

COUNCIL ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO ADOPT ALTERNATIVE LANDSCAPING STANDARDS FOR AUTO AND MARINE CRAFT TRADE USES

BACKGROUND:

On January 24, 2012, the City Council referred to staff a request from Wilson Toyota Scion to evaluate and amend the landscaping requirements for automobile dealerships that would give more flexibility.

This request was prompted by a recent application from Wilson to amend their site plan by incorporating into their site the property directly south of the main dealership. When reviewing required landscaping for the amended site, it became evident that some of the current landscaping requirements are at odds with some of the ways auto dealers market their products. This is significant because the product line of auto dealers is largely placed outdoors on surface parking lots. In this sense, the parking lot becomes the dealer's product "showroom", where the dealership strives to maintain the same flexibility in arranging its product as might otherwise occur in an indoor showroom.

Landscaping has a major impact on the way a dealership can arrange and display its product. At the site's perimeter, landscaping can obscure the visibility of the product to passing traffic. That may or may not represent a hardship to dealerships. On the one hand, most retail products are sold indoors and the fact that they are not lined up and visible to street traffic does not seem to deter the public's willingness to search out and buy the products. On the other hand, auto dealers have become increasingly competitive, using street visibility as a market advantage over other dealers. In this sense, street visibility has become more the norm for auto sale lots and many jurisdictions have facilitated this trend, perhaps to compete with other jurisdictions.

It is at the center of the site where landscaping arguably does disadvantage auto dealers over retailers that otherwise display products indoors. Indoor showrooms can be designed as continuous open spaces, allowing retailers to display their products any way they like. Such flexibility can be impeded, however, when the showroom is an outdoor space with permanently located landscape islands. This difference provides a good rationale for allowing auto dealers some flexibility in their landscape design that might not be appropriate for other types of uses.

One of the challenges in providing that flexibility is to do so in a way that does not undermine landscaping requirements for other types of uses. The City's landscaping standards have been adopted in accordance with the following stated objectives:

- i. Reduce heat-generating pavement
- ii. Provide greater space for trees to shade and cool pavement
- iii. Provide more space for trees to shade and cool buildings, thereby reducing energy consumption for air conditioning
- iv. Reduce the number of lights needed to illuminate parking lots and thereby reduce energy consumption and facilitate Dark Sky objectives
- v. Reduce stormwater runoff from impervious surfaces
- vi. Relieve the blight of the appearance of surface parking lots
- vii. Facilitate creation of an attractive and harmonious community.
(See, for example, Section 29.403(4)(a))

The impacts that landscaping is intended to mitigate are no less impacting for parking lots covered with vehicles for sale than they are for lots used for any other purposes. For example, an auto dealer parking lot can absorb as much sun, require as many lights, or cause as much stormwater runoff as a parking lot for any other use. **Therefore, it is important than any alternative landscaping standards for auto dealers not be construed simply as an exemption for which no other use would qualify. That could become a fairness issue. It could also undermine the purpose statements of the current landscaping standards, and perhaps negate the City's ability to justify current standards as they apply to other types of uses.** For this reason, staff approached this with the intent of achieving *different but equivalent results* – different in the sense that the alternative landscape standards meet auto dealers' essential needs; and equivalent in the sense that they reasonably reflect current landscape code purpose statements.

The proposed standards included in the attached draft ordinance provide auto and marine craft trade users the following landscaping options. The benefits and impacts of the options are described, along with the proposed measures to compensate for the impacts:

1. Eliminate requirements for internal landscape islands and medians on auto and marine craft trade sites.

Benefits:

- a. Increases flexibility in how vehicles can be arranged and displayed.
- b. Ensures visibility throughout parking lot area so that sales representatives can see their customers.

Impacts:

- a. Reduces the amount of total landscaping, which can increase run-off and increase heat-island effect.
- b. Creates greater expanses of pavement without visual break, which may result in a bleak appearance.

