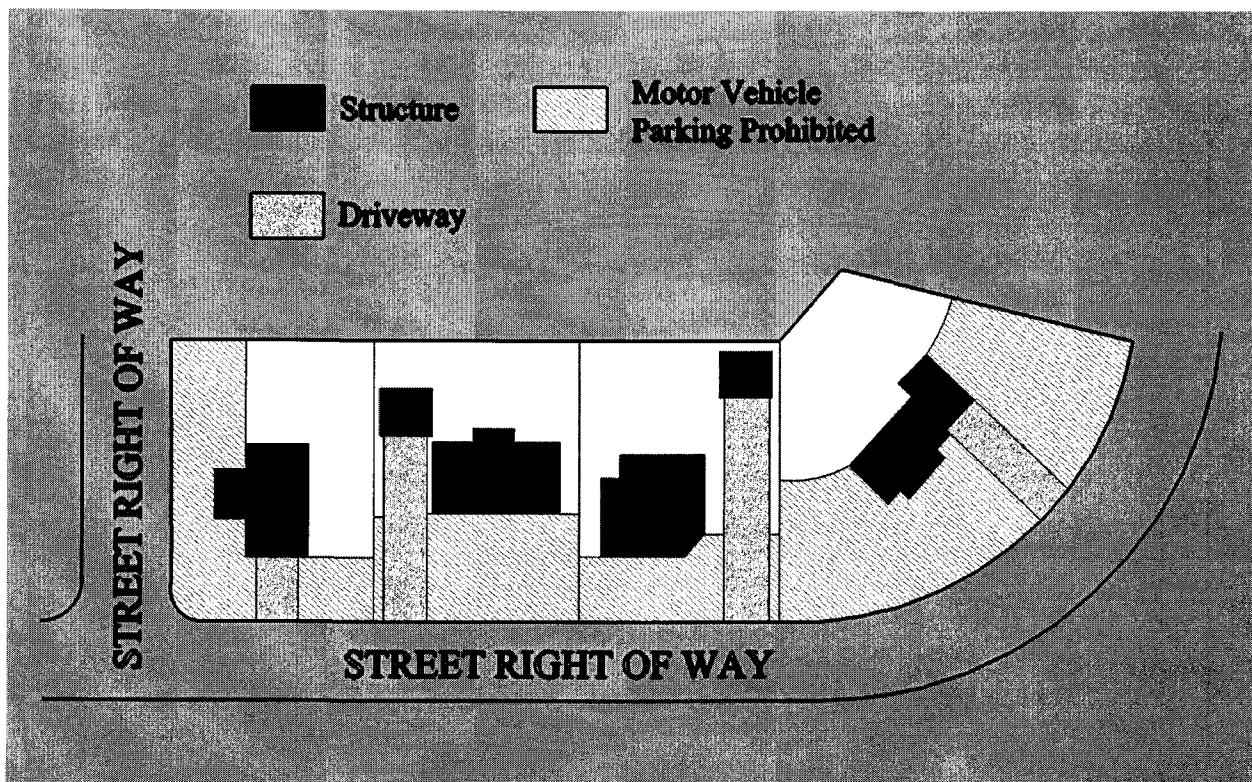
Proposed Amendment

The following language and associated graphic is proposed:

Section 29.406 (7)

(e) As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line originating from the left side of the lot and extending to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards. See Figure 29.406(7).

Figure 29.406(7)  
**EXAMPLE OF PROHIBITED FRONT YARD PARKING AREAS**



### Application

Without the support of the graphic, the text alone is difficult to follow. However, staff, with the direction of the City Attorney's office, believes that this will best resolve the difficulty of interpreting the front yard given the wide variety of lot configurations that exist in Ames.

### General Description of Affected Properties

The zoning text amendment would apply to every property within the city that is zoned "RL", "RM", "RH", "UCRM", "FS-RL" and "FS-RM", and which also contains a principal structure.

### Consistency with the Land Use Policy Plan

This proposed amendment is for clarification purposes and does not affect the general scope of the LUPP. It is consistent with the goals of the LUPP to create a greater "sense of place" by assuring a more healthy, safe, and attractive environment (Goal #4).

