

COUNCIL ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT RELATED TO SCREENING OF MECHANICAL UNITS

BACKGROUND:

Mechanical units are defined in Section 29.201(116) as “a climate control device and/or a piece of hardware used for the delivery or measurement of utilities.” The Zoning Ordinance generally requires the screening of mechanical units, presumably for aesthetic purposes only. However, screening requirements are called out in various sections of the zoning code, with slight to significant differences in the requirements. For example, screening requirements in the General Development Standards - which apply to all zones - regulates mechanical units seen from ground level. However, standards in the Convenience Commercial Node (CVCN) District and also in the Gateway Overlay Districts regulate mechanical units seen from adjoining properties or streets at any level. Having these standards called out separately in these different zoning districts results in both redundancy and inconsistency among standards. There are also standards that are difficult to interpret because of terms that are vague or otherwise subject to interpretation. For example, the code requires in some instances that mechanical units be “substantially” screened, but it is not clear how much screening is necessary to be substantial.

The application and enforcement of these standards has not been consistent, perhaps because of the inconsistencies in code language, and perhaps because of practical difficulties in applying existing standards. For example, the requirement to screen mechanical units as seen from any abutting property is difficult because neither the applicant nor City staff can verify if a unit is seen from, say, an upper-floor balcony of a private living unit. Moreover, the combination of both topography and distance may result in overlooking the visibility of a unit that technically is visible, but which may be less noticeable in the larger panoramic view of an area. Additionally, some things may have been overlooked due to uncertainty over the definition of a mechanical unit (which was recently revised to address this problem). Finally, inconsistencies may have occurred because of terms in the existing code that are vague or subject to interpretation. For example, the code requires in some instances that mechanical units be “substantially” screened, but it is not clear how much screening is necessary to be considered “substantial”.

In October 2009, staff requested both the Commission’s and City Council’s input on whether existing standards should be amended, and presented pictures of various projects and how screening of mechanical units have been handled. The Commission commented on the need to address aesthetic clutter but acknowledged that the level of importance in addressing this varies depending on location. The Commission also

suggested that regulation of mechanical unit screening be based on what is seen from the ground level, and what is seen from the public right-of-way. Ultimately, however, the Commission determined that there is no need to change the current code, and that the current code should be enforced as written.

The City Council considered the same information as presented to the Planning and Zoning Commission, and also considered the Commission's input. Council comments focused on the visibility of units at the pedestrian and vehicle level, and the need to consider the aesthetics of screening when buildings are being proposed, i.e., that thought about how air condition units and meters are going to look should be considered at the initial building design stage. The Council then directed staff to request input from the development community on this issue. Accordingly, staff discussed the current issues, and shared some ideas on how to address current issues, with the developers at the quarterly meeting in April. Staff invited the developers to respond to those ideas and to share their own ideas on how screening of mechanical units should be regulated. There was not much feedback at that time, so staff prepared draft language based upon the ideas shared at that meeting and e-mailed them to local developers for review and comment. The following is a summary of the more substantive changes in the draft amendments, along with some discussion points:

- * Change "substantially" screened to "75%" screened for ground mounted units. This eliminates need for reference to L3 or L2 standards, which assume a minimum depth of screening area. It also eliminates words that are subjective and not well defined. Also, change screening requirements for roof mounted units to specify that 75% of the height of the unit must be screened rather than requiring the unit to be completely screened.
- * Identify the ground level as the point of reference for visibility of both ground and roof mount units. This makes it clear that screening is not required of units visible from, for example, upper floor balconies.
- * Exempt units that are visible from grade levels on abutting streets or properties that are at least three feet higher than the elevation of the roof surface.
- * Identify the abutting street or highway as the point of reference when the standard applies to visibility from streets, but exempt units that are visible more than 300 feet down the road on which the subject site abuts. This makes it clear that visibility of units beyond the immediate area of the building is not a concern.
- * Eliminate reference to visibility from "abutting residential properties" for ground mount units. Only roof mount would be screened from abutting residential properties, with the ground being the point of reference. This assumes that ground-mounted units are less impacting to surrounding development because they are more likely to be screened by commonly occurring landscaping and/or fencing in backyards without additional screening directly abutting the units.