Proposed compensation:

- a. Increase landscaping at the perimeter.
- b. Incorporate landscaped entrance feature and landscaping around perimeter of principal building to break up expanse of pavement.
- c. Allow pavers or color/textured surfaces to account for some of the required landscaping

2. Allow either standard linear alignment of trees and shrubs under L-2 standards; or allow clustering of trees and shrubs under L-1 standards.

Benefits:

- a. The standard linear arrangement of trees provides some softening of parking lot lights as seen from surrounding streets and development.
- b. Clustering option would facilitate increased visibility of the site from abutting streets.

Impacts:

- a. Linear alignment of trees along site perimeter would obscure visibility of site from abutting streets.
- b. Clustering option would create impacts of light and glare, which is a characteristic impact of most auto dealers.
- c. Clustering option could leave wide open expanses with no upright landscape features to provide visual relief or shading (cooling) of pavement.

Proposed compensation:

- a. If clustering option is chosen, require on-site lighting to comply with the same lighting levels established for the Northeast Gateway Overlay district (except for after-hour dimming requirements).
- b. Under clustering option, impose a maximum space between tree clusters of no more than 200 feet, and require clusters to be within 8 feet of pavement to provide some shading.

Recommendation of the Planning & Zoning Commission. At its meeting of April 18, 2012, the Planning & Zoning Commission considered the proposed alternative landscape standards and, after hearing public testimony, identified changes that would provide clarification and address the concerns identified by the Commission. The staff agreed that the suggested changes would improve the standards, and has since incorporated the changes into the proposed ordinance. With a vote of 6-0, the Planning and Zoning Commission recommended that the City Council adopt the alternative landscape standards for auto and marine craft trade with the changes discussed.

Because the changes were for clarification purposes only and are incorporated into the ordinance now before the City Council, they have not been itemized in this report.

Danny Wilson of Wilson Toyota Scion indicated that he is in favor of the landscaping standards. He was concerned with current language pertaining to the location of trees because of the damage that occurs to the vehicles from tree sap and birds and would like to be allowed some flexibility about the location of trees. He appreciated the added flexibility the proposed standards would provide.

Scott Renaud, FOX Engineering, expressed concern that the amendments to the landscaping standards may turn existing auto dealerships into non-conforming properties. He also expressed concern about the language pertaining to trees and shrubs in relation to all principal facades visible from a public street. In response, the Director of Planning and Housing assured Mr. Renaud and the Commission that the proposed standards will not create nonconforming landscaping because they do not replace existing standards. Rather, they are *alternative* standards. Therefore, any landscaping nonconformities that may exist for auto dealers exist under current landscaping standards.

ALTERNATIVES:

1. The City Council can approve the zoning code text amendment adopting alternative standards for auto and marine craft trade uses.
2. The City Council can approve the zoning code text amendment adopting alternative standards for auto and marine craft trade uses with modifications.
3. The City Council can decide not to adopt the proposed text amendments.
4. The City Council can refer this issue back to staff for further information.

MANAGER'S RECOMMENDED ACTION:

The proposed amendments seem to address the stated, essential needs of auto dealers interested in developing or expanding in Ames, while also reflecting the purpose and intent statements of the City's current landscaping regulations.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative 1, thereby adopting the alternative landscape standards for auto and marine craft trade as provided in the attached proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 29.403(4)(b), 29.403 (5), 29.403(6) AND ENACTING NEW SECTIONS 29.403(4)(b), 29.403(5), 29.403(6), 29.403(7) THEREOF, FOR THE PURPOSE OF PROVIDING ALTERNATIVE LANDSCAPE PROVISIONS FOR AUTO AND MARINE CRAFT TRADE USES; 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 landscaping standards for the following purposes:

- i. Reduce heat-generating pavement
- ii. Provide greater space for trees to shade and cool pavement
- iii. Provide more space for trees to shade and cool buildings, thereby reducing energy consumption for air conditioning
- iv. Reduce the number of lights needed to illuminate parking lots and thereby reduce energy consumption and facilitate Dark Sky objectives
- v. Reduce stormwater runoff from impervious surfaces

WHEREAS, current landscaping standards for parking lots do not differentiate between parking lots serving different types of uses; 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 landscaping 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 stated purposes of landscape standards are 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 Sections 29.403(4)(b), 29.403(5), 29.403(6), and enacting new Sections 29.403(4)(b), 29.403(5), 29.403(6), 29.403(7), to read as follows:

Sec. 29.403. LANDSCAPING AND SCREENING.