### Concurrent Amendment

The prohibition of front yard parking in residential areas is also found in Municipal Code Chapter 18, Traffic and Parking, Section 18.15. The same definition proposed for addition to Chapter 29 will also be duplicated in Chapter 18, but was not required to be recommended by the Planning & Zoning Commission. Both amendments are being brought forward to City Council simultaneously.

### Existing Related Provisions

**Existing parking spaces allowed under prior zoning ordinances will be allowed to remain under the existing provisions for nonconformities in Municipal Code Section 29.307. The proposed amendment would not require their removal, but would enhance the current ordinance by clarifying the existing policy.**

There is an existing provision for creating an approved parking space in a front yard, if the lack of adequate parking space exists between the side property line and the side of the house. This provision will remain and not be superseded by this amendment.

**Recommendation of the Planning & Zoning Commission.** At its meeting of October 15, 2008, with a vote of 6-0, the Planning and Zoning Commission recommended approval of the Zoning Ordinance text amendment to Section 29.406(7) and to add Figure 29.406(7) to define front yard as it applies to vehicle parking. There was no public input on this item at the Commission meeting.

### ALTERNATIVES:

1. The City Council can adopt the proposed amendments to Section 29.406(7).
2. The City Council can deny the proposed amendments to Section 29.406(7).
3. The City Council can adopt the proposed amendments to Section 29.406(7) with modifications.
4. The City Council can refer this back to staff for additional analysis.

**MANAGER'S RECOMMENDED ACTION:**

The proposed amendment would continue the City's current policy on front yard parking, while also clarifying the exact boundaries of individual front yards. The City would be better served by reducing staff time and confusion on interpreting corner and irregular lots. The public would be better served by receiving consistent responses from City staff that fit the vast majority of lot configurations.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the staff proposal to amend Section 29.406(7) and add Figure 29.406(7) to define front yard as it applies to vehicle parking.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 29.406(7) THEREOF, FOR THE PURPOSE OF DEFINING FRONT YARD AND REGULATING OFF-STREET PARKING; 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 29.406(7) as follows:

**Sec. 29.406. OFF-STREET PARKING.**

**“(7) Locating Parking Spaces in Front Yard.**

(a) The use of the front yard for the location of vehicular parking is permitted in the “CCN”, “CCR”, “HOC” and “GI” Districts, if a minimum setback of 5 feet from the front lot line and 5 feet from the side lot lines are maintained and landscaping is installed and maintained within those setback areas. Unless a parking lot plan is submitted as part of the development process pursuant to Section 29.1502, a Surface Parking Lot Landscaping Plan to meet the standards of Section 29.403(4)(f) shall be submitted to and approved by the Director of Planning and Housing (to be evidenced by a document signed by both the property owner or owner's agent and the said director), prior to any construction, reconstruction, installation, erection, conversion, alteration, addition, enlargement or development of any structure, improvement, feature or aspect of the premises. No Building/Zoning Permit required by Section 29.1501 shall be issued until the plan is submitted and approved.

(i) The provisions of this subsection shall not apply to the use of a front yard for vehicular parking where it is proven by the property owner, by documentary evidence or the testimony of disinterested third parties, that such use was lawfully established prior to the effective date of this Ordinance.

(ii) This Ordinance shall apply to any expansion or increase in the area of the front yard used for parking, even if no other conversion, construction or change to the subject premises occurs. Wherever this subsection applies, the subject parking area shall be so constructed and maintained as to meet the surfacing standards in Section 29.406(11).

*(Ord. No. 3591, 10-10-00, Ord. No. 3660, 4-23-02; Ord. No. 3822, 3-8-05)*

(b) The use of the front yard for the location of vehicular parking is permitted in the “S-HM” district only, but only if setbacks of 15 feet from the front lot line and 10 feet from the side lot lines are maintained with respect to the front yard parking area, and a landscaped berm is installed and maintained in said setback areas. The landscaped berm shall be so designed, constructed and maintained as to help screen from view from the front and sides, any and all motor vehicles parked on the parking lot in any season of the year. Unless a parking lot plan is submitted pursuant to Section 29.1502, a Surface Parking Lot Landscaping Plan to meet the standards of Section 29.403(4)(f) shall be submitted to and approved by the Director of Planning and Housing (to be evidenced by a written document signed by both the property owner, or owner's agent, and the said director) prior to any construction, reconstruction, installation, erection, conversion, alteration, addition, enlargement or development of any structure, improvement, feature or aspect of the premises. No Building/Zoning Permit required by Section 29.1501 shall be issued until the plan is submitted and approved as aforesaid.