* For clarity purposes, change language pertaining to screening when using architectural methods from materials that are “consistent with” the principal materials of the building, to materials that are “of the same color as the principal materials of the building.” (Current language for more sensitive zones that specifies that screening materials shall be of the same type, quality, and color as the principal materials on the building is retained).

* In more sensitive zones where there is already higher design and screening standards, provide clarity as to how screening will be integral to building design by giving examples of building elements that will achieve this requirement such as parapet walls, roof forms, etc.

* Exempt from the screening requirements wall-mounted meters on non-street facing side or rear facades if they are located beyond the centerline of any façade visible from the street.

* Eliminate redundant, sometimes conflicting standards in CVCN, O-GSE, O-GNE and O-GSW zones. Retain only those provisions that are unique to those zones. Otherwise, have General Development Standards be applicable to all zones.

* Delete reference to rooftop mechanical unit setbacks.

Recommendation of the Planning & Zoning Commission. At its meeting of September 1, 2010, with a vote of 5-1, the Commission recommended approval of the Zoning Ordinance text amendments presented by staff. These amendments are included as an attachment to this report.

Staff sent notice to local developers of the proposed changes and informed them that these would be reviewed by the Planning & Zoning Commission at its September 1, 2010 meeting. No comments on the draft amendments were received. No one attended the meeting to speak in opposition to or support of the proposed changes.

ALTERNATIVES:

1. The City Council can adopt the amendments as proposed and attached.
2. The City Council can adopt the proposed amendments, with modifications.
3. The City Council can choose not to adopt the proposed amendments retain the existing wording in the Zoning Ordinance for screening.
4. The City Council can refer this back to staff for additional analysis.

MANAGER'S RECOMMENDED ACTION:

The proposed amendments are intended to provide needed clarity on screening requirements for the staff and developers, particularly in regards to allowable methods for screening based upon the zoning district the units are located in. It is hoped that these recommendations provide more easily defined vistas from which mechanical units should be screened to avoid questions on whether distant viewing of units is subject to the regulations, and they eliminate redundant and sometimes conflicting regulations.

Staff believes that the proposed changes are in keeping with the intent of existing regulations, but would provide more reasonable and more easily defined provisions for their application. Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to adopt the changes in the Zoning Ordinance as proposed and attached. If the Council does not concur with all of the proposed recommendations and would like to modify some or all of them, then Alternative #2 may be appropriate.

Mechanical Screening Regulations - Proposed Amendments -

(Strikeout/Underlined Version)

The following proposed amendments pertain to regulations for the screening of mechanical equipment. Current regulations are cited below, with proposed new language shown as underlined text, and proposed deleted language shown as strikeout text:

Section 29.201(116) (Definitions)

(116) **Mechanical Unit** means a climate control device and/or a piece of hardware used for the delivery or measurement of utilities, ~~that is located above the ground and is clearly visible,~~ not including solar energy systems as defined in section 29.1309.

Section 29.402(4) (Setbacks)

~~(4) **Rooftop Mechanical Equipment Setback.** All rooftop mechanical equipment shall be set back at least 115 feet from all roof edges parallel to Street Lot Lines.~~

(5 4) **Through Lots and Corner Lots.** On through lots, and corner lots with two or more abutting streets, except lots within the RL, RM, and UCRM Zoning Districts, the required front setback shall be provided on all streets.

Section 29.408(4) (General Development Standards - Applicable City-wide)

(4) Mechanical Units.

