

**COUNCIL ACTION FORM**

**SUBJECT: ZONING TEXT AMENDMENT CREATING NEW PARKING LOT  
SETBACK AND LANDSCAPING EXCEPTIONS**

**BACKGROUND:**

In June 2017 the City Council adopted new landscape standards for Section 29.403 of the Zoning Ordinance. In addition to the new landscape standards, other key sections of the Zoning Ordinance must be amended and updated to reflect the new standards and address any ancillary issues surrounding the implementation or enforcement of those new standards. The City Council elected to approve the new landscape standards with the direction that staff return to them within the next three months with amendments and updates to the administrative processes, appeals process criteria, and any miscellaneous remaining items that need to be addressed with adoption of the new standards.

**Staff proposes creating two minor exceptions processes as they relate to the new landscape and parking lot standards.** Exceptions are meant to be minor in nature and to not rise to the level of review required of variances. Exceptions are intended to be used only in instances where compliance with certain requirements would be impractical and Zoning Board of Adjustment (ZBA) approves the exception based upon consistency with the relevant criteria. The proposed exceptions do not apply to residential areas due to the mandatory screening requirements in residential areas as compared to minimum setbacks in commercial areas. Attachment A includes the proposed new language for the two proposed exceptions.

The first new exception is for commercial parking lot perimeter side and rear three-foot minimum setbacks. The new landscape standards require parking and loading areas to be set back three feet from side and rear setbacks. Previously, the City required a minimum of five feet for parking lots. The standards were reduced to provide greater dimensional latitude in meeting landscaping requirements for parking lots as part of the new landscaping ordinance. The proposed exception process would apply to sites that may need to place the back of curb or edge of paving of a parking lot at the property line on the sides or rear of the property to meet other site development standards.

The second proposed exception is intended to address situations within CSC or DSC zoning where a site may not be able to meet the 10% parking lot landscape area requirement for driveways that principally serve covered parking or loading areas. The new standards require all parking lots to provide 10% landscape area in or around the parking and loading areas. In circumstances where a driveway or loading area may lead only to structured parking and not to surface parking, it may not be practicable to incorporate landscaping to meet the base standards.

Given the level of Planning Director discretion and various options for developers in the new landscape standards it is believed that exceptions will likely not be frequently needed. However, there could be situations related to providing required parking or meeting landscaping standards that could justify an exception when meeting all other development standards. Staff believes the ZBA reviewed exception process is more appropriate versus Planning Director discretion due to the potential of affecting adjacent properties with little or no setback of parking areas. The exception process allows for public notice and review of such requests that may not always be appropriate or require consideration of multiple issues.

At the June 21<sup>st</sup> Planning & Zoning Commission meeting the Planning & Zoning Commission voted 6-0 to recommend approval to the City Council of the proposed exceptions text amendment.

#### **ALTERNATIVES:**

1. The City Council can approve on first reading an ordinance creating exceptions for parking lot minimum setbacks and landscape percentage.
2. The City Council can provide direction for alternative language on exceptions and return prior to the first reading of an ordinance.

#### **CITY MANAGER'S RECOMMENDATION**

The exceptions process is laid out in Section 29.1507 of the Zoning Ordinance. The proposed new language provides for a process whereby an applicant may seek an exception for side and rear commercial parking lot setbacks. Additionally, parking lot landscape area for driveways leading to covered parking may also be reduced. Staff believes giving these options to developers provides for an avenue to make a project workable in unique circumstances and gives the ZBA oversight of these requests, which can place vehicles in very close proximity to property lines. The exception process has a lower approval threshold compared to variances, but does include a public notice requirement with their review.

**Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 which is to adopt text amendments for two new exceptions.**

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 29.1506 (4), (5)(e)(i)(ii)(iii)(iv)(v) AND (f) THEREOF, FOR THE PURPOSE OF; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; 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 29.1506 (4), (5)(e)(i)(ii)(iii)(iv)(v) and (f) as follows:

**“Sec. 29.1506. EXCEPTIONS.**

...

(4) **When Authorized.** The Zoning Board of Adjustment is authorized to grant the following exceptions:

- (a) Parking stall exceptions pursuant to Sec. 29.406(9)(c).
- (b) DSC and CSC minimum height exceptions pursuant to Sec. 29.808(4) and 29.809(4).  
*(Ord. No. 3872, 03-07-06)*

(c) Exceptions for minor area modifications. The Board is authorized to grant exceptions from the requirements of the zoning ordinance to allow minor area modifications for single family attached and detached dwellings that are existing in developed areas, but not in cases of new construction. These are authorized for the following situations:

- (i) reduction of required residential side yard setbacks for principal structures by no more than two feet;
- (ii) reduction of required residential front and rear yard setbacks for principal structures by no more than five feet;
- (iii) reduction of minimum lot area requirements by no more than 10%;
- (iv) reduction of required residential front, rear and side yard setbacks without limit as required to provide handicapped access ramps to a dwelling;
- (v) reduction of front, rear, and side yard setbacks without limit to allow reconstruction of a historically accurate structure.
- (d) Commercial Parking lot side and rear landscape setback requirement of 29.403.
- (e) Commercial Parking Lot area percentage requirement of 29.403.

**(5) Review Criteria**

...

(e) Commercial Parking lot side and rear landscape setback. All of the following criteria must be met for the Board to grant the exception and the overall site must comply with all development standards.

- (i) Adequate provisions for meeting required parking lot landscaped area and planting requirements have been made to account for the reduced parking lot setback.
- (ii) Providing the dimensional and location requirements of parking spaces necessary to serve the proposed use are not feasible while maintaining a setback for the parking lot.
- (iii) That the landscape standards in Section 29.403 allowing Planning Director alternative compliance and waiver authority are not appropriate to allow approval of a Site Development Plan.

(iv) That a reduction of side or rear parking lot setbacks will not impair or infringe upon the use of neighboring property or be detrimental to the public health, safety or general welfare.

(f) Commercial Parking lot and loading area landscape percentage. Within the CSC and DSC zoning district, parking lot driveways that principally serve covered parking and loading areas may have an exception approved to reduce landscaped area when there is inadequate space or site conditions to provide appropriate planters to meet landscaping requirements.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. 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