...

(4) Landscaping Requirements For Surface Parking Lots, Generally.

...

(b) Setback and perimeter landscaping. The minimum setbacks and perimeter landscaping standards for parking areas, and for any driveways and drive aisles accessing parking areas, are set forth in Table 29.403(4) below. For Auto and Marine Craft Trade Uses, see Section 29.403 (5), below.

...

(5) **Alternate Landscape Standards for Automotive and Marine Craft Trade Uses.** As an alternative to the requirements of Section 29.403(4)(b) and 29.403(4)(c), the following standards may be applied to sites developed for automotive and marine craft trade as defined in Article 5;

(a) Landscaped area between parking lot pavement and property lines.

(i) Minimum Landscape Width – 20 feet along all property lines abutting public right-of-way lines, 10-feet along all other property lines along a zoning boundary, and 5 feet along all other property lines of properties within the same zone, landscaped as follows:

(a) Five feet of the landscaped setback shall be landscaped according to the L2 , Low Screen landscaping standards of this Section, with the balance landscaped according to subsection iv below; or

(b) Landscaped according to L1 standards, except that required numbers of trees and shrubs may be strategically clustered to allow visual openings into the site. Trees and shrubs must be clustered in regular intervals within required landscaped areas, spaced no greater than 200 feet apart. Each cluster shall include no less than three trees spaced no greater than 15 feet apart (center to center) with the trunk of at least one tree in the cluster located within 8 feet of the parking lot edge (to ensure some shading of abutting pavement). Because landscaping under this option is less effective at softening impacts of lighting common to parking areas, all outdoor lighting shall conform to the Guidelines for Signage and Lighting in Section 29.1109(18), except 29.1109(18)(j). All lighting fixtures shall be shielded in such a manner that the lenses of the fixtures are not visible from public rights-of-way.

(ii) Setback areas beyond the minimum setbacks shall be fully landscaped applying the landscape element ratios in the LI General Landscaping standards of this Section.

(b) Landscaping around perimeter of all principal facades visible from a public street.

(i) Minimum landscape area equivalent to 5 feet times the length of each visible facade.

(ii) Building perimeter landscaping may be reduced or eliminated along selected areas of the perimeter if an equivalent amount of landscaped area is added to other areas of the building's perimeter, provided that perimeter areas of increased landscaping are along building facades visible from public rights of way.

(iii) Up to 25% of the required landscaped area may consist of either a brick-paved surface, or a raised sidewalk/pedestrian area consisting of either brick pavers or colored and pattern-stamped concrete.

(iv) Landscaping shall consist of one tree per 50 feet of building façade, and one shrub for every six feet of building façade. Plants and trees may be clustered as desired.

(c) Landscaped Entry Feature. A landscaped entry feature shall be provided that consists of either a landscaped sidewalk or driveway extending from the right-of-way providing primary vehicular access to the site, to within 20 feet of at least one principal building on the site. The landscape entry feature shall consist of the following:

(i) A five foot wide landscape strip on each side of the sidewalk or driveway. Said landscaping shall extend either:

(a) The full length of the required landscape entry feature; or

(b) At least 50% of the length of the landscape entry feature, provided that the entire length and width of the entry feature consists of a color-contrasted brick paved surface. (Colored and pattern-stamped concrete may be used for walkway areas, but will not suffice in areas of vehicle travel due to its poor color retention over time).

(ii) Landscaping in the entry feature shall consist of one shrub or tree for every 40 square feet of landscaped area. Shrubs may be low-lying to maximize visibility through the landscaped area.

(d) In addition to the minimum landscaping areas and plantings described above, the balance of all setbacks, landscape areas, and other portions of the site not otherwise developed with pavement, buildings, stormwater facilities and/or protected environmentally sensitive areas, shall be landscaped with lawn or groundcover plants (e.g., Sweet Woodruff, Ajuga/Bugleweed, Candytuft, Periwinkle, Vinca, Hosta, Carpet Juniper, prairie wildflower mix, etc.), and additional shrubs, flowers and trees as desired. Ground covers shall be typed, spaced and sized to provide at least 75% coverage within a three-year period. Within this context, Lawn means a managed area of grass forming a continuous turf mowed and maintained at a low and consistent height, and that is generally free of weeds, sedges, and invasive or volunteer plants or grasses.

(e) For sites 3 acres or larger, all of the above landscape provisions apply. For sites less than 3 acres, the applicant may eliminate either the building perimeter landscaping of subsection (b) above, or the landscaped entry feature of subsection (c) above.

(6) Landscaping Requirements for Apartment Dwellings in the UCRM, RM and RH Zones.

(a) Generally. These landscaping requirements are intended to be applied to front yards and side yards that abut streets for apartment dwellings in the UCRM, FS-RM, RM and RH zoning districts. This landscaping is required to enhance the yard area and to soften the impact of the building from the street and from nearby residential areas.

(Ord. No. 3591, 10-10-00)

- (b) Required Landscape Elements. A minimum of one landscaping unit, consistent of:
One (1) deciduous (over-story) tree, or
Two (2) ornamental (understory) trees, or
Two (2) evergreen trees, or
One (1) ornamental (understory) tree or one (1) evergreen tree, and
Six (6) deciduous and evergreen shrubs,

shall be planted for every 60 feet or part thereof of frontage along a public or private street.

(i) Shrubs. Shrubs shall be a combination of deciduous and evergreen plant materials, and no more than b of the shrubs shall be of one type or the other. The majority of the shrubs shall serve as foundation plantings for the multiple family structure, and no more than 50 percent of the building foundation, exclusive of windows, shall be visible from the street in the summer upon maturity of the shrubs.

(ii) Minimum Size. The plant materials shall meet the following minimum sizes when planted:

Deciduous (over-story) tree: 1-1/2 inch caliper, measured 6 inches above the ground.

Ornamental (understory tree): Six (6) feet in height.

Evergreen tree: Three (3) feet in height.

Shrub: Small shrub – minimum of a 12-inch spread.

Medium and large shrub – minimum of an 18 inch spread.

(Ord. No. 4099, 01-10-12)

(iii) Trees and Shrubs. Trees and shrubs may be traded within a landscape unit, when there are utility easements or other site impediments that prevent the planting of a specific plant established above, e.g. one deciduous (over-story) tree may be traded for an additional one ornamental (understory) tree and three (3) additional shrubs.

(iv) Existing Vegetation. Developers shall be encouraged to save existing desirable vegetation on the development site, and they will be given credit on a one for one basis against the required landscape units for desirable species saved.

(v) Any undeveloped area on the site not planted with trees or shrubs shall be planted with grass, sod or other cover that is suitable to the local climate and is a suitable variety of ground cover plantings to present a completed appearance and provide full coverage within one (1) year.

(vi) **Installation and Maintenance.** Installation and maintenance of the landscaping for apartment dwellings in the UCRM, FS-RM, RM and RH zones shall meet the requirements provided for in Section 29.403(3).

(Ord. No. 3591, 10-10-00)

(7) **Screening and placement of mechanical units.** Mechanical units must meet all screening requirements of Section 29.408(4) and must be located outside of required landscape areas. However, in situations where upgrades or relocations of mechanical units for utility services are necessary to provide continued service, the Director of Planning & Housing may approve placement of mechanical units in required landscape areas, and may also waive screening requirements of mechanical units, if the Director determines that such upgrades or relocations could not have been anticipated either at the time of platting or at the time of site development when the utilities were first planned and/or installed, and that there is insufficient room for the relocated or upgraded utility mechanical units to be screened or placed outside of required landscape areas.

(Ord. No. 3997,07-14-09)

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

Ann H. Campbell, Mayor