(a) Screening Required. For all uses, except for single-family and two-family dwellings, all mechanical units located on the ground, ~~such as cooling or heating equipment, pumps or generators~~ shall be substantially screened from ground level view from abutting streets and any abutting residential properties by a ~~partially~~ sight obscuring fence and/or shrubs that achieve a minimum opacity of approximately 75%. Such fence and/or shrubs shall be at least six inches higher than the height of the mechanical equipment. All mechanical equipment mounted on roofs, or on the walls of buildings, shall be ~~completely~~ screened from the ground level view from both abutting streets and of any abutting residentially zoned lot and substantially screened from all other adjacent properties at any level, with materials that are ~~consistent with the architectural materials used on the exterior of the building~~ the same color as the principal siding or trim materials of the exterior of the building. Required screening shall be completely opaque, and shall ensure that at least 75% of the height of the mechanical unit is screened or otherwise unseen.

(b) Screening Exemptions. Screening of mechanical units is not required in the following instances:

(i). Wall-mounted meters and associated panels on a non-street facing side or rear facade, provided they are located beyond the centerline of any façade visible from an abutting street;

(ii) Units mounted on roof surfaces that are at least 3 feet lower than the ground level of the abutting street or property (Screening is nonetheless required from other non-exempt vantage points);

(iii) Units visible more than 300 feet beyond the side lot lines that intersect with the street on which the subject site abuts. (Screening is nonetheless required from other non-exempt vantage points).

Sections 29.807(5) & 29.810 (Pertaining to the CVCN & CGS Districts)

(5) Mechanical Equipment Units.

~~(a) Comply with the standards of this section for all:~~

~~(i) cooling or heating equipment,~~

~~(ii) pumps~~

~~(iii) generators~~

~~(iv) communications equipment~~

~~(v) utility cabinets~~

~~(vi) others such mechanical equipment~~

~~(b) (a) Locate and screen such mechanical equipment units so it is not visible from adjoining properties or public streets or sidewalks and to minimize acoustic impacts of this equipment in these on surrounding residential development and areas.~~

~~(c) (b) In addition to the general provisions under Section 29.408(4), screening Screening shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the buildings primary architectural features and materials. and the landscape. At a minimum, screening materials shall meet the L3 or F2 standards set forth in Section 29.403.~~

~~(i) shall include materials of the same type, quality and color as the principal materials of the building or landscape, and~~

~~(ii) at the time of installation, shall be at least six inches higher than the height of the mechanical equipment.~~

Section 29.1107(5) (Pertaining to the Southeast Entryway Gateway Overlay District):

(5) Design Standard. The following guidelines involve exterior building materials, minimum roof slopes, entrances and signs.

. . .

(g) Garbage Collection areas and Mechanical Units shall be screened pursuant to Section 29.408(3) and (4) of this ordinance except that:

(i) Trash receptacles for use by customers are exempt.

~~(ii) All mechanical equipment shall be completely screened from the ground level of any adjacent property with architectural materials that are consistent with those used on the primary building.~~

~~(h) Electrical and utility meters shall be located on the rear façade or on a non-street facing side façade provided they are located behind the centerline of the side of the building.~~

Section 29.1109(10)(g) (Pertaining to the O-GNE Northeast Entryway Gateway Overlay District)

(g) Locate drive-through windows, menu boards, mechanical equipment, and associated stacking lanes to minimize impacts on other areas of the development site, as well as impacts on adjacent properties. Such site features are to be integrated with the building design and screened from off-site property.

Section 29.1112(7) (Pertaining to the Southwest Gateway Overlay District)

(7) Mechanical Equipment

~~(a) Comply with the standards of this section for all~~

~~(i) cooling or heating equipment~~

~~(ii) pumps~~

~~(iii) generators~~

~~(iv) communications equipment~~

~~(v) private utility cabinets~~

~~(vi) meters~~

~~(vii) others such mechanical equipment~~

~~(b) Locate and screen such mechanical equipment so it is not visible from adjoining properties or public streets or sidewalks and to minimize acoustic impacts of this equipment in these areas.~~

