

Staff Report

**PUBLIC NUISANCE RELATED MUNICIPAL CODE AMENDMEN TO ZONING,
PARKING, AND STREETS AND SIDEWALK STANDARDS**

October 10, 2023

BACKGROUND:

City Council recently adopted an updated Public Nuisance “Property Maintenance” Code (Chapter 30 of the Ames Municipal Code). City Council concurrently directed staff to review the relationship of the newly adopted Code standards and report with any other amendments that could be needed. City of Ames Planning, Inspections, and Legal staff have reviewed the Zoning Ordinance (Chapter 29), Streets and Sidewalks code (Chapter 22), and Parking (Chapter 18) to assess what follow up changes may be needed for consistency in administration and enforcement of nuisance complaints.

The Zoning Ordinance addresses a combination of standards related to the use of property ranging from how improvements are made to a property to how certain operational aspects of uses are conducted on a property (Excerpts of related sections are Attachment A, [Chapter 30 amendments are online as a recently adopted ordinance](#)). **From this review, the overlap of nuisance storage and vehicle management issues need to be addressed in relation to zoning standards.**

The Streets and Sidewalks code requirements address right-of-way management for various types of encroachments, both temporary and permanent. Management of storage (e.g. materials, equipment, unhitched trailers, containers) within the right-of-way is not well defined as part of Chapter 30, Chapter 22, or Chapter 18 and can at times leave Police and other City staff in a position of trying to apply codes that are not clearly defined. It should be noted that the issue of storage in the right-of- way does not relate to parking of motor vehicles on a street.

ZONING ORDINANCE AMENDMENTS:

The Zoning Ordinance has existing standards addressing prohibited uses and nuisances. These standards are generally applied to new development review, but can also apply to ongoing use of property. Chapter 30 cross references specific standards related to site vision triangle management for vegetation and obstructions, lighting, and storage of vehicles, RVs, boats, and boat trailers.

With adoption of the updated Chapter 30, staff has identified a need to address zoning issues primarily related to definitions of vehicles in order to apply parking, storage of junk or inoperable vehicles, and other outdoor storage regulations.

Vehicle Definition

Chapter 30 defines, vehicles, trailers, semitrailers, inoperable, and junk vehicles. These definitions align with state law definitions. **The Zoning Ordinance, however, has standards related to these terms/issues, but does not have the same definitions.** Defining the scope of the term “vehicle” will assist in applying parking and storage requirements appropriately. The end result would be all parking and storage of all vehicle types would have to occur on an improved surface, including the side or rear yard of a home.

Option 1 - Add vehicle definitions to Chapter 29 based upon Chapter 30. Utilize the Chapter 30 Vehicle definitions and add the definitions to the Zoning Ordinance for the motor vehicles, trailers, and junked vehicle references to regulate all of these as vehicles for zoning standards.

Option 2 - Create Chapter 29 only vehicle definitions. Create a specific definition for a vehicle within zoning standards focused solely upon operable motor vehicles, which in turn applies development standards only to motor vehicles.

Junk Vehicle Storage

The updates to Chapter 30 removed prior provisions for storage/parking of certain vehicles on a property. The Junked Vehicle provisions remain in the Code for parking of it for no more than 48 hours, unless it is indoors or screened/covered outdoors.

Zoning distinguishes between storage and parking of vehicles. It also regulates outdoor storage and the keeping of “inoperable vehicles”. The Zoning Ordinance does not use the term junked vehicles, it uses a narrower term of inoperable vehicles and accessory parking definition. **Zoning prohibits the keeping of an inoperable vehicle for more than 30 days, it does not matter if it is screened or covered. This generally applies to all zoning districts, including residential. Zoning also relies upon a storage definition of 72 hours to distinguish parking from storage.**

Option 1 - Eliminate the zoning standard of the 30-day limitation for inoperable vehicles. Modify the 72-hr vehicle parking standard as it relates to parking and storage of junk vehicles for residential properties. *This option would make storage more permissive than current standards. With adoption of the vehicle definitions above, all storage would be on an improved surface, but there would be no quantity limit of duration limit, including for residential properties.*

