

ITEM #: 32  
DATE: 06-11-24  
DEPT: P&H

**COUNCIL ACTION FORM**

**SUBJECT: TEXT AMENDMENT TO THE ZONING ORDINANCE FOR A NEW EXCEPTION AND RELATED STANDARDS FOR OUTDOOR STORAGE IN THE GENERAL INDUSTRIAL (GI) ZONING DISTRICT**

**BACKGROUND:**

The City Council first reviewed a memo from staff on March 26, 2024, that addressed a request by the Kiwanis to consider relief from zoning standards for their outdoor semi-trailer paper recycling operation. Council directed that the item be placed on an agenda for discussion. On April 9, 2024, Council received a staff report from the Planning & Housing Department outlining several options. **After discussion, Council directed staff to create an exception process related to outdoor storage that would then potentially allow the Kiwanis use to continue at the present location on a General Industrially zoned lot at 803 E. Lincoln Way.**

Ames Golden K Kiwanis Club utilizes a semi-trailer at 803 E. Lincoln Way for collecting paper for recycling. When the trailer is full, it is driven away to an off-site recycling center and is replaced by an empty trailer. The recycling operation generates funds that Kiwanis donates to local charities. However, the current operation does not comply with the following sections of General Industrial “GI” Zoning District:

- The semi-trailer used by Kiwanis for paper collection and storage is parked across a side property line (with 919 E. Lincoln Way), where the GI district requires a 12-foot setback from a side property line.
- The semi-trailer is parked on gravel. City code requires vehicle maneuvering areas, parking lots and driveways to be paved. This gravel was placed on the lot without the benefit of staff review between 2017 and 2019, according to aerials.

**It should be noted that the proposed change is in response to the situation described above, but it would be applicable to all General Industrial properties. Ultimately, approval will be subject to a case-by-case consideration by the Zoning Board of Adjustment.**

**PROPOSED ORDINANCE:**

An additional Exceptions section for outdoor storage has been added to the Zoning Ordinance. Exceptions are considered minor adjustments to zoning standards. This differs from a variance where a strict set of hardship criteria apply.

**Staff is proposing to create an outdoor storage exception with the following criteria.**

**Sec. 29.901 - General Industrial (GI) Zoning District**

**(5) Outdoor Storage.**

- a. Within the GI zoning district, outdoor storage is permitted so long as it complies with the

minimum setbacks, as required in Sec. 29.405.

- b. The Zoning Board of Adjustment may grant exceptions to minimum side and rear setbacks for GI outdoor storage if the following conditions are met:
  - i. The subject property line abuts another industrial zoning district,
  - ii. Adequate buffering, screening, or setbacks are provided if deemed necessary due to the surroundings,
  - iii. The exception is in conformity with the intent and purpose of the zoning ordinance and the general plan of the community,
  - iv. The exception does not alter the applicant's obligation to comply with other applicable laws or regulations, and
  - v. That a reduction of side or rear setbacks will not impair or infringe upon the use of neighboring property or be detrimental to the public health, safety, or general welfare.

**The proposed changes create a means of seeking approval of a permit for Kiwanis to maintain their current operations at the existing location on E. Lincoln Way. Approval of the ordinance does not guarantee that no modifications to the site won't be required as part of the permit review by the Zoning Board of Adjustment.**

#### **PLANNING & ZONING COMMISSION:**

On May 15, 2024, the Planning and Zoning Commission reviewed the proposed ordinance. A representative of Kiwanis, John Slaughter, noted support in general for the change but also requested to the P&Z that the paper-collection trailer be allowed to remain in its exact location where it crosses the property line. The Commission did not request changes to the proposed language and voted 5-0-0 to recommend that the City Council adopt the changes presented by staff and as attached to this report.

#### **ALTERNATIVES:**

1. Approve on first reading the text amendments to the General Industrial (GI) Zoning District in Sec. 29.901 and the Exceptions standards in Sec. 29.1506 as shown in Attachment C.
2. Approve on first reading a text amendments to the General Industrial (GI) Zoning District in Sec. 29.901 and the Exceptions standards in Sec. 29.1506 different from what is shown in Attachment C.
3. Decline to approve the draft ordinance.

#### **CITY MANAGER'S RECOMMENDED ACTION:**

The proposed changes to the Exceptions requirements create an avenue for Kiwanis to apply to stay at their current location. Assuming that an exception is granted by the Zoning Board of Adjustment, the paper recycling trailer would still need to comply with the standards set forth in the Zoning Code and as permitted by the ZBA.

The exception is narrowly tailored, though it could provide relief to other properties in the GI Zoning District as well. Staff does not foresee that allowing outdoor storage closer to property lines will cause a nuisance or have adverse effects because of the individual review and permitting process. The notice process of the hearing with the ZBA allows for potentially impacted neighboring properties to have a voice in the process. Therefore, it is the recommendation of the City Manager that City Council approve Alternative 1.

**ATTACHMENT(S):**

[Attachment A.pdf](#)

[Attachment B.pdf](#)

[Attachment C.pdf](#)

[DRAFT Zoning Text Amendment to allow Outdoor Storage in GI zone.PDF](#)