~~(c) In addition to the general provisions under Section 29.408(4), Screening screening of mechanical units shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the buildings primary architectural features and materials. -and the landscape. At a minimum, screening materials shall meet the L3 or F2 standards set forth in Section 29.403.~~

~~(i) shall include materials of the same type, quality and color as the principal materials of the building or landscape, and~~

~~(ii) at the time of installation, shall be at least six inches higher than the height of the mechanical equipment.~~

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING CHAPTER 29 SECTIONS 29.201(116), 29.402(4), 29.408(4)(a)(b)(i)(ii)(iii), 29.807(5) (a)(b), 29.810(5)(a)(b), 29.1107(5), 29.1109(10)(g), AND 29.112(7) THEREOF, FOR THE PURPOSE OF TEXT AMENDMENTS RELATED TO SCREENING OF MECHANICAL UNITS; 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 Chapter 29, Sections 29.201(116), 29.402(4), 29.408(4)(a)(b)(i)(ii)(iii), 29.807 (5)(a)(b), 29.810(5)(a)(b), 29.1107(5), 29.1109(10)(g) and 29.112(7) as follows:

Sec. 29.201. DEFINITIONS.

(116) **Mechanical Unit** means a climate control device and/or a piece of hardware used for the delivery or measurement of utilities, not including solar energy systems as defined in section 29.1309.

Sec. 29.402. SETBACKS.

...

(4) **Through Lots and Corner Lots.** On through lots, and corner lots with two or more abutting streets, except lots within the RL, RM, and UCRM Zoning Districts, the required front setback shall be provided on all streets.

Sec. 29.408. GENERAL DEVELOPMENT STANDARDS.

(4) **Mechanical Units.**

(a) Screening Required. For all uses, except for single-family and two-family dwellings, all mechanical units located on the ground shall be screened from ground level view from abutting streets by a sight obscuring fence and/or shrubs that achieve a minimum opacity of approximately 75%. Such fence and/or shrubs shall be at least six inches higher than the height of the mechanical equipment. All mechanical equipment mounted on roofs, or on the walls of buildings, shall be screened from the ground level view from both abutting streets and of any abutting residentially zoned lot with materials that are the same color as the principal siding or trim materials of the exterior of the building. Required screening shall be completely opaque, and shall ensure that at least 75% of the height of the mechanical unit is screened or otherwise unseen.

(b) Screening Exemptions. Screening of mechanical units is not required in the following instances:

- (i) Wall-mounted meters and associated panels on a non-street facing side or rear facade, provided they are located beyond the centerline of any façade visible from an abutting street;
- (ii) Units mounted on roof surfaces that are at least 3 feet lower than the ground level of the abutting street or property. (Screening is nonetheless required from other non-exempt vantage points);
- (iii) Units visible more than 300 feet beyond the side lot lines that intersect with the street on which the subject site abuts. (Screening is nonetheless required from other non-exempt vantage points):

Sec. 29.807. “CVCN” CONVENIENCE COMMERCIAL NODE.

(5) Mechanical Units.

(a) Locate mechanical units to minimize acoustic impacts of this equipment on surrounding residential development and areas.

(b) In addition to the general provisions under Section 29.408(4), screening shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the building’s primary architectural features and materials.

Sec. 29.810. “CGS” CONVENIENCE GENERAL SERVICE.

(5) Mechanical Units.

(a) Locate mechanical units to minimize acoustic impacts of this equipment on surrounding residential development and areas.

(b) In addition to the general provisions under Section 29.408(4), screening shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the building’s primary architectural features and materials.

Sec. 29.1107. “O-GSE” SOUTHEAST ENTRYWAY GATEWAY OVERLAY DISTRICT.

(5) **Design Standard.** The following guidelines involve exterior building materials, minimum roof slopes, entrances and signs.

...

(g) Garbage Collection areas shall be screened pursuant to Section 29.408(3) and (4) of this ordinance, except that trash receptacles for use by customers are exempt.