Option 2 - Replace the term “inoperable vehicle” in zoning with junked vehicle. Keep the current 30-day limit and other outdoor storage limitations. *This option essentially maintains the status quo for limits on various types of vehicle storage with a consistent definition. Chapter 30 would be updated to cross reference the duration limit related to outdoor storage and junked vehicles.*

Option 3 - Update terminology and modify the standards for storage to allow for a limited number of junked vehicle storage in residential areas with no duration limit. *This option would have consistent definition, but would be more permissive for the type of storage than current requirements. It would limit the amount or number of vehicles stored to ensure the residential character of property is not disrupted with excessive storage.*

Home Occupations

Home Occupations standards were updated in 2022 due to changes in state law requiring certain uses to be permitted, subject to meeting specified standards. Home Occupations are now either permitted or prohibited based upon performance standards, there is no longer a permitting process or Zoning Board of Adjustment review. Some of the nuisance issues related to parking and storage can be cross over concerns with the Home Occupation ordinance. **Staff recommends adding to Chapter 30 a cross reference to these standards in Chapter 29 the as is done for other issues to streamline enforcement of Home Occupation standards. Alternatively, no cross reference could be added and it would remain exclusively a zoning enforcement issue.**

Outdoor Storage Garbage, Recycling, and Refuse Containers

With the adoption of Chapter 30 there was a discussion of standards for keeping of trash and recycling containers outside. Ultimately, no standard for keeping of these containers was adopted. Staff seeks clarification of this intent as it relates to zoning standards for keeping of garbage receptacles.

The Zoning Ordinance has regulations for containment and screening of garbage and recycling containers that are kept outside and there is no exception for their storage in residential areas. **Effectively, zoning standard 29.408 (3) requires screening of receptacles with screening subject to fence requirements. In single family areas, this means screening would only be compliant within side and rear yards as tall fences are generally prohibited in front yards. Zoning standards do not address a time period of keeping a receptacle out for pick up.**

Option 1 - Amend the Zoning Ordinance for an exception to screening related to individual containers serving one- and two-family homes. *This type of change would be consistent with the discussion by City Council at the time of adoption of Chapter 30 that no specific requirement for keeping of individual containers on private property was expected of one- and two-family homes.*

Option 2 - Modify Chapter 30 and Chapter 29 to specifically address the keeping of individual garbage and recycling behind the front setbacks, without screening, for less than 72 hours. *This option would coordinate a minimal expectation between the two chapters for the keeping of containers generally out of view with an exception of 72 hours for collection.*

STREETS AND SIDEWALKS CODE AMENDMENTS:

Chapter 30 includes a standard prohibiting obstruction of the right-of-way “with fences, buildings, structures, signs or otherwise.” **However, this language does not clearly address more temporary conditions of storage.**

Chapter 22 current describes a need to obtain a permit for temporary and permanent encroachments but does not clearly address broadly use of right-of-way for storage or other temporary placement or keeping of things in the right-of-way. **Staff proposes that the Streets and Sidewalks (Chapter 22) include an express prohibition of using right-of-way for private purposes, such as storing materials (rocks, dirt, garbage, etc.), dumpsters, storage containers, etc. within the right-of-way.** Identifying these specific types of obstructions within the Municipal Code will assist Police and Public Works in management of the right-of-way for safety issues and control of potential nuisances.

all unhitched trailers,

None of these types of obstructions are structures as listed in Chapter 30.

Specifically, staff recommends prohibiting these types of obstructions unless a temporary encroachment permit has been issued. The new language of Chapter 22 would also be cross referenced with Chapter 30. Chapter 18-Parking would be updated as needed.

PARKING CODE AMENDMENTS:

Depending on final decisions on Chapter 29 standards related to vehicle definitions described above, corresponding changes to Chapter 18 may be needed for front yard parking regulations. These updates would also incorporate any needed clarification related to the new driveway paving standards adopted by City Council earlier this year.

Additionally, staff desires to address occurrences of the storage of equipment and unhitched trailers within right-of-way within the Parking Code. Although Chapter 18, addresses parking of vehicle and attached trailers, it only prohibits unhitched semi-trailers from being parked on the street at all times. Chapter 18 also does not directly address equipment storage, which creates confusion with the Streets and Sidewalks chapter. Staff proposes to incorporate needed definitions for unhitched trailers and equipment along with limitations of there parking upon streets. Allowances related to construction activities would continue to be allowed and coordinated with Chapter 22 for the overall management of right-of-way.

STAFF COMMENTS:

In general, the Zoning Ordinance aligns with the intent of Chapter 30. Current language regarding prohibited use and nuisances that are beyond Chapter 30 standards will remain. **However, staff desires some clarification regarding vehicle definitions and storage issues described above to eliminate confusion on what code enforcement or nuisance abatement procedures will apply.** Once direction on these issues is clear, a draft ordinance for zoning amendments will be presented to the Planning and Zoning Commission and returned to City Council for final approval. The City's Legal Department will complete the other ordinance amendments for Council review.

Attachment A- Chapter 29-Zoning Excerpts

Article II

Sec. 29.201. DEFINITIONS.

(4) Accessory Parking means the parking of vehicles of the residents, customers, guests, employees, or owners of a site, not including vehicles for sale by the owner or tenant of the site. Vehicles under this definition must be registered and licensed and must be able to be started and move on their own power a distance of at least 200 yards. Accessory parking outdoors for more than 72 hours is considered outdoor storage as defined in this chapter.

(148) Outdoor Storage means the outdoor keeping of any goods, material, merchandise, vehicles, or other items for more than 72 hours, not including solid waste out of doors.

(151) Parking Area means any area consisting of any number of parking spaces and which is accessory to another use. (Ord. No. 3591, 10-10-00)

(152) Parking Lot means the area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. "Parking Lots" include motor vehicle displays or storage lots. (Ord. No. 3591, 10-10-00)

(153) Parking Space means any area designed and used for temporary location of a vehicle. "Parking space" shall not include any vehicular storage areas. Bicycle Parking is not a parking space, although it may be located within a parking area.

(231) Trucks and Equipment means those vehicles having a manufacturer's stated "gross vehicle weight" of more than 10,000 pounds

(237) Vehicle Storage means the keeping of vehicles as a characteristic attribute of a defined principle use, (e.g., parking associated with a towing company, or with a vehicle service facility). Vehicle storage does not include accessory parking as defined in this chapter and does not include parking associated with sales or leasing of vehicles. Vehicles stored outdoors for more than 72 hours are considered outdoor storage as defined in this chapter.

(238) Vehicular Storage Area means any open area on any parcel of land used for storing or keeping of motor vehicles, other vehicles, or parts thereof. "Vehicular Storage Area" shall not include any salvage yards. (Ord. No. 3591, 10-10-00)

Article III

Sec. 29.304. USE REGULATIONS

(1) Uses Regulated. No building or land shall be used or occupied, and no structure shall be constructed or altered to be used for any purpose other than a Permitted Use, including any use lawfully accessory to a Permitted Use. Any use not listed in this Ordinance as a Permitted Use, a Specially Permitted Use or as an accessory to a Permitted Use is prohibited.

(3) Prohibited Uses.

(a) Uses Prohibited in All Zones. The following uses of land and buildings are prohibited in all zones whether on public or private land:

(i) Any structure or building or any use of any structure, building or land that is injurious, obnoxious, dangerous or a nuisance to the City or to the neighborhood through noise, vibration, concussion, odors, fumes, smoke, gases, dust, harmful fluids or substances, danger of fire or explosion, or other features detrimental to the City or neighborhood health, safety, or welfare;

(iii) Outside storage of inoperative or unregistered motor vehicles for more than 30 days; and

Development Standards Article IV

Sec. 29.405. OUTDOOR DISPLAY AND STORAGE.

The extent to which the outdoor display of goods and outdoor storage are allowed is set forth in the individual Zone Development Standards Tables. Any outdoor display of goods and outdoor storage permitted shall be in accordance with the following standards:

(2) Outdoor Storage.

- (a) Outdoor storage areas must comply with all applicable setback requirements for buildings.
- (b) Outdoor storage areas shall count toward maximum building coverage limitations listed in the Zone Development Standards Tables.
- (c) All materials or wastes stored outdoors which cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects shall be stored only in closed containers.
- (d) No materials or wastes shall be stored or deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

Sec. 29.406. OFF-STREET PARKING

All parking and maneuvering area requirements, including front yard parking, driveway, and paving requirements are within 29.406 (extensive standards, not included here)

(19) Manufactured Home, Mobile Home, and Recreational Vehicle Parking. Manufactured homes, mobile homes, travel trailers, or recreational vehicles shall not be parked, stored, or occupied on any property which is not part of an approved manufactured home park, or the permanent installed site of a manufactured home. However, the parking of one (1) unoccupied travel trailer or recreational vehicle, boat, or boat trailer is permitted behind the front yard setback of the lot in any district, provided the travel trailer or recreational vehicle, boat, or boat trailer is not used for living quarters or business purposes. (Ord. No. 3591, 10-10-00)

(20) Trucks and Equipment Parking and Storage. The standards for truck and equipment parking apply to business vehicles and equipment that are parked regularly at a site. The regulations do not apply to pickup and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short-term basis. Permissibility of truck and equipment parking and storage is covered in the individual Zone Development Standards Tables. (Ord. No. 3591, 10-10-00)

Article XIII

Sec. 29.1304. HOME OCCUPATIONS.

(3) Regulation.

(a) Home Occupations are an allowed use, subject to conformance with all codes and standards of the Ames Municipal Code. No permit or license is required.

(b) A Home Occupation shall be operated and maintained in conformance with the criteria set forth in this section.

(4) Criteria.

(a) All Home Occupations must comply with City, County, and State regulations for public health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation, or traffic control, solid or hazardous waste, pollution, or noise control.

(b) Any Home Occupation that does not comply with all of the criteria in this section is prohibited.

(c) All Home Occupations must comply with the following requirements: (i) Operation, Impact, and Nuisance.

(a) The Home Occupation operation shall not alter the structure so that it is no longer a dwelling unit.

(b) The activity shall be conducted in a manner that will not alter the normal residential character of the premises.

(c) The use shall be compatible with the residential use of the property and with the surrounding residential uses.

(d) There shall be no emission of smoke, dust, odor, fumes, glare, noises, vibration, or electrical or electronic disturbances detectable at the lot line that would exceed what is normally produced by the residential use of a dwelling unit.

(e) Hours of operation for employees, clients/customers, and deliveries are to be between the hours of 6:30 a.m. and 7:00 p.m.

(v) Parking Criteria.

(a) A property with a Home Occupation shall meet all the standards for parking and driveways in Sec. 29.406, including but not limited to, the minimum number of required parking spaces, paving, and location requirements.

(b) Trailers, inoperable vehicles, and other Home Occupation-related equipment shall not be stored on the driveway. One operable company vehicle is allowed to park in the driveway.

(c) Only one delivery vehicle associated with the activity may be parked on the street near the premises for not more than 4 consecutive hours.

(d) One additional on-site parking space is required above the normal parking requirement where 2 or more clients/customers are likely to visit the premises concurrently.

(e) No more than 4 client or customer vehicles related to the Home Occupation during any given hour shall be allowed on the site.

(f) On street parking of equipment, vehicles, trucks, and trailers related to or used for the home occupation is prohibited, with the exception of one vehicle related to the home occupation that may be parked on the street.