

COUNCIL ACTION FORM

SUBJECT: TEXT AMENDMENT TO ALLOW TEMPORARY WASTE PROCESSING THROUGH APPROVAL OF A SPECIAL USE PERMIT BY THE ZONING BOARD OF ADJUSTMENT

BACKGROUND:

On June 15, 2021, the City Council referred to staff a request from the Zoning Board of Adjustment (ZBA) to define the term “temporary” in the City’s Zoning Ordinance. City staff prepared a memo in response to the referral from the City Council and City Council discussed the issues on an agenda in the fall of 2021.

The issue of “temporary” was identified by ZBA as an issue during the review of a request for a Special Use Permit (SUP), received on January 14, 2021, to allow a yard waste collection and transfer facility at 220 and 400 Freel Drive. The SUP for this site was originally approved in April 2017 through May 1, 2018. Approval was extended by the ZBA in September 2017 through December 31, 2018. A new SUP was approved in February 2019, and approval was extended through December 31, 2020.

During the three-year period in which the SUP was approved, extended, and approved again, the applicant was not required to pave a parking area and a driveway leading to the parking area since the Special Use Permits were thought to be of a limited duration and scope. The circumstances at the time were such that the applicant was in the middle of a contract with the City for yard waste disposal and needed a site on a short-term basis while the applicant sought a more permanent location in Story County.

Upon review of the new SUP application in 2021, the Planning Director determined that without a definition of “temporary” in the Zoning Ordinance, there is no basis to consider three prior years of the use with the proposed continued use of the site under a new contract for three additional years as temporary. Therefore, the use needed to comply with all zoning standards, including paving of the driveway and limited amount of parking area, as well as corresponding landscaping requirements. The Zoning Board of Adjustment considered the pertinent requirements and processes and ultimately approved the waste site for one additional year with no permanent improvements. At that time the Board prepared the referral letter for City Council consideration.

On October 26, 2021, the City Council considered four options identified by staff, to address the issue of temporary uses and Special Use Permits. **City Council chose to direct staff to narrowly craft a special use option related to yard waste processing facilities and proceed with a zoning text amendment.**

In response to City Council’s direction, staff is proposing text changes as shown in Attachment A.

The Planning and Zoning Commission reviewed the requested amendment at the Commission meeting on January 19, 2022, and recommended (5-0) that the City Council adopt the proposed text changes to allow for temporary yard waste processing facilities as presented in Attachment B.

Since the Planning and Zoning Commission meeting, the City Attorney's Office has added a definition of "Yard Waste Processing" to the proposed amendments, which reads as follows: "Yard Waste Processing means yard waste collection and disposal. Yard waste processing is a type of Waste Processing and Transfer use."

Proposed "**Section 29.1315(4)(b)&(c) Additional Requirements**" has also been changed by the City Attorney's Office to read as follows:

"(4) Additional Requirements

- b. The Zoning Board of Adjustment may modify site improvement requirements related to paving, landscaping, and buffering in recognition of the type of activity and limited use, provided that the criteria for a Special Use Permit under Ames Municipal Code section 291503 are met.**
- c. If any site improvements are proposed, the Applicant must submit a minor site plan with their Special Use Permit Application."**

ALTERNATIVES:

1. Approve on first reading, the proposed text amendments to allow for temporary yard waste processing facilities as presented in Attachment A.
2. Approve on first reading, the proposed text amendments as presented in Attachment A, with modifications.
3. Decline to proceed with amendments for temporary yard waste processing.

CITY MANAGER RECOMMENDED ACTION:

The proposed zoning text changes provide a means by which temporary yard waste processing site may be established on a temporary basis for up to one year with a one-year extension, and yet meet the zoning standards for site improvements that include paving for parking lots and driveways, as well as parking lot and front yard landscaping.

The degree of improvements that are required is left to the judgment of the Zoning Board of Adjustment as it reviews the Special Use Permit. Staff finds that proposed amendment is consistent with the direction provided by the City Council at their meeting on October 26, 2021. The use will only be allowed within zones that already allow for the permanent use, such as General Industrial Zoning.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described in Attachment A.

Attachment A
Proposed Text Changes for “Temporary Yard Waste Processing”

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING NEW SECTIONS 29.201(248.1) AND 29.1315 THEREOF, FOR THE PURPOSE OF ALLOWING TEMPORARY YARD WASTE PROCESSING FACILITIES; 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 enacting new Sections 29.201(248.1) and 29.1315 as follows:

“Sec 29.201. DEFINITIONS.

...

(248.1) **Yard Waste Processing** means yard waste collection and disposal. Yard waste processing is a type of Waste Processing and Transfer use.

...

Sec 29.1315. Temporary Yard Waste Processing

- (1) It is recognized that yard waste processing sites to serve City diversion goals may require the establishment of temporary facilities for the collection and disposal of yard waste. These sites serve the residents of Story County and may be located within the corporate limits of Ames.
- (2) The Zoning Board of Adjustment can authorize a Special Use Permit for a temporary yard waste collection and disposal site when the use is allowed in the Base zoning district and only after a public hearing in accordance with the submittal and approval procedures set out in Section 29.1503.
- (3) Any Special Use Permit for a temporary yard waste collection and disposal site must terminate within one year of its approval. A single extension of up to one year may be granted by the Zoning Board of Adjustment provided the initial Special Use Permit has not expired.
- (4) Additional Requirements
 - a. All temporary principle and accessory structures and storage of materials shall meet the setbacks of the zone in which it is located.
 - b. The Zoning Board of Adjustment may modify site improvement requirements related to paving, landscaping, and buffering in recognition of the type of activity and limited use, provided that the criteria for a Special Use Permit under Ames Municipal Code section 29.1503 are met.
 - c. If any site improvements are proposed, the Applicant must submit a minor site plan with their Special Use Permit Application.
 - d. The Zoning Board of Adjustment may apply any other appropriate standard as a condition of approval as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.”

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

John A. Haila, Mayor

Attachment B
Proposed Text Changes for “Temporary Yard Waste Processing”
As Recommended for Approval by the Planning & Zoning Commission

Staff proposes the following additions to the Zoning Ordinance:

Amend Article 13 Additional Requirements for Specific Uses to include a new Section 29.1315.

Sec 29.1315. Temporary Yard Waste Processing

- (1) It is recognized that yard waste processing sites to serve City diversion goals may require the establishment of temporary facilities for the collection and disposal of yard waste. These sites serve the residents of Story County and may be located within the corporate limits of Ames. Certain site improvements are required for such yard waste collection and disposal sites including, but not limited to, paving for parking spaces, drive aisles and driveways, as well as landscaping for parking lots and front yards, and buffering.
- (2) The Zoning Board of Adjustment can authorize a Special Use Permit for a temporary yard waste collection and disposal site when the use is allowed in the Base zoning district and only after a public hearing in accordance with the submittal and approval procedures set out in Section 29.1503.
- (3) The Special Use Permit shall not be granted:
 - a. For more than one year although an approved use can receive a single extension of up to one year by the Zoning Board of Adjustment provided the initial approval has not expired.
- (4) Additional Requirements
 - a. All temporary principle and accessory structures and storage of materials shall meet the setbacks of the zone in which it is located.
 - b. The Zoning Board of Adjustment may modify site improvement requirements in recognition of the type of activity and limited use through the Special Use Permit process.

The Zoning Board of Adjustment may apply such standards, or any other appropriate standard, as a condition of approval as it seems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.