

ITEM#: 6
DATE: 09-04-24

COMMISSION ACTION FORM

SUBJECT: TEXT AMENDMENT TO ARTICLE 11 AND THE ALLOWABLE USES IN THE “O-SFC” (SINGLE FAMILY CONSERVATION OVERLAY DISTRICT) TO ALLOW SOCIAL SERVICE PROVIDERS WITH A SPECIAL USE PERMIT

BACKGROUND:

At the meeting on July 9, 2024, City Council received a request from Matt Mitchell, Founder and Board Member of the Ames Romero House (see Attachment A – Request to Council). The request is to have the City Council initiate a zoning text amendment to the “O-SFC” (Single Family Conservation Overlay District) to facilitate allowing, by Special Use Permit, establishment of new Social Service uses that are currently not permitted within the Overlay. This request is principally for the purpose of expanding/relocating the current 709 Clark Avenue Romero House to a second property at 702 Clark Avenue.

Ames Romero House has been operating as a non-profit organization at 709 Clark Avenue since September 2020. In 2021 there was correspondence with staff about use of the single-family home at 709 Clark and its limitations of use related to the rental code and household living for a single-family dwelling. At that time, the use was not defined as a “Social Service Provider” based upon staff’s understanding of the activities and nature of the use for overnight stays.

Based upon recent conversations with the Romero House representatives and a review of their onsite activities, the use aligns with the description of a “Social Service Provider” more than a “Household Living” use. The operator of the Romero House now describes the operations of their existing site and desired expansion to 702 Clark as resulting in five men living at 709 Clark and to have hospitality services for public use at the planned 702 Clark Avenue site.

The Romero House self-describes offering hospitality services to those who seek assistance in Ames. The services include daytime hospitality through the provision of food, a shower, winter clothes, and laundry facilities between the hours of 1:00 pm and 4:00 pm, Monday through Friday, and from 10:30 am to 4:00 pm on Sundays. They have, in the past, also had religious services or larger gatherings at 709 Clark, which is not proposed to occur in the future. **Note this proposed zoning text amendment does not address the individual operations of a facility, only a future Special Use Permit would address these types of operational details. If the text amendment is not approved, the 709 Clark Avenue site will be required to conform to zoning and rental code requirements of a household use.**

Upon review of the Romero House's current activities and their planned use of 702 Clark, staff indicated that their operations were not typical household living use, including the definition of a "Family" for occupancy limits, and that they would be classified as a "Social Service Provider," which is not permitted in the O-SFC. This prompted the request by the Romero House for a zoning text amendment to allow "Social Service Providers" as a use in the O-SFC, through the approval of a Special Use Permit by the Zoning Board of Adjustment (ZBA).

Single Family Conservation Overlay District (O-SFC)

It is important to note that the O-SFC was established in the 1990s in response to the erosion of the neighborhood's one- and two-family housing, primarily through multi-family conversions and other uses, such as social service providers. The O-SFC includes the properties, as shown on Attachment B – Single Family Conservation Overlay District (O-SFC). This includes the area between 7th Street and 11th Street, and between Duff Avenue and Grand Avenue. The residential and religious institution area between 5th Street and 6th Street and Clark Avenue and Grand is in the O-SFC. Residential lots that abut the east side of Duff Avenue between E. 9th Street and 10th Street, as well as the properties at 924 Duff Avenue and 111 E. 9th Street are also in the Overlay area.

The purpose statement of the Overlay, which provides an overview of intent for the area, is quoted below and the full regulations are attached. The intent is to limit intensification of uses in the area and for design compatibility with traditional homes.

(1) **Purpose.** The Single-Family Conservation Overlay (O-SFC) Zone is intended to conserve the existing single-family residential character of areas identified as O-SFC adjacent to the downtown. The O-SFC is intended to protect single-family neighborhoods while guiding the transition to higher density and compatibility with the surrounding uses where intensification is permitted. The O-SFC is meant to help maintain the general quality and appearance of the neighborhoods; promote a more cohesive look to the neighborhoods; recognize the neighborhood characteristics as a major part of the City's identity and positive image; promote local design qualities; stabilize and improve property values; reduce conflicts between new construction and existing homes; and allow a limited amount of increased housing densities.

Zoning Limitations of Existing O-SFC

Although the area has a base zone of Residential Medium (RM) reflecting its general density of buildings, the O-SFC restricts uses and applies design requirements in support of primarily one- and two-family homes. Existing social service providers in this area, such as YSS, are considered "legal nonconforming uses" because they were established prior to the current zoning limitations.

The Zoning Ordinance limitation of use for “Social Service Providers” is the O-SFC, which currently allows only the following types of uses:

- Dwelling – Single Family.
- Dwelling – Two Family.
- Bed & Breakfast Establishment; and,
- Vacation Lodging (*Essentially AirBnB rental properties*).

Apartment dwellings are permitted upon a determination by the City Council that certain standards have been satisfied for the design and the unit count is within limits established for the overall neighborhood.

At this time, staff is aware of two YSS operated social service facilities in the neighborhood per the YSS website. These existing facilities are considered nonconforming uses as they predate the current restrictions. There are other nontraditional residential uses that are operated as rental properties or group living uses that are not social service providers.

Social Service Provider

A “Social Service Provider” is a broad category of use and defined in the Municipal Code, as follows:

“Table 29.501(4)-5 Institutional Use Categories of the Municipal Code:

Social Service Provider uses (SSPs) are primarily engaged in providing on-site counseling, meals, or shelter beds for free or significantly below market rates. Uses that provide food on-site as an Accessory Use are not included if the service is provided fewer than 3 days a week. For example, a church that provides a free or low-cost meal once a week would not be classified as an SSP use.”

Currently in the City, the concept of a Social Service Provider is allowed in a limited number of residential areas of the City. It is a “permitted use” in the regular (RM) Residential Medium Density Zone. Note that the O-SFC Overlay overrides the base zoning allowance, and in (RH) Residential High Density. It is also permitted with the South Lincoln Mixed Use Special Purpose Zoning District.