(i) Parking in the front yard pursuant to this subsection shall be permitted as stated only with respect to a totally new building constructed on the site. Such parking shall not be permitted if there is on the subject premises any building or part of a building that was occupied or used for any purpose whatsoever prior to the effective date of the subsection or prior to the desired establishment or expansion of such front yard parking.

(ii) This subsection shall apply to any expansion or increase in the area of the front yard used for parking, even if no other conversion, construction or change to the subject premises occurs. Wherever this subsection applies, the subject parking area shall be so constructed and maintained as to meet or exceed the surfacing standards set out in Section 29.406(11).

(c) Under no circumstances shall vehicular parking be permitted in the front yard of any residential building in any "RL", "RM", "RH", "UCRM", "FS-RL", or "FS-RM" zones, except upon a driveway that leads to the side or rear yard or to an attached garage; and, one parking space is permitted in the front yard in the case where there is an existing, one car attached garage and there is insufficient room between the side of the attached garage and the side property line. Such space shall meet the following requirements:

- i) The parking space shall not exceed nine (9) feet in width;
- ii) The parking space shall be contiguous to and parallel to the existing driveway; and,
- iii) The parking space shall be located between the existing driveway and the side property

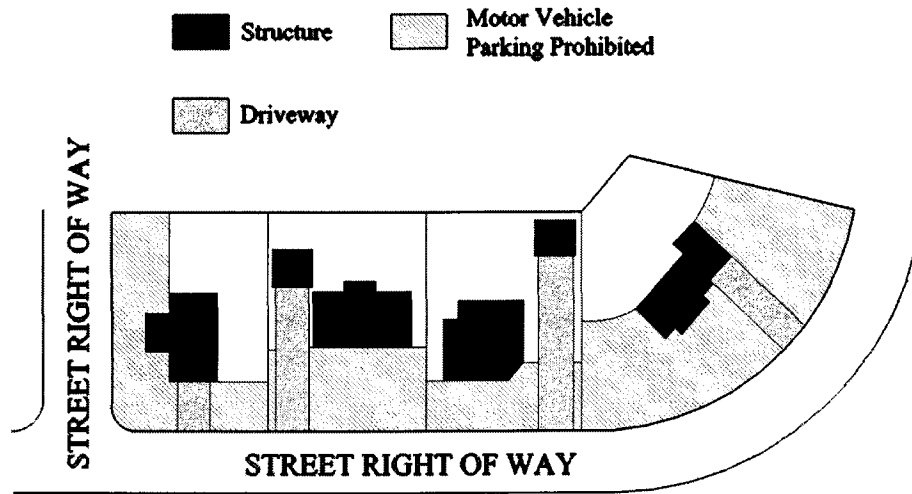
line.

There shall be no installation at grade of any expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever without the written authorization of the Zoning Enforcement Officer. Such authorization shall be granted only if under the facts and circumstances of the particular situation it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as stated.

*(Ord. No. 3591, 10-10-00, Ord. No. 3675, 8-27-02)*

(d) For one and two family dwellings with access only from either Grand Avenue, Thirteenth Street, Duff Avenue, or Lincoln Way, and located on a segment of one of those streets where the Public Works Department can confirm an average weekday traffic count of not less than 12,000 vehicles per day, there may be a paved area appended to the driveway as a space in which a motor vehicle can be turned around to avoid backing onto the street. The dimensions of the said turning space shall be no greater than reasonably convenient to that purpose. The dimensions and configuration of that space shall be approved in writing by the Department of Planning and Housing prior to construction. A Building/Zoning Permit per Section 29.1501 shall be required for installation of the turn-around.

(e) As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line originating from the left side of the lot and extending to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards."



Section Two. Violation of the provisions of this ordinance shall constitute a simple misdemeanor 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 \_\_\_\_\_, \_\_\_\_\_.

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 Diane R. Voss, City Clerk  
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 Ann H. Campbell, Mayor