

COUNCIL ACTION FORM

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO ADD AN EXCEPTION FOR THE STRIPING OF PARKING SPACES DESIGNATED FOR THE OUTDOOR DISPLAY OF VEHICLES FOR SALE OR LEASE**

**BACKGROUND:**

A new automobile dealership has been proposed in Ames and an existing dealership is currently expanding its business operations. The owners and representatives of these two developments have brought specific zoning code requirements to staff's attention that they feel are problematic for the display of vehicles for sale or lease.

One such Code requirement for which a change is requested is the requirement that **parking spaces for vehicles on outdoor display for sale or lease must be striped**, in the same manner as parking spaces that are used by customers, employees and others. Existing code sections that deal with this situation are summarized below.

First, "**Outdoor Display**" means the outdoor exhibition of products, **vehicles**, equipment and machinery **for sale or for lease**. Uses that often have outdoor displays include car and boat sales and plant nurseries. **Outdoor display does not include goods that are being stored or parked outside.** See *Section 29.201(131)*.

Second, Section 29.406(11)(b) of the *Municipal Code* addresses the "striping" of parking areas, and states that "**all parking areas must be striped** in accordance with the dimension standards described in Figure 29.406(9)." "**Parking Area**" means **any area consisting of any number of parking spaces** and which is accessory to another use. See *Section 29.201(135)*. "**Parking Space**" means any area designed and used for temporary location of a vehicle. "**Parking Space**" **shall not include any vehicular storage areas.** See *Section 29.201(137)*.

Third, an area where cars are parked for outdoor display is considered to be a parking lot. "**Parking Lot**" means the area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. "**Parking Lots**" **include motor vehicle displays** or storage lots. See *Section 29.201(136)*.

Fourth, a parking lot used for outdoor display is considered to be a parking area. "**Parking Area**" means **any area consisting of any number of parking spaces** and which is accessory to another use.

Fifth, "Outdoor storage" is not the same as "Outdoor display." "**Outdoor Storage**" means the outdoor keeping of any goods, material, merchandise, **vehicles**, or other items for more than 72 hours, not including solid waste out of doors. See *Section 29.201(132)*.

Finally, “Vehicular storage area” is not the same as “Outdoor display.” “**Vehicular Storage Area**” means any open area on any parcel of land used for storing or keeping of **motor vehicles, other vehicles or parts thereof**. “Vehicular Storage Area” shall not include any salvage yards. See *Section 29.201(203)*

**Based upon the definitions of the terms, as described above, under the current code requirements parking spaces for vehicles on outdoor display for sale or lease must be striped.**

### **PROPOSED AMENDMENT:**

**Based upon the desires of the owners and representatives of the proposed and existing automobile dealerships, the text amendment described below was prepared for consideration by the Planning and Zoning Commission and the City Council. If approved, the text amendment would grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease.**

Adoption of the exception for the striping of parking areas for the outdoor display of vehicles would require that Section 29.406(11)(b) of the *Municipal Code* be amended to include the “underlined text”, shown below.

**Section 29.406(11)(b) Striping. All parking areas must be striped in accordance with the dimension standards described in Figure 29.406(9) to clearly delineate parking spaces and drive aisles for use by customer, employee, business and other vehicles, except parking areas designated for outdoor display of vehicles for sale or lease.**

**Recommendation of the Planning & Zoning Commission.** At its meeting of April 18, 2012, with a vote of 6-0, the Planning and Zoning Commission recommended that the City Council approve the proposed zoning text amendment to Section 29.406(11)(b) to grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease.

Danny Wilson of Wilson Toyota/Scion spoke in favor of the proposed amendment.

### **ALTERNATIVES:**

1. The City Council can approve the zoning text amendment to Section 29.406(11)(b) to grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease, as proposed in the attached ordinance.
2. The City Council can approve the zoning text amendment to Section 29.406(11)(b) to grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease, with modifications.

3. The City Council can decide not to approve the proposed text amendment.
4. The City Council can refer this issue back to staff for further information.

**MANAGER’S RECOMMENDED ACTION:**

The proposed zoning text amendment to grant an exception for the striping of parking areas used for the outdoor display of vehicles for sale or lease is a reasonable change to the current parking requirements. Parking spaces used by customers, employees and others require minimum dimensions for parking, circulation throughout the parking lot, and access in and out of the site. However, vehicles on display for sale or lease do not require the same accommodations for maneuvering on the site, since the vehicles are not moved frequently and the purpose is for “display”, not “access” to and from the site.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the zoning text amendment to Section 29.406(11)(b) to grant an exception for the striping of parking areas designated for the outdoor display of vehicles for sale or lease, as provided in the attached proposed ordinance.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.406(11)(b) AND ENACTING A NEW SECTION 29.406(11)(b) THEREOF, FOR THE PURPOSE OF PROVIDING AN EXCEPTION FOR THE REQUIREMENT FOR THE STRIPING OF PARKING SPACES DESIGNATED FOR THE OUTDOOR DISPLAY OF VEHICLES FOR SALE OR LEASE; 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.**

**WHEREAS**, the City has adopted standards for the striping of parking spaces in accordance with the dimension standards described in Figure 29.406(9); and

**WHEREAS**, current standards for the striping of parking areas do not differentiate between parking areas for the outdoor display of vehicles and those parking areas for use by customer, employee, business and other vehicles; and

**WHEREAS**, parking lots for auto and marine craft trade are not only for purposes of providing parking for individuals that visit or frequent the site, they also serve to display products for sale; and

**WHEREAS**, alternative parking area striping standards for auto and marine craft trade parking lots have been drafted that address the marketing needs of the auto sales industry while also ensuring that the striping of parking areas for use by other vehicles, in accordance with Figure 29.406(9), is achieved.

**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 Section 29.406(11)(b) enacting a new Section 29.406(11)(b) as follows:

**“Sec. 29.406. OFF-STREET PARKING.**

...

(11) **Improvements of Off-Street Parking Areas.**

...

(b) Striping. All parking areas must be striped in accordance with the dimension standards described in Figure 29.406(9) to clearly delineate parking spaces and drive aisles for use by customer, employee, business and other vehicles, except parking areas designed for outdoor display of vehicles for sale or lease.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction 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

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Ann H. Campbell, Mayor