

COUNCIL ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENTS RELATED TO PARKING AREA AND PERIMETER LANDSCAPING REQUIREMENTS

BACKGROUND:

During recent reviews of two separate applications for minor subdivisions creating two-lot splits, staff encountered a situation common to both proposals that will prove to be problematic for these current customers, and which has also proven problematic in past applications. It pertains to proposed divisions of property down the center of existing paved areas.

Currently, the City's subdivision code requires landscaping along the perimeter of parking lots and along some defined lot lines. **The issue is that when someone proposes to divide land across an *existing* parking lot, such a division creates a landscaping nonconformity because there would not be the required perimeter landscaping along the new property line. Currently, the only way to address this is to either remove pavement to facilitate required landscaping, or to divide ownership of the property through a horizontal property regime.**

To address this problem, staff is proposing text amendments that would basically exempt new lot lines across existing parking lots from the perimeter landscaping requirements, and making it clear that landscaping requirements only apply to the site being divided or developed. These amendments would not result in any changes to properties that would alter the existing physical and visual features of the site, but would only apply to the legal boundaries of the site. Additionally, it should not create any health/safety concerns because it does not pertain to above-ground structures that must otherwise meet setback requirements for fire code and other practical considerations. The only essential consideration when dividing a lot across an existing parking lot is to ensure that the divided parking lot functions independently on both new lots, or that adequate cross-access easements are in place to facilitate existing circulation patterns.

Staff believes it is essential to move this forward immediately to address not only current applications, but to also ensure that the difficulties encountered over this issue do not adversely affect our future customers. Staff believes this is in line with the Council's goals to streamline development processes and to remove unnecessary impediments to development in the City of Ames.

The amendments proposed are as shown below with proposed new text underlined:

Table 29.403(4)
Minimum On-site Parking Area Setbacks and Perimeter Landscaping

Lot line abutting street	5 ft. @ L2 or 10 ft. @ L1
Lot line abutting a Residentially-Zone Lot	5 ft. @L3, except 10 ft. @ L4 in GI
Lot line abutting a Commercially or Industrial-Zone Lot	5 ft. @ L2 or 10 ft. @ L1
Perimeter landscaping for Grocery Stores and Retail and Shopping centers in CVCN and CGS Zones	See Section 29.403(4)(h) for additional landscaping requirements.
<u>Perimeter landscaping along new lot lines created through existing paved areas.</u>	<u>None required at the time of subdivision. However, any expansions, alterations or replacements of the existing paved areas must comply with all provisions of this section.</u>

Recommendation of the Planning and Zoning Commission. At its meeting of December 1, 2010, with a vote of 4-0, the Planning and Zoning Commission recommended that the City Council adopt these proposed text amendments. Scott Renaud, the only person present in the audience, spoke in support of the proposed text amendment and applauded staff for being proactive by addressing an existing situation. He did, however, request that the City take into consideration a higher review of the landscaping requirements to allow staff more flexibility.

ALTERNATIVES:

1. The City Council can approve the text amendments as proposed above.
2. The City Council can approve the text amendments with modifications.
3. The City Council can decide not to approve the proposed text amendments.
4. The City Council can refer this issue to staff for further information.

MANAGER'S RECOMMENDED ACTION:

The proposed amendments provide relief to a current impediment to subdivisions across existing paved areas without any changes to the existing physical landscape. Staff believes this type of amendment is in line with the Council's goal to eliminate unnecessary impediments to development. The amendments also affirm the long-standing practice to provide landscaping on the subject site of development, and make it clear that changes pertaining to expansions or enlargements only apply to the site being altered.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the proposed text amendments shown above.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 29 TABLE 29.403(4) AND ENACTING A NEW CHAPTER 29 TABLE 29.403(4) THEREOF, FOR THE PURPOSE OF AMENDING PARKING AREA AND PERIMETER LANDSCAPING REQUIREMENTS; 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 repealing Chapter 29 Table 29.403(4) and enacting a new Chapter 29 Table 29.403(4) as follows:

“Sec. 29.403. LANDSCAPING AND SCREENING.

Table 29.403(4)
Minimum On-site Parking Area Setbacks and Perimeter Landscaping

Lot line abutting street	5 ft. @ L2 or 10 ft. @ L1
Lot line abutting a Residentially-Zone Lot	5 ft. @L3, except 10 ft. @ L4 in GI
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Perimeter landscaping along new lot lines created through existing paved areas.	None required at the time of subdivision. However, any expansions, alterations or replacements of the existing paved areas must comply with all provisions of this section.

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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