(i) Trash receptacles for use by customers are exempt.

Sec. 29.1109. O-GNE NORTHEAST GATEWAY OVERLAY DISTRICT.

(10) **Standards for Site Layout.** The following Design Standards are the minimum requirements necessary to implement the Design Guidelines for “Site Layout”:

...

(g) Locate drive-through windows, menu boards, and associated stacking lanes to minimize impacts on other areas of the development site, as well as impacts on adjacent properties. Such site features are to be integrated with the building design and screened from off-site property.

Sec. 29.1112. “O-GSW” SOUTHWEST GATEWAY OVERLAY DISTRICT.

...

(7) Mechanical Equipment.

In addition to the general provisions under Section 29.408(4), screening of mechanical units shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the building’s primary architectural features and materials.”

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 _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

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(4) **Through Lots and Corner Lots.** On through lots, and corner lots with two or more abutting streets, except lots within the RL, RM, and UCRM Zoning Districts, the required front setback shall be provided on all streets.

Sec. 29.408. GENERAL DEVELOPMENT STANDARDS.

(4) **Mechanical Units.**

(a) **Screening Required.** For all uses, except for single-family and two-family dwellings, all mechanical units located on the ground shall be screened from ground level view from abutting streets by a sight obscuring fence and/or shrubs that achieve a minimum opacity of approximately 75%. Such fence and/or shrubs shall be at least six inches higher than the height of the mechanical equipment. All mechanical equipment mounted on roofs, or on the walls of buildings, shall be screened from the ground level view from both abutting streets and of any abutting residentially zoned lot with materials that are the same color as the principal siding or trim materials of the exterior of the building. Required screening shall be completely opaque, and shall ensure that at least 75% of the height of the mechanical unit is screened or otherwise unseen.

(b) **Screening Exemptions.** Screening of mechanical units is not required in the following instances:

- (i) Wall-mounted meters and associated panels on a non-street facing side or rear facade, provided they are located beyond the centerline of any façade visible from an abutting street;
- (ii) Units mounted on roof surfaces that are at least 3 feet lower than the ground level of the abutting street or property. (Screening is nonetheless required from other non-exempt vantage points);
- (iii) Units visible more than 300 feet beyond the side lot lines that intersect with the street on which the subject site abuts. (Screening is nonetheless required from other non-exempt vantage points);

Sec. 29.807. “CVCN” CONVENIENCE COMMERCIAL NODE.

(5) Mechanical Units.

(a) Locate mechanical units to minimize acoustic impacts of this equipment on surrounding residential development and areas.

(b) In addition to the general provisions under Section 29.408(4), screening shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the building’s primary architectural features and materials.

Sec. 29.810. “CGS” CONVENIENCE GENERAL SERVICE.

(5) Mechanical Units.

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(b) In addition to the general provisions under Section 29.408(4), screening shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the building’s primary architectural features and materials.

Sec. 29.1107. “O-GSE” SOUTHEAST ENTRYWAY GATEWAY OVERLAY DISTRICT.

(5) **Design Standard.** The following guidelines involve exterior building materials, minimum roof slopes, entrances and signs.

...

(g) Garbage Collection areas shall be screened pursuant to Section 29.408(3) and (4) of this ordinance, except that trash receptacles for use by customers are exempt.

(i) Trash receptacles for use by customers are exempt.

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(10) **Standards for Site Layout.** The following Design Standards are the minimum requirements necessary to implement the Design Guidelines for “Site Layout”:

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(g) Locate drive-through windows, menu boards, and associated stacking lanes to minimize impacts on other areas of the development site, as well as impacts on adjacent properties. Such site features are to be integrated with the building design and screened from off-site property.

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(7) Mechanical Equipment.

In addition to the general provisions under Section 29.408(4), screening of mechanical units shall be integral to and consistent with the overall design of the building, using such means as parapet walls, roof forms, or similar utilization of the building’s primary architectural features and materials.”

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 _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor