

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENT RELATING TO MULTIPLE BUILDINGS ON SINGLE LOTS

BACKGROUND:

On May 28, 2019, based on the request of Nicole Neal of Civil Design Advantage, LLC on behalf of CCRC of Ames (Scenic Development), the City Council authorized an application for a text amendment to Section 29.401.(5) Multiple Buildings on Single Lots. **The applicant is specifically interested in adding the use of group living related to assisted living and senior living as an allowable multiple building use on a single lot.** City Council authorized the application for the zoning text amendment, but at staff's urging directed staff to broaden the request to address related issues for a variety of properties.

The City of Ames Zoning Ordinance restricts placement of multiple principal buildings on a single lot unless specifically authorized. The standard is based upon the use of the building. Section 29.401.(5) is listed below:

29.401.(5) Multiple Buildings on Single Lots.

(a) More than one commercial, industrial, hospital, institutional or public principal building may be erected on a lot, where such uses are permitted, provided that all setbacks from the property line otherwise required for a single principal building are observed. The distances between substructures shall be determined by the provisions of the City Building Code.

(b) More than one apartment dwelling is permitted on a single lot, provided that all area and setback requirements are calculated as if each structure were on its own individual lot. (Ord. No. 4122,09-11-12; Ord. No. 4161, 10-8-13)

The requirement of an individual lot for each residential building results in a mandatory subdivision process. This process allows the City to consider the design and layout of a project in relation to on-site and off-site improvement standards and criteria. It also supports creating smaller site sizes for ownership purposes. Until 2015, the only method to address off-site infrastructure needs was through the subdivision process. In 2015, the City adopted a missing infrastructure ordinance that applies to all uses, except one and two-family homes, that require frontage improvement at the time of development regardless of the subdivision process. **The 2015 ordinance has minimized the need for some of the zoning standards related to subdividing a lot for multiple buildings.**

The Zoning Ordinance also includes the standard to address site layout and building separation standards. Residential sites with apartments require assumed setbacks around all buildings whereas other uses apply setbacks based upon perimeter property lines. For those uses not listed, such as single family homes and group living uses, a property is not permitted to have multiple buildings on a site.

CCRC of Ames is interested in the proposed text amendment in order to move forward with adding one additional building to their Northridge Village campus located between George Washington Carver and Stange Road. If the amendment is approved, they would propose to add a 16-unit memory care facility, which is classified as a group living use within the Zoning Ordinance. All facilities on the campus are owned and operated by the same company and will function cohesively together.

If a text amendment is not approved, CCRC would have to consider a different process of rezoning the site to a PRD or for coordination of an Integrated Site Plan, Preliminary Plat, and Final Plat moving through the Planning & Zoning Commission, then onto City Council. Additionally, a Special Use Permit reviewed by the Zoning Board of Adjustment would be required for their specific proposed use. This process would create multiple properties to divide up the buildings on the site, even though they are intended to be owned and operated together.

In addition to the issue affecting CCRC, the current limited options for multiple buildings on a lot causes difficulty when uses are classified as residential, but are viewed by the owner/operator as more of a commercial or institutional use. The two most common examples of this issue are hotels/motel buildings in commercial zones and senior living/group living buildings in residential zones. **The primary difficulty with the subdivision requirement is not the creation of the property line, but the accompanying zoning standards related to setbacks, shared access, parking, landscaping and open space requirements that must be met for each lot and its property lines. Parking location and access are the most common complications for subdivision of a site.** By allowing for more flexibility in which properties are allowed to have multiple buildings it would ease some of the limitations caused by subdivision rules.

PROPOSED TEXT AMENDMENT:

The current language of the Zoning Ordinance addresses uses rather than zoning districts. Staff proposes to approach the issue with a combination of standards by zoning district and unique requirements for specific uses to help provide clarity on the applicability of the standards.

Staff proposes to allow multiple principal buildings within commercial, industrial, and special purpose districts for all uses with some noted exceptions. This language would allow for short term lodging use and group living use as new types of uses allowed for multiple buildings compared to existing standards. Apartments would be treated the same as current requirements, but clarify how a mixed-use building would be addressed based upon its underlying zoning. Currently, one and two family homes are not allowed to be located on multiple building sites, this standard would continue with clarification that a PRD can allow for alternative configurations.

Planning and Zoning Commission Recommendation:

On June 19, 2019, the Planning and Zoning Commission reviewed the proposed amendment and voted 7-0 in support of the changes included in Alternative #1, allowing Multiple Principal Buildings on a Single Lot in certain zoning districts with the added staff recommended language clarifying that no more than one single-family home is permitted on a lot in the South Lincoln Mixed-Use District (S-SMD). The Commission discussion focused on the process of development review and if there would be substantial changes in public notice and involvement in the review of a development proposal. Staff noted that there may be a minor number of preliminary plats for major subdivisions that would no longer be necessary, but in most instances there would be minimal effect on development awareness due to the combination of all zoning, subdivision, and permitting processes.

ALTERNATIVES:

1. The City Council can approve on first reading the proposed ordinance, which is a text amendment to Section 29.401.(5), Multiple Principal Buildings on Single Lots of the zoning ordinance, as attached.
2. The City Council can recommend alternative language for the proposed text amendment.
3. The City Council can request additional information and defer making a recommendation.

CITY MANAGER'S RECOMMENDED ACTION:

The Multiple Principal Buildings on a Single Lot standard has been a very important standard for the City in the past to address issues related to development of a site and infrastructure improvements. Recent city ordinances that address infrastructure needs and landscape standards have minimized the importance of the current standard. The requirement to subdivide does cause complicating factors for some applicants about how to meet zoning standards individually when the goal is for a site to operate cohesively and not independently. The proposed changes are relatively straight forward and easy to administer by staff.

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

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 29.401(5) THEREOF, FOR THE PURPOSE OF ALLOWING MULTIPLE PRINCIPLE BUILDINGS ON A SINGLE LOT; 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 amending Section 29.401(5) as follows:

“Sec. 29.401(5) Multiple Principal Buildings on Single Lots.

- (a) ~~More than one commercial, industrial, hospital, institutional or public principal building may be erected on a lot in an agricultural, commercial, industrial or special purpose zoning district, where such uses are permitted,~~ provided that all setbacks from the exterior property lines otherwise required for a single principal building are observed. The distances between buildings internal to the site shall be determined by the provisions of the City Building and Fire Codes.
 - (i) Exception. Within an Agricultural zone, only one single-family dwelling is permitted on a lot with or without additional principal buildings for permitted uses within the zone.
 - (ii) Exception. In the South Lincoln Mixed-Use District (S-SMD), no more than one single-family [or two-family] home is permitted on a lot and no other principal buildings are permitted on that lot.
- (b) Within a residential zoning district, only one principal building is permitted on a lot except as authorized in this section.
 - (i) ~~(b)~~ More than one apartment building is permitted on a lot, provided that all area and setback requirements are calculated as if each structure were on its own individual lot.
 - (ii) A principal use of Group Living within multiple buildings on a site may occur within medium and high density residential zoning districts, provided that all area and setback requirements are calculated and applied to each building.
 - (iii) Institutional uses may include multiple buildings provided that all area setback requirements are calculated and applied to each building.
 - (iv) A mixed-use building with Office or Trade uses and apartment dwellings shall be permitted to have multiple buildings on a lot subject to the standards of apartment buildings.
 - (v) A combination of principal uses within multiple buildings is permitted for uses described above, subject to the standards described for area and setbacks requirements.
 - (vi) Within a F-PRD zoning district, multiple principal buildings are permitted subject to approval of a Major Site Development Plan.
- (c) In cases where a Residential Use, as categorized within this ordinance, exists as a non-conforming use on a lot, additional principal buildings for a permitted use are not allowed.”

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