

COUNCIL ACTION FORM

SUBJECT: TEXT AMENDMENT TO GRANT AUTHORITY TO THE ZONING BOARD OF ADJUSTMENT TO APPROVE ALTERNATIVE LANDSCAPE DESIGN AS PART OF A SPECIAL USE PERMIT REQUIRING A SITE PLAN

BACKGROUND:

In conjunction with the Fareway request to amend the Neighborhood Commercial (NC) zoning district standards, there is a request to consider allowing alternative landscape plan approvals as part of a Special Use Permit process. The request stems from the current requirement that within NC zoning that certain sized sites require approval of a Special Use Permit and that the option to pursue a separate Major Site Development Plan for alternative landscaping prior to the Special Use permit is viewed as an extra procedural step.

Currently, the City's landscape standards allow for any site to propose an alternative landscape plan through a Major Site Development Plan process. The Major Site Development Plan process includes a review and recommendation by the Planning and Zoning Commission with final approval by the City Council. A Special Use Permit is an approval process that only involves the Zoning Board of Adjustment. Each of the approval processes requires public notice of hearing on the proposed project. The proposed change allows for the ZBA to have concurrent review of an alternative landscape plan with review of use that requires a Special Use Permit

At the September 19th Planning and Zoning Commission meeting the Commission discussed the options of adding the Special Use Permit process compared to the existing Major Site Plan option. The Commission discussed consistency of the process between two review options and the benefit of a streamlined process. The Commission voted 5-1 to recommend that City Council approve a text amendment granting the Zoning Board of Adjustment authority to approve alternative landscape plans when included as part of a site development plan with a Special Use Permit.

At the October 9th City Council meeting staff was directed to publish notice for a public hearing to consider the proposed text amendment to allow for approval of an alternative landscape plan in conjunction with approval of a Special Use Permit.

ALTERNATIVES:

1. The City Council can approve the text amendments to allow for Zoning Board of Adjustment approval of an alternative landscape plan in conjunction with a use subject to approval of a Special Use Permit.

2. The City Council can deny the proposed text amendment to allow for Zoning Board of Adjustment approval of an alternative landscape plan in conjunction with a use subject to approval of a Special Use Permit.
3. The City Council can request additional information and defer taking action.

CITY MANAGER'S RECOMMENDED ACTION:

Traditionally the City has allowed for flexibility in site plan review of landscaping only within the confines of the Planning and Zoning Commission and City Council review process. The Zoning Board of Adjustment typically addresses specific defined standards as a quasi-judicial review board determining conformance with objective standards or permit criteria. The Special Use Permit is a type of application that includes review of site development plan details by the Zoning Board of Adjustment along with consideration of the operational aspects of the use. Allowing for the consideration of the alternative landscape plan by the ZBA would create more efficiency for an applicant, but does not create a new standard or process overall.

With an interest in streamlining an approval process, staff would support the proposed text amendment with no other changes to the landscape standards themselves.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, which is to approve the text amendment to allow for the Zoning Board of Adjustment approval of an alternative landscape plan in conjunction with a use subject to approval of a Special Use Permit.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.403(3)(J)(i), (L) AND ENACTING A NEW SECTION 29.403(3)(J)(i)(ii), (L) AND RE-LETTERING EXISTING 29.403(J)(ii)(iii)(iv) TO (iii)(iv)(v) THEREOF, FOR THE PURPOSE OF ALTERNATIVE LANDSCAPE PLAN APPROVAL WITH SPECIAL USE PERMIT 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 repealing Section 29.403(3)(J)(i), (L) and enacting a new Section 29.403(3)(J)(i)(ii) and re-lettering existing 29.403(J)(ii)(iii)(iv) to (iii)(iv)(v) as follows:

“Sec. 29.403. LANDSCAPING AND SCREENING.

3. General Requirements All Sites.

...

(J) Alternative Design Approvals

(i) Major Site Development Plan and Special Use Permits.

A landscape plan prepared by a licensed Landscape Architect with alternative design and plantings may be approved under the requirements of a major site development plan after review and approval by the City Council when found to address the purposes of the ordinance and provides for a unique or high quality landscape environment that exceeds the quality of the base standards.

(ii) A use subject to approval of a Special Use Permit may include a landscape plan prepared by a licensed Landscape Architect with alternative design and plantings for review and approval by the Zoning Board of Adjustment when the proposed plan is found to address the purposes of the ordinance and provides for a unique or high quality landscape environment that exceeds the quality of the base standards.

...

(L) The Department shall not approve any landscape plan submitted to it pursuant to this section unless the plan conforms to the requirements of this section or conforms to an approved Master Plan or a Major Site Development Plan which the City Council or Special Use Permit approved by the Zoning Board of Adjustment has determined meets the purposes described in Section 29.403.”

...

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 _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor