

**COMMISSION ACTION FORM**

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENTS RELATED TO PARKING AREA AND PERIMETER LANDSCAPING REQUIREMENTS**

**BACKGROUND:**

During recent reviews of two separate applications for minor subdivisions creating two-lot splits, we encountered a situation common to both proposals that will prove to be problematic for these current customers, and which has also proven problematic in past applications. It pertains to proposed divisions of property down the center of existing paved areas. Currently, the code requires landscaping along the perimeter of parking lots and along some defined lot lines. The issue is that when someone proposes to divide land across an existing parking lot, such division creates a landscaping nonconformity because there would not be the required perimeter landscaping along the new property line. Currently, the only way to address this is to either remove pavement to facilitate required landscaping, or to divide ownership of the property through a horizontal property regime.

To address this problem, staff is proposing text amendments that would basically exempt new lot lines across existing parking lots from the perimeter landscaping requirements, while making it clear that landscaping requirements only apply to the site being divided or developed. These amendments would not result in any changes to properties that would alter the existing physical and visual features of the site; it addresses only the legal boundaries of the site. Additionally, it should not create any health/safety concerns because it does not pertain to above-ground structures that must otherwise meet setback requirements for fire code and other practical considerations. The only essential consideration when dividing a lot across an existing parking lot is to ensure that the divided parking lot functions independently on both new lots, or that adequate cross-access easements are in place to facilitate existing circulation patterns.

Staff has not requested Council referral of this item, but believes it is essential to move this forward immediately to address not only current applications, but to also ensure that the difficulties encountered over this issue do not adversely affect our future customers. Staff also believes this is in line with the Council's goals to streamline development processes and to remove unnecessary impediments to development in the City of Ames.

The following amendments are therefore proposed (underlined text is proposed new text):

Table 29.403(4)  
Minimum On-site Parking Area Setbacks and Perimeter Landscaping

Lot line abutting street	5 ft. @ L2 or 10 ft. @ L1
Lot line abutting a Residentially-Zone Lot	5 ft. @L3, except 10 ft. @ L4 in GI
Lot line abutting a Commercially or Industrial-Zone Lot	5 ft. @ L2 or 10 ft. @ L1
Perimeter landscaping for Grocery Stores and Retail and Shopping centers in CVCN and CGS Zones	See Section 29.403(4)(h) for additional landscaping requirements.
<u>Perimeter landscaping along new lot lines created through existing paved areas.</u>	<u>None required at the time of subdivision. However, any expansions, alterations or replacements of the existing paved areas must comply with all provisions of this section.</u>

**ALTERNATIVES:**

1. The Planning and Zoning Commission can recommend that the City Council approve the text amendments as proposed above.
2. The Planning and Zoning Commission can recommend that the City Council approve the text amendments as proposed, with modifications.
3. The Planning and Zoning Commission can recommend that the City Council not approve the proposed text amendments.
4. The Planning and Zoning Commission can refer this issue to staff for further information.

**RECOMMENDED ACTION:**

The proposed amendments provide relief to a current impediment to subdivisions across existing paved areas without any changes to the existing physical landscape. Staff believes this type of amendment is in line with the Council’s goal to eliminate unnecessary impediments to development. The amendments also affirm the long-standing practice to provide landscaping on the subject site of development, and make it clear that changes pertaining to expansions or enlargements only apply to the site being altered. Staff therefore recommends that the Commission act in accordance with Alternative #1, which is to recommend to the City Council approval of the proposed amendments.