The (FS-RM) Suburban Residential Medium Density Floating Zone allows “Social Service Providers” through the approval of a Special Use Permit by the Zoning Board of Adjustment.

“Social Service Providers” are permitted, only if pre-existing, in (RL) Residential Low Density, and the (UCRM) Urban Core Residential Medium Density. These zones are the most like the O-SFC limitations.

Proposed Zoning Text Amendment

The Romero House was authorized by Council to request a zoning text amendment to establish a social service use by Special Use Permit within the O-SFC. The proposed text amendment language is simple in terms of modifying the list of permitted uses to allow Social Service Provider by Special Use Permit. No other standards or criteria for the Special Use Permit are proposed with the change. See Attachment F.

A Special Use Permit is a process that allows for case-by-case consideration of a unique use or site to determine if a proposed use is permissible. This differs from a “by-right” or permitted use category where no discretion applies to the consideration of the use.

Before a Special Use Permit can be approved, the Zoning Board of Adjustment (ZBA) shall establish that the general standards, and residential zone (in this case), have been satisfied (see Attachment H – Special Use Permit Requirements and Criteria). The Board’s action shall be based on stated findings of fact related to the criteria.

The benefit of a Special Use Permit is a disclosure of operations and configuration of a site for a use to determine within the boundaries of the criteria if the use is compatible. The Special Use Permit alone does not preclude uses or create separation requirements. Consideration of the area can relate to the general conditions of the area for the proposed use, but the overall review will be focused on the specific site that is the subject application before the ZBA.

Although not included with the proposal, some Special Uses do include additional criteria that are applied to a project, in addition to the general criteria. These types of uses are part of Article XIII of the Zoning Ordinance and can include design requirements or other site requirements. At the time the request was initiated, staff identified that concentration or separation criteria could be considered for a use of this type. However, doing so would likely limit the 702 Clark site that is the Romero House’s interest from consideration since it abuts an existing Social Service Provider use of Youth and Shelter Services (YSS).

Ames Plan 2040

For the City of Ames, the decision to create, change, or delete zoning district standards or the mapped areas of the city are reviewed within the context of the comprehensive plan (Ames Plan 2040) and the general standard of the public interest. Plan 2040 addresses multiple policy issues related to change and growth within the community, including housing needs and neighborhood character. The Plan includes general principles/goals that are then refined by policies/objectives. Zoning decisions, such as the proposed text amendment, are considered more detailed implementation steps of the concepts of the comprehensive plan.

Staff believes the most relevant components of Ames Plan 2040 to the proposed change are the Growth and Land Use Element and the Neighborhoods, Housing, and Sub-Areas Element with the Land Use designation as having the most specific applicability to changes to O-SFC. None these Elements include specific language regarding social service uses directly.

Growth and Land Use Element includes the principle of G6 of Planning for Equity with consideration of diverse needs and to include diverse opinions within the process of review. The Land Use principle of LU2 for Compatibility and Flexibility that applies to the issue of changing uses within established areas. The Housing, Neighborhood, SubArea Element includes principles H1 Housing Choice related to housing needs and attainability while the principle H2 Neighborhood Quality focuses on consideration of maintaining neighborhood character of the building quality.

In addition to general principles, Plan 2040 utilizes Land Use designations to refine issues pertinent to different geographies of the city. In this case the O-SFC zoning overlay area is primarily designated “Residential Neighborhood 1 (RN-1: Traditional), with the exception of the southwest corner of the area for properties with the designation of “Core” between 6th Street and 7th Street and west of Clark Avenue (see Attachment C – Ames Plan 2040 Future Land Use).

Residential Neighborhood 1 (RN-1: Traditional) Land Use Designation
(See Attachment D)

The “RN-1: Traditional” designation includes “RM” and “O-SFC” as applicable existing zoning categories, among others, for this land use designation.

Most development occurred in the late 19th and first-half of the 20th century. Development is largely, but not exclusively, residential.

The areas designated as RN-1, include diverse housing within the same time periods and street context. Areas of both larger detached single-family housing, small single-family housing, and a mix of two-family residential, and small apartment buildings with single-family homes are also found in areas with the RN-1 designation.

Other features include:

- There are generally small sites and lots, with a fine scale of detail and development patterns.
- Connected traditional grid street with sidewalk continuity often with alleys.
- Pedestrian rather than automobile orientation and scale. Garage access off alleys from street.
- Transit access in some dense areas.
- Later 20th century development not always compatible in design with original development styles and patterns.

Goals:

Residential neighborhood conservation is the primary goal of areas designated as RN-1, including:

- Building quality of older homes.
- Reinvestment in and improvements to property.
- Affordable housing opportunities.
- Ownership housing opportunities.
- Infrastructure quality, including street trees.
- Maintain existing residential densities. Current density ranges from three to eight units per acre. Future development should not exceed eight units/acre.

Staff believes that Plan 2040 emphasizes maintaining neighborhood qualities and to balance this interest when considering proposed changes, such as the proposed new use allowance. Overall social service uses are allowed within the City in other zoning districts and the consideration at hand is if the O-SFC should become an additional area where such a use could be sited. Plan 2040 does not directly address this issue and consideration of its general policies are needed as part the review of the proposal.

Notification:

As a zoning text amendment of general applicability, there is no direct property owner notice requirement prior to review of the amendment. City staff has notified the Old Town Neighborhood Association Board of the proposed amendment. A Board member sent questions to staff about the nature of the request/use, standards for the use, and the mix of other uses existing in the area related to concentration and separation of non-residential uses. Although no written correspondence has been delivered to staff at this time, staff believes there are interested parties from the neighborhood regarding this proposal.

If the text amendment is approved, a future Special Use Permit application will have notice prior to a ZBA public hearing sent to all property owners within 200 feet and a posted sign on site.

ALTERNATIVES:

1. Recommend that City Council amend Article 11 and the Allowable Uses in the “O-SFC” (Single Family Conservation Overlay District) to allow Social Service Providers with a Special Use Permit.
2. Recommend modification of the zoning text amendment language and for City Council to approve an amendment to allow for Social Service Provider Uses within the O-SFC.

3. Recommend that City Council deny the proposed zoning text amendment to the O-SFC.

PLANNING AND HOUSING DEPARTMENT RECOMMENDATION:

The Single Family Conservation Overlay District (O-SFC) was first established in the 1990's to limit other types of uses, such as apartment buildings and social service providers from concentrating in the area where single family homes were first constructed north of downtown Ames. This was in addition to the establishment of the Old Town Historic District in the late 1980's and included a much larger area than the local historic district.

Amending the zoning regulations to allow "Social Service Providers" as a use in the O-SFC, through approval of a Special Use Permit, would not apply exclusively to the Romero House property. It would also apply to other Social Service Providers that are currently located in the O-SFC, or may choose to locate on any other property, within the O-SFC, in the future. It would also then allow for potential changes to the existing facilities in the neighborhood.

It is not unprecedented that "Social Service Providers" are allowed in a zoning district through the approval of a Special Use Permit (SUP). There is one residential zone (FS-RM) and four commercial zones (HOC, PRC, DSC, S-SMD, and CSC) that also allow the use through approval of a SUP by the Zoning Board of Adjustment (ZBA). These uses vary in nature and intensity and are generally subject to heightened review process because of the unique elements of each proposal. Some uses operate more in the character of a residential use while others operate as more of commercial/transient type of use that is not always compatible with residential settings.

Staff believes the that the first consideration for this request is if in general the use could be compatible within the existing neighborhood conditions since it applies to one specific area of the City and the concept of a social service use is already allowed within other zoning districts. Secondly, the consideration of the permitting process with a SUP takes the proposed use to a site-specific evaluation process.

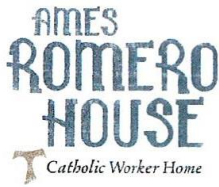
The SUP approval process provides the neighborhood with an opportunity for input at a formal public hearing of the ZBA about the operation of the use. The ZBA must follow the general and residential standards, and their decision to grant approval of a SUP shall be based upon stated findings of fact.

The O-SFC covers a large area of approximately 6 x 4 street blocks and it has a very diverse mix of uses and transitions to other neighborhoods. In many ways it is unique within the City. Overall staff believes that there continues to be concerns about the O-SFC neighborhood's mix of uses and their relationship to the intended traditional residential character, both in use and in its aesthetics, compared to many neighborhoods within the City.

Plan 2040 generally addresses the issues of neighborhood conservation while considering potential change to an area and how it could impact a neighborhood. The proposal allows for a case-by-case review of a SUP, which staff believes addresses the interest of compatibility and that there are likely sites that could reasonably accommodate a proposed social service use without materially impacting the character of the area. Although no concentration or separation requirement is proposed, generally sites on the periphery adjacent to other commercial areas or on sites along major roadways would be the most likely candidate sites for a SUP of this type. The design elements of the neighborhood are unlikely to be impacted by consideration of the Social Service Provider use as those standards are applied to all buildings regardless of use.

Therefore, the Planning and Housing Department recommends Alternative 1.

**Attachment A
Request to Council**



Ames Romero House
709 Clark Ave
Ames, IA 50010
515-337-8088

24 May 2024

Dear Ames City Council Staff,

Please consider this letter the Ames Romero House's official request for the City Council direct staff to prepare a zoning text amendment to the Single-Family Conservation Overlay District. During our meeting with Planning and Zoning staff, the Ames Romero House was told this zoning text amendment would be necessary in order for us to provide further service to the community within the SFCOD at 702 Clark Avenue.

The Ames Romero House (ARH) is a 501c3 non-profit organization and volunteer operated community providing hospitality services to those who seek assistance in Ames. We offer daytime hospitality through the provision of food, a shower, winter clothes, laundry facilities, and positive community between the hours of 1 pm to 4 pm Monday to Friday and from 10:30 am to 4 pm on Sundays. Additionally, our live-in staff and volunteers act as advocates and shepherds for those who need help contacting other local services for clothing, housing, or government assistance. The ARH is operated entirely by the goodwill and private donations from its community members.

Currently, the ARH homebase is located at 709 Clark Ave. and acts as an office, hospitality home, and housing for our live-in staff. As of 22 May 2024, the ARH closed on the house located at 702 Clark Ave with the intention to use it specifically for hospitality and an office, thus making 709 Clark Ave. a space for our live-in staff to reside. The layout of 702 Clark Ave. directly matches the needs of our service mission, and the Ames Romero House looks forward to the ways in which this 702 house will further help serve the needs of the City of Ames and of our fellow Ames neighbors who are often without a physical home.

We sincerely thank you for receiving our request and eagerly anticipate your decision.

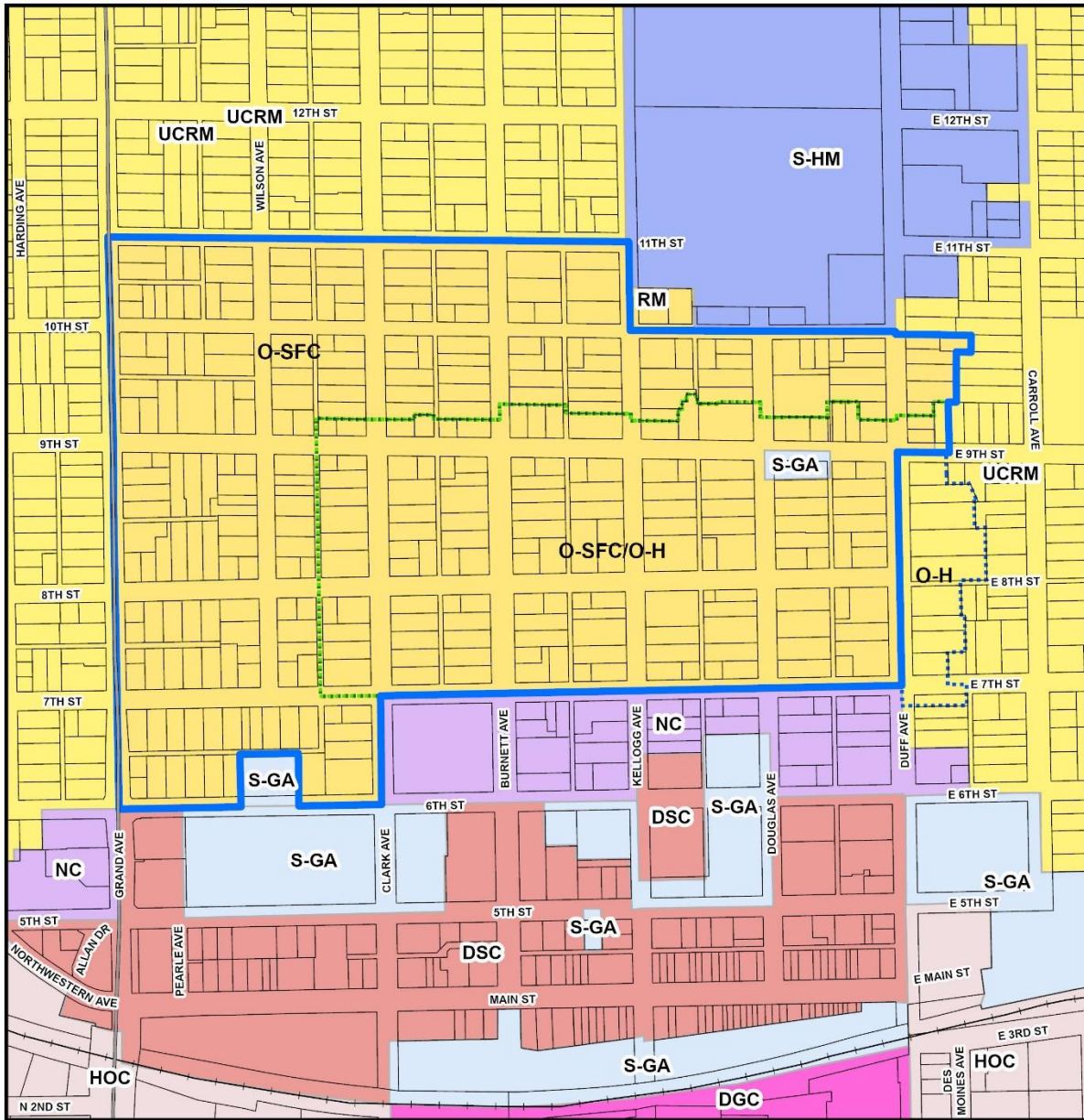
Blessings,

Matt Mitchell

Ames Romero House
Founder, Board Member

staff@amesromerohouse.org | amesromerohouse.org

Attachment B Single Family Conservation Overlay Zoning District (O-SFC)

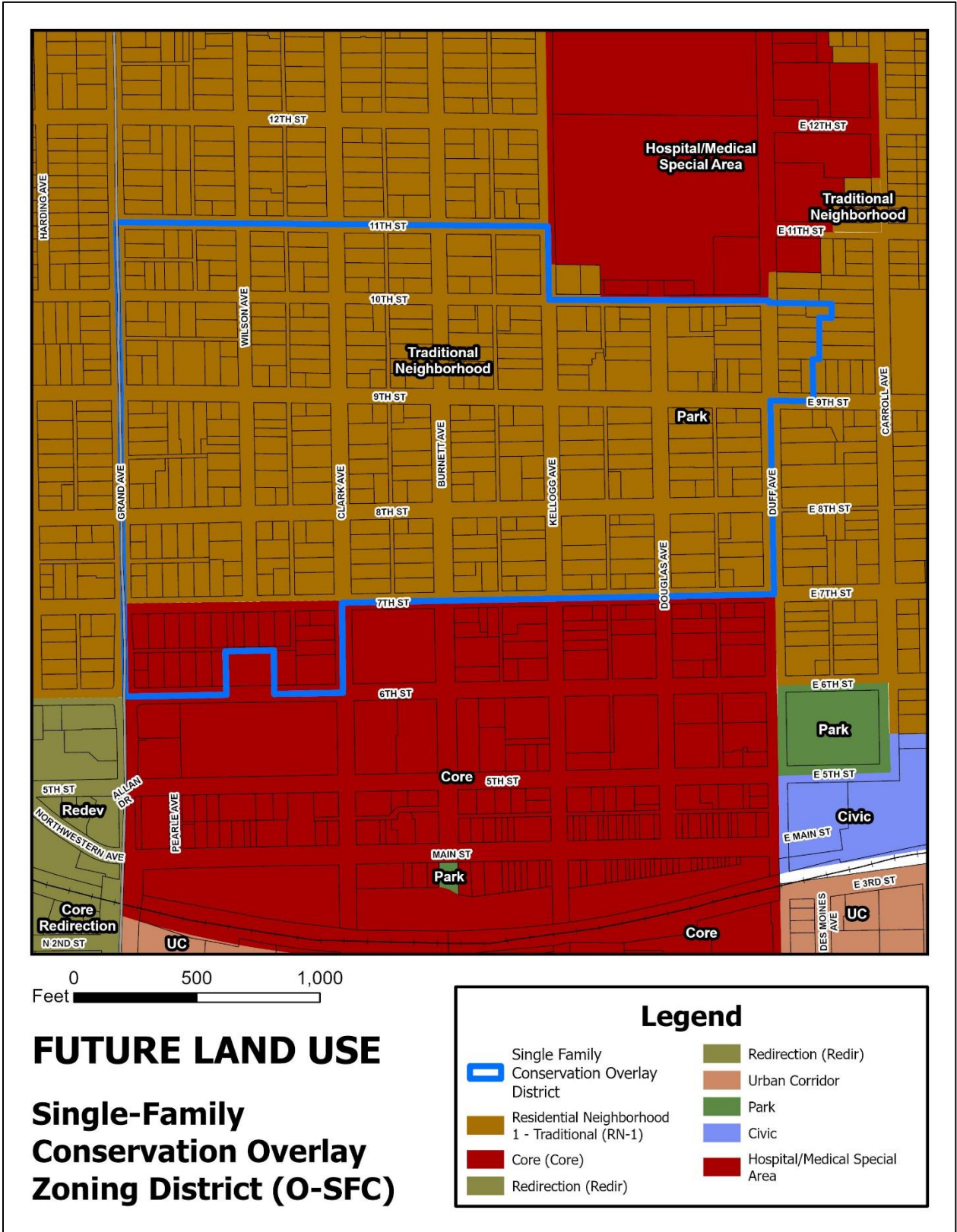


ZONING

Single-Family Conservation Overlay Zoning District (O-SFC)

Legend	
	Single Family Conservation Overlay District

**Attachment C
Ames Plan 2040 – Future Land Use**



Attachment D Residential Neighborhood 1 (RN-1: Traditional)

LAND USE: CATEGORIES

Residential Neighborhood 1 (RN-1: Traditional)

- » Most development occurred in late 19th and first-half of 20th century.
- » Largely but not exclusively residential.
- » Diverse housing within the same time periods and street context. Areas of both larger detached single-family housing, small single-family housing, and a mix of two-family and small apartment buildings with single-family homes.
- » Generally small sites and lots, fine scale of detail and development patterns.

- » Connected traditional grid street with sidewalk continuity often with alleys.
- » Pedestrian rather than automobile orientation and scale. Garage access off alleys or setback from street.
- » Transit access in some dense areas.
- » Later 20th century development not always compatible in design with original development styles and patterns.

- APPLICABLE EXISTING ZONING CATEGORIES**
- » UCRMI Urban Core Residential Medium-Density
 - » RM Residential Medium-Density
 - » RL Residential Low-Density
 - » O-5FC SFCOD Overlay
 - » O-H Historic Overlay
 - » O-UIE University Impact Overlay

GOALS

- » Residential neighborhood conservation is the primary goal, including:
 - » Building quality of older homes.
 - » Reinvestment in and improvements to property.
 - » Affordable housing opportunities.
 - » Ownership housing opportunities.
 - » Infrastructure quality, including street trees.
- » Maintain existing residential densities. Current density ranges from three to eight units per acre. Future development should not exceed eight units/acre.

DEVELOPMENT GUIDELINES

- » Identify architectural qualities and patterns that support character of an area and support retention of these features with design guidelines.
- » Central locations and good transportation choices could produce interest in infill and high intensity uses. Priority is to maintain existing residential character without a comprehensive strategy for increasing housing options on a broader level. Appropriate infill options should be limited to second units or small attached townhome type units that maintain the character and scale of traditional homes. Maintain single-family character on single-family residential blocks.
- » Develop standards for accessory dwelling units (ADUs) that allow them without degrading neighborhood character.
- » Infill limited to attached units and small townhomes.
- » Small-scale office and commercial uses with limited traffic generation that preserve residential scale along avenues, mixed use avenues, and thoroughfares.
- » Allow common accessory functions, places of worship, and parks.

PUBLIC ACTIONS

- » Continue to maintain and enhance road, sidewalks, street trees, water, sewer, electric infrastructure. Upgrade infrastructure capacity as needed, including adding storm water enhancements.
- » Support sidewalk infill to complete connections and corridors consistent with complete street and enhanced mobility.
- » Preference for infrastructure improvements that are consistent with the residential character and context sensitive to historical patterns.
- » Support for owner-occupied housing stock options.
- » Support access to transit in denser areas.
- » Use design and character priorities in place of density for planned developments and small-site infill options.
- » Consideration for additional historic or conservation district inventory and designation.
- » Review zoning standards to address design compatibility and allowances for setback and coverage exceptions in support of reinvestment in single-family homes.

Attachment E "Core" Land Use Designation

LAND USE: CATEGORIES

Core

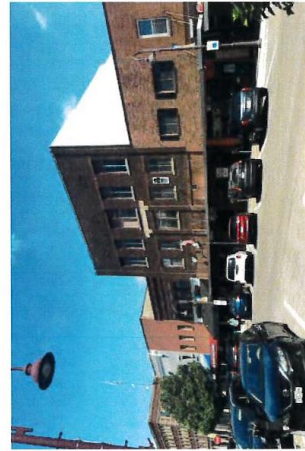
- » Principal mixed-use central districts and identifiable image centers for Ames: Downtown and Campustown.
- » Variety of uses, with a focus on street-oriented "main street" retail, food and beverage establishments, civic and public facilities, offices, services, medium and high-density residential.
- » Pedestrian orientation, with well-developed sidewalk environments, often with enhanced streetscapes.

- » Parking provided on-street or in public lots or structures, rather than by individual businesses.
- » Major transit centers.
- » Often includes locations that host special events, festivals, or other civic activities for the district or larger community.

- APPLICABLE EXISTING ZONING CATEGORIES**
- » DSC Downtown Service Center
 - » S-GA Government
 - » CSC Campustown Service Center
 - » DGC Downtown Gateway Commercial

GOALS

- » Maintain status as significant centers of public life and community.
- » Continue to provide opportunities for business innovation and small business.
- » Expand with a variety of new uses, including living environments, into underutilized surrounding areas, while reinforcing adjacent neighborhoods.



DEVELOPMENT GUIDELINES

- » Continued investment and updating of the public environment as community destinations.
- » Recognize areas as employment and activity areas, including support for nightlife.
- » Reinforce design standards and goals with enhanced building materials, large windows, pedestrian orientation, and design articulation.
- » Improvement of routes and facilities for alternative transportation, including bicycle infrastructure and parking; and comfortable and direct connections to the city shared use path system.
- » Support for continued urban commercial and mixed-use development.
- » Support high intensity floor area ratios and minimum development intensity standards.
- » Avoid prominent surface parking lots and plan for structured parking with new development and redevelopment.

PUBLIC ACTIONS

- » Support marketing and management programs for maintenance, event programming, and district promotion.
- » Update specific district development plans and design guidelines.
- » Evaluate street sections to retain customer convenience including on-street parking availability to serve the broader community. Emphasize use by pedestrians and plan for bicyclists and users of micro-mobility modes.
- » Allow high intensity infill development options that meet street level design objectives.
- » Support Historic District design character for Downtown.
- » Consider district expansion opportunities south of Main Street in Downtown and in carefully designated areas adjacent to Campustown. Establish a sharp edge to this redevelopment activity.
- » Evaluate commercial options in light of changing online retail environment.
- » Review existing ordinances and right-of-way use to maximize potential for outdoor dining as appropriate.

Attachment F
Proposed Zoning Text Amendment

Section 29.1101. “O-SFC” Single Family Conservation Overlay District

(4) Permitted Uses.

(a) Subject to the Building/Zoning Permit requirements of Section 29.1501, land, buildings, and structures may be used for the following purposes in an O-SFC Zone without City Council approval, in accordance with standards and regulations of the Base Zone:

(i) Dwelling – Single-Family

(ii) Dwelling – Two-Family

(iii) Bed & Breakfast Establishment (See Section 29.1302)

(iv) Vacation Lodging

(v) Social Service Provider (Special Use Permit approved by the Zoning Board of Adjustment is required.)

Attachment G

(O-SFC) Single Family Conservation Overlay District Requirements

Sec. 29.1101. "O-SFC" SINGLE FAMILY CONSERVATION OVERLAY DISTRICT.

(1) **Purpose.** The Single-Family Conservation Overlay (O-SFC) Zone is intended to conserve the existing single-family residential character of areas identified as O-SFC adjacent to the downtown. The O-SFC is intended to protect single-family neighborhoods while guiding the transition to higher density and compatibility with the surrounding uses where intensification is permitted. The O-SFC is meant to help maintain the general quality and appearance of the neighborhoods; promote a more cohesive look to the neighborhoods; recognize the neighborhood characteristics as a major part of the City's identity and positive image; promote local design qualities; stabilize and improve property values; reduce conflicts between new construction and existing homes; and allow a limited amount of increased housing densities.

(2) **Definitions.** See Section 29.201 of this Ordinance.

(3) **Findings.** The O-SFC is based in part on the findings that:

(a) Conservation of older residential areas continues to provide a broad range of housing choices;

(b) Conservation of architecturally significant structures adds to the distinctiveness of a neighborhood and encourages a sense of "place";

(c) The downtown is strengthened by the existence of healthy residential neighborhoods nearby;

(d) The existing single-family residential character can be conserved while guiding the transition and compatibility where intensification is permitted; and

(e) Standards that encourage in-fill development, retain the values of surrounding development and protect the City's unique character will promote stable neighborhoods.

(4) **Permitted Uses.**

(a) Subject to the Building/Zoning Permit requirements of Section 29.1501, land, buildings and structures may be used for the following purposes in an O-SFC Zone without City Council approval, in accordance with standards and regulations of the Base Zone:

(i) Dwelling – single-Family

(ii) Dwelling – Two Family

Attachment G (O-SFC) Single Family Conservation Overlay District Requirements - Continued

- (iii) Bed & Breakfast Establishment (See Section 29.1302)
- (iv) Vacation Lodging

(b) All uses and structures conforming to the Base Regulations, and all lawfully vested nonconforming uses and structures that exist in the O-SFC on the effective date of the amendment of the official zoning map to show the O-SFC are hereby deemed to be conforming with the terms of this Section. The O-SFC shall not be deemed to create a nonconforming use or structure within the scope of Section 29.307.

(Ord. No. 4398; 11-12-19; Ord. No. 4427, 12-22-20)

(5) **Site Development Plan Review.** In the O-SFC, there shall be no construction of a new multifamily building or any addition to an existing multifamily building or to a nonconforming building whether vested or not until after Plan approval is granted pursuant to the provisions contained in this Section and Section 29.1502(4), unless exempted by Section 29.1101(4)(a) above. Approval decisions under this Section 29.1101 for sites located in a Historic Preservation District shall be made by the Historic Preservation Commission. For sites in the O-SFC but not in a Historic Preservation District, Site Development Plan approval decisions shall be made by the City Council.

(6) **Intensification Limited.** In the O-SFC the maximum number of dwelling units, of any kind defined in Section 29.201, shall not at any time be permitted to exceed 648. Approved accessory dwelling units (ADUs) after January 1, 2024, are exempt from this limitation. Additionally, in the O-SFC, apartment dwellings shall not be permitted unless the plans for the project meet the following standards:

(Ord. No. 4516, 01-09-24)

(a) The existing infrastructure must be sufficient to support the proposed project at the time of application, or sufficient infrastructure shall be provided as a part of the proposed project. "Sufficient infrastructure" includes water distribution, sanitary sewer, storm drainage, fire protection, streets and transportation, refuse collection, greenway connectors and/or sidewalks;

(b) The development has convenient access to public services, public transportation, or major thoroughfares;

(c) Housing developments shall be in character with the surrounding neighborhood(s) in terms of scale and character of the architectural elements; and

(d) Any yard that abuts another residential Zone, dwelling unit type or density shall be not less than the corresponding front, side, or rear yard requirement of the adjacent district, dwelling unit type or density.

(7) **Bulk Regulations.** Land, buildings and structures used in the O-SFC shall comply with the lot area, lot width, and yard requirements as provided in the Base Regulations.

(8) **Landscaping, Screening and Buffer Areas.** Landscaping, screening and buffer areas shall be provided in accordance with Section 29.403.

(9) **Compatibility Standards.** New construction of any principal building or other structure or any change in the use of land shall comply with the following compatibility standards. Accessory dwelling units (ADUs) are not subject to the compatibility standards.

(Ord. No. 4516, 01-09-24)

(a) **Driveways.** All new driveways that are located in the front yard shall be of a width no greater than 12 feet. This width limitation shall apply to only that area between the street and the primary facade of the structure. The front yard shall always be the narrowest portion of a lot that fronts a street. For lots accessible from an alley, any new driveway shall be constructed in the rear yard with access only from the alley. Existing front yard driveways may be maintained or replaced but shall not be widened to more than 12 feet in width. Driveways leading from an alley that provide access to a parking lot may be constructed at a width of 16 feet.

(b) **Garages.** The purpose of this subsection is to establish the setback requirement for i) garage setback from an alley and ii) garage setback from the front of a principal building. Detached garages that open to an alley shall be located either 8 feet from the property line abutting the alley or a minimum of 20 feet from the property line abutting the alley. No setback distance that is more than 8 feet but less than twenty feet shall be allowed. All garages, attached or detached, shall be set back a minimum distance of 18 feet behind the primary facade of the principal building on the lot.

(c) **Parking.** No parking lot shall be located in the front yard or side yard of any lot. Only rear yard parking lots are allowed.

(d) **Trees.** Any tree that is removed from the street right-of-way shall be replaced in the street right-of-way as close to the original location as possible.

(e) **Solids and Voids.** A solid to void ratio shall be required for the primary facade, including any recessed facades that face the front yard, and the secondary facade. The void requirements for the primary facade of

Attachment G

(O-SFC) Single Family Conservation Overlay District Requirements - Continued

new buildings shall be a minimum of 15% and a maximum of 80%.

(f) **Roofs.** A minimum roof pitch of 6:12 rise to run shall be required. However, mansard and mansard-style roofs will be permitted. Building additions, with the exception of porches and stoops, shall be required to have similar roof pitches as the existing structure to which they are being added. The roof pitch requirement shall not apply to porches or stoops.

(g) **Dormers.** Where the primary facade does not have a gable facing the street, a minimum of one dormer shall be required for every 15 feet of street-facing roof width, after the first 20 feet.

(h) **Windows.** Windows shall have a width-to-height ratio of 2:3. This requirement shall only apply to the primary facade, front facing recessed facades, and the secondary facade. In addition, an exception will be made for decorative windows, gable windows, or a single large window where the interior floor plan contains a space where such a window type would be expected.

(i) **Entrances.** There shall be an entrance with a porch or stoop on the primary facade of any new structure. This entrance shall face the street and be accessible by means of a paved walkway. No more than one entrance shall be placed on any primary or recessed facade.

(j) **Porches.** Where a porch is constructed, the porch shall have a depth of not less than 6 feet and shall extend a minimum of 50% of the width of the facade to which it is attached. Porches shall not be enclosed by walls, windows, or solid doors and shall not exceed 10 feet in height measured from the floor of the first story to the roof line.

(k) **Stoops.** A stoop shall be of a width not greater than 30% of the width of the facade to which it is attached and shall be of a depth not less than 4 feet. Stoops shall not be enclosed by walls, windows, or solid doors and shall not exceed 10 feet in height, measured from the floor of the first story to the roof line. The roof of a stoop that is supported by brackets shall project from the building a minimum depth of 4 feet.

(l) **Foundations.** Substantial foundation plantings shall be required to screen the base of the primary and secondary facade of any new building. The first floor elevation shall be constructed a minimum of one and one-half feet above grade. Grade shall be determined at the high point of the sidewalk that is located in the public right-of-way parallel to and abutting the front of the lot. In addition, ground-mounted mechanical units shall be screened with plantings.

(m) **Orientation.** Structures shall be situated at right angles with the street. Primary facades shall be parallel with the street to which they front. Buildings shall be oriented perpendicular to the front facing facade.

(n) **Width - Building.** No building shall be constructed or remodeled to have a width greater than 76 feet.

(o) **Width - Facade.** The primary facade of a building shall have a width between the range of 24 feet and 38 feet. Any portion of the building that is wider than the primary facade shall be recessed from the primary facade a distance of not less than 8 feet. A second primary facade will be permitted, provided that it is separated by a recessed facade that conforms to the minimum facade width of 24 feet.

(p) **Height.** No structure shall be constructed or remodeled to a height greater than 3 stories or 40 feet, whichever is lower.

(q) **Lot Configurations.** Lots in the O-SFC shall remain configured as they are on the date that the O-SFC regulations go into effect. In the O-SFC a Zoning Permit shall not be issued with respect to one or more dwelling units to be established on a lot formed by the combination of 2 or more lots or the combination of the parts of 2 or more lots or the combination of a lot and a part or parts from one or more lots.

(r) **Compliance.** New buildings shall be constructed in full compliance with subsections (a) through (q) above. In building additions or remodeling it is not required that the entire building be brought into full compliance with subsections (a) through (q). It is only required that the addition or remodeling comply. It is required that the addition or remodeling does not have the effect of increasing the level or degree of nonconformity of the building as a whole.

(10) **Parking Requirements.** Off-street parking shall be provided and maintained in accordance with the Base Regulations.

(11) **Historic Preservation.** In those parts of the O-SFC that have been designated as Historic Preservation District, the historic preservation regulations of Chapter 31 shall also apply in addition to the Base Regulations and the O-SFC regulations. In the event of conflict between the historic preservation regulations and the O-SFC regulations, the historic preservation regulations shall control. Any plan approval decision required by this Section shall be made by the Historic Preservation Commission when the site is in an Historic Preservation District. When the site is not in an Historic Preservation District, the Site Development Plan approval decision shall be made by the City Council.

Attachment H

Special Use Permit Requirements and Criteria

Sec. 29.1503. SPECIAL USE PERMIT.

(1) **Purpose.** This Section is intended to provide a set of procedures and standards for specified uses of land or structures that will allow practical latitude for the investor or developer, but that will, at the same time, maintain sound provisions for the protection of the health, safety, convenience, and general welfare. This Section permits detailed review of certain types of land use activities that, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structural uses possessing these characteristics may be authorized within designated Zones by the issuance of a Special Use Permit. This Section also provides for the use of Single-Family Dwellings, Two Family Dwellings, and Single Family Attached Dwellings by a Functional Family.

(2) **Submittal Requirements.** In accordance with Section 29.1503, Applicants must submit an Application for a Special Use Permit to the Planning and Housing Department for consideration by the Zoning Board of Adjustment. The Application for a Special Use Permit shall be accompanied by:

(Ord. No. 4475, 08-09-22)

(a) A statement of supporting evidence that the general and specific standards as delineated in this Article will be fulfilled;

(b) A Site Plan meeting all the submittal requirements stated in Section 29.1502(2), unless no site improvements are required; and

(Ord. No. 4475, 08-09-22)

Attachment H Special Use Permit Requirements and Criteria - Continued

(c) Preliminary plans and specifications for all construction, as applicable.

(3) If a proposed Special Use is within an existing building and improved site, plans for use of the site and building must be submitted in lieu of the Site Plan requirements.
(Ord. No. 4475, 08-09-22)

(4) **Procedure for Special Use Permits.**

(a) Zoning Board of Adjustment. The Zoning Board of Adjustment shall consider the application at a public hearing conducted as part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail, posting, and publication, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above. The Zoning Board of Adjustment must approve, deny, or modify the Special Use Permit application within 60 days of the public hearing. *(Ord. No. 3815, 12-21-04; Ord. No. 3983, 2-10-09; Ord. No. 4475, 08-09-22)*

(b) Public Hearing Required. Prior to disposition of an application for a variance, the Zoning Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be by mail, posting, and publication, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above.
(Ord. No. 4475, 08-09-22)

(5) **Review Criteria.** Before a Special Use Permit application can be approved, the Zoning Board of Adjustment shall establish that the following general standards, as well as the specific standards outlined in subsections (b), (c), and (d) below, where applicable, have been or shall be satisfied. The Board's action shall be based on stated findings of fact. The conditions imposed shall be construed as limitations on the power of the Board to act. A mere finding that a use conforms to those conditions or a recitation of those conditions, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Ordinance.

(a) General Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use in its proposed location will:

(i) Be harmonious with and in accordance with the general principles and proposals of the Comprehensive Plan of the City;

(Ord. No. 4475, 08-09-22)

(ii) Be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

(iii) Not be hazardous or disturbing to existing or future uses in the same general vicinity;

(iv) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water, and sewage facilities, and/or schools;

(v) Not create excessive additional requirements at public cost for public facilities and services;

(vi) Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and

(vii) Be consistent with the intent and purpose of the Zone in which it is proposed to locate such use.

(b) Residential Zone Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use in a residential zone meets the following standards, as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

(i) Not create excessively higher levels of traffic than the predominant pattern in the area and not create additional traffic from the proposed use that would change the street classification and such traffic shall not lower the level of service at area intersections;

(ii) Not create a noticeably different travel pattern than the predominant pattern in the area. Special attention must be shown to deliveries or service trips in a residential zone that are different than the normal to and from work travel pattern in the residential area;

(iii) Not generate truck trips by trucks over 26,000 pounds g.v.w (gross vehicular weight) to and from site except for food delivery vehicles, waste collection vehicles and moving vans;

(Ord. No. 4159, 9-24-13)

(iv) Not have noticeably different and disruptive hours of operation;

Attachment H Special Use Permit Requirements and Criteria – Continued

(v) Be sufficiently desirable for the entire community that the loss of residential land is justifiable in relation to the benefit;

(vi) Be compatible in terms of structure placement, height, orientation, or scale with the predominate building pattern in the area;

(vii) Be located on the lot with a greater setback or with landscape buffering to minimize the impact of the use on adjacent property; and

(viii) Be consistent with all other applicable standards in the zone.

(c) Commercial Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use located in a commercial zone meets the following standards as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

(i) Be compatible with the potential commercial development and use of property planned to occur in area;

(ii) Represent the sufficiently desirable need for the entire community that the loss of commercial land is justifiable in relation to the benefit; and

(iii) Be consistent with all other applicable standards in the zone.

(d) Special Use Permits for Functional Families.

(i) Purpose. This Section is to provide for the regulation of Functional Families that may request to reside in a Single-Family Dwelling, Two Family Dwelling or Single Family Attached Dwelling. The regulations are also intended to prohibit larger groups of unrelated persons from residing in Single Family Dwellings, Two Family Dwellings, or Single Family Attached Dwellings. Larger groups of unrelated persons have frequently shown to have a detrimental effect on Single Family neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to a neighborhood.

(ii) Standards of Functional Families. The Zoning Board of Adjustment shall review each application for a Special Use Permit for a functional family as provided for in this section after having determined that the application meets the following standards:

(a) The functional family shares a strong bond or commitment to a single purpose (e.g., religious orders);

(b) Members of the functional family are not legally dependent on others not part of the functional family;

(c) Can establish legal domicile as defined by Iowa law;

(d) Share a single household budget;

(e) Prepare food and eat together regularly;

(f) Share in the work to maintain the premises; and

(g) Legally share in the ownership or possession of the premises.”

(e) Conditions. The Board may impose such additional conditions 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.

(Ord. No. 3591, 10-10-00; Ord. No. 3983, 2-10-09)

(6) **Lapse of Approval.** All Special Use Permits shall lapse 12 months after the date of issuance unless the use is undertaken, or a building permit has been issued and actual construction started. Where unusual circumstances may prevent compliance with this time requirement, the Zoning Board of Adjustment may, upon written request by the affected permittee, extend the time for required start of construction an additional 60 days. Excavation shall not be considered construction for the purpose of enforcing this Section.

(7) **Successive Applications.** In the event that the Board denies an application for a Special Use Permit, a similar application shall not be refiled for 12 months from the advertised public hearing date. The Board, on petition by the applicant, may permit a refiling of this application after 6 months from the original hearing date when it determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning ordinance text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a detailed statement setting out those changes that he or she deems significant or upon which he or she relies for refiling the original application.

(8) **Site Plans approved as part of a Special Use Permit.** All site plans approved as part of an approved Special Use permit may only be amended pursuant to the same procedures for approving Minor Changes to a Major Site Development Plan as provided in Section 29.1502(6).

(Ord. 4279, 11-15-16)