

COUNCIL ACTION FORM

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT PERTAINING TO MASTER PLAN
IN DEVELOPMENT PROCESS**

BACKGROUND:

After reviewing a report on the practicality of requiring that the Planning and Zoning Commission and City Council review a Master Plan prior to submittal of a Preliminary Plat, the City Council directed staff to develop alternative zoning text amendments and to seek input from the development community, the public, and the Planning and Zoning Commission. In April, staff sent to developers and consultants a summary of the report Council reviewed and invited them to a meeting to discuss changes in the development process. Two consultants attended this meeting and their input has been incorporated into the proposed amendments to the zoning ordinance to change how a Master Plan requirement is incorporated into the development process.

Currently, a Master Plan is required to be submitted with a Preliminary Plat when rezoning is requested to establish either a Suburban Residential Low Density (FS-RL) or Suburban Residential Medium Density (FS-RM) zoning district. However, if the Commission and Council have confidence that adopted standards and codes are adequate to address the impacts and design of development, a Master Plan for a particular project would not typically be needed to make a zoning decision.

Under the proposed revisions to Section 29.1507 the City Council would determine if a Master Plan is required when the Council considers a rezoning application. If an area is to be rezoned to either of the two Suburban Residential zoning districts (FS-RL or FS-RM), the City Council will make that determination before a rezoning application is submitted. If an area is rezoned to any other zoning district, the City Council may determine it requires the Master Plan when it first considers a rezoning application. The proposed zoning text amendment states that the City Council can require a Master Plan when specific conditions exist on or around a proposed development or rezone site, or when a situation exists that requires more careful consideration of how the layout and design of a site affects general health, safety, and welfare concerns. If so, the applicant would be required to prepare a Master Plan for review along with the rezoning request. (See proposed Section 29.1507(3))

The proposed text amendment requires the contents of a Master Plan to be less detailed than the code currently requires. Under existing standards, the Master Plan must show the proposed arrangement and size of all proposed lots in almost the same detail as the information required on a Preliminary Plat. The proposed revisions would adopt a more generalized approach to a Master Plan. The plan would show (a) existing site information, (b) areas in need of protection, (c) areas appropriate for development, (d) areas and quantities of different unit types, (e) general pattern and connections required for an efficient transportation

network, and other information. An example of such a plan is attached (see Attachment A). Under this approach, the higher level of detail currently required for Master Plans would be deferred to review of the Preliminary Plat or Major Site Development Plan, which could occur at a later date.

In cases where the Council has determined that a Master Plan is needed, the review process would give the public, Planning and Zoning Commission, City Council and staff the opportunity to determine whether the proposed zone is consistent with the Land Use Policy Plan and that the general direction or style of the project is consistent with City policies. If not, the City could require changes to improve this consistency. Furthermore, undesirable impacts on the community could be identified so that the developer and the City can work together to determine how to mitigate any negative impacts.

The benefit of this amendment to developers is that it would reduce risk by securing approval of basic development parameters, such as the total number and type of residential units and/or the square footage of non-residential uses, before proceeding with expensive detailed engineering plans that are otherwise required during the subdivision or site plan process. This could mean significant cost savings to developers. This more generalized approach to the Master Plan could also result in cost savings if the approved Preliminary Plat later requires amendments.

It should be noted that a Master Plan would dictate a layout that might not otherwise be required by the Zoning Code. Therefore, to ensure that the development is built according to the Master Plan, a contract rezone would be appropriate so that the Master Plan is binding on future development. (See proposed Section 29.1507(5))

Under the proposed text amendments, the City Council would determine on a case-by-case basis whether or not to require a Master Plan. Therefore, an additional step in the rezoning process may be required in some cases. Two options to avoid this additional step are as follows:

- **require the less detailed Master Plan for all rezoning requests, so that a City Council decision is not needed on this requirement; or**
- **require a Master Plan whenever the conditions exist that proposed Section 29.1507(3)(b) describes, which would be determined by City staff rather than City Council.**

If the Council desires to consider these options, Alternative #3 should be pursued.

PLANNING AND ZONING COMMISSION:

At its meeting of June 6, 2012, by a vote of 7-0, the Commission recommended approval of these zoning ordinance text amendments modifying the required process for amending the zoning map.

The Commission discussed the benefits of simplifying the Master Plan and discussed how it would minimize the amount of time and money developers put into the process. They also discussed how this would make it easier for the general public to understand the impact on surrounding neighborhoods.

ALTERNATIVES:

1. The City Council can approve the attached ordinance that modifies the required process for amending the zoning map.
2. The City Council can deny approval of the attached ordinance.
3. The City Council can direct staff to make changes to the attached ordinance and schedule another public hearing.

MANAGER'S RECOMMENDED ACTION:

As the City expands, land is annexed and then requires rezoning. The current process for rezoning land for residential development is for both a Master Plan and a Preliminary Plat to be prepared and submitted along with the rezoning request. These two plans are very similar, and both must be revised if any major amendments are made later.

In many cases, this requirement is duplicative and does not add value to the planning process or to the resulting developments. In some cases, this requirement wastes time and resources of both developers and City staff. On the other hand, in some cases where a proposal is made to rezone land for non-residential use, more information about the proposed use and development would add value to the planning process and development and yet, a Master Plan is not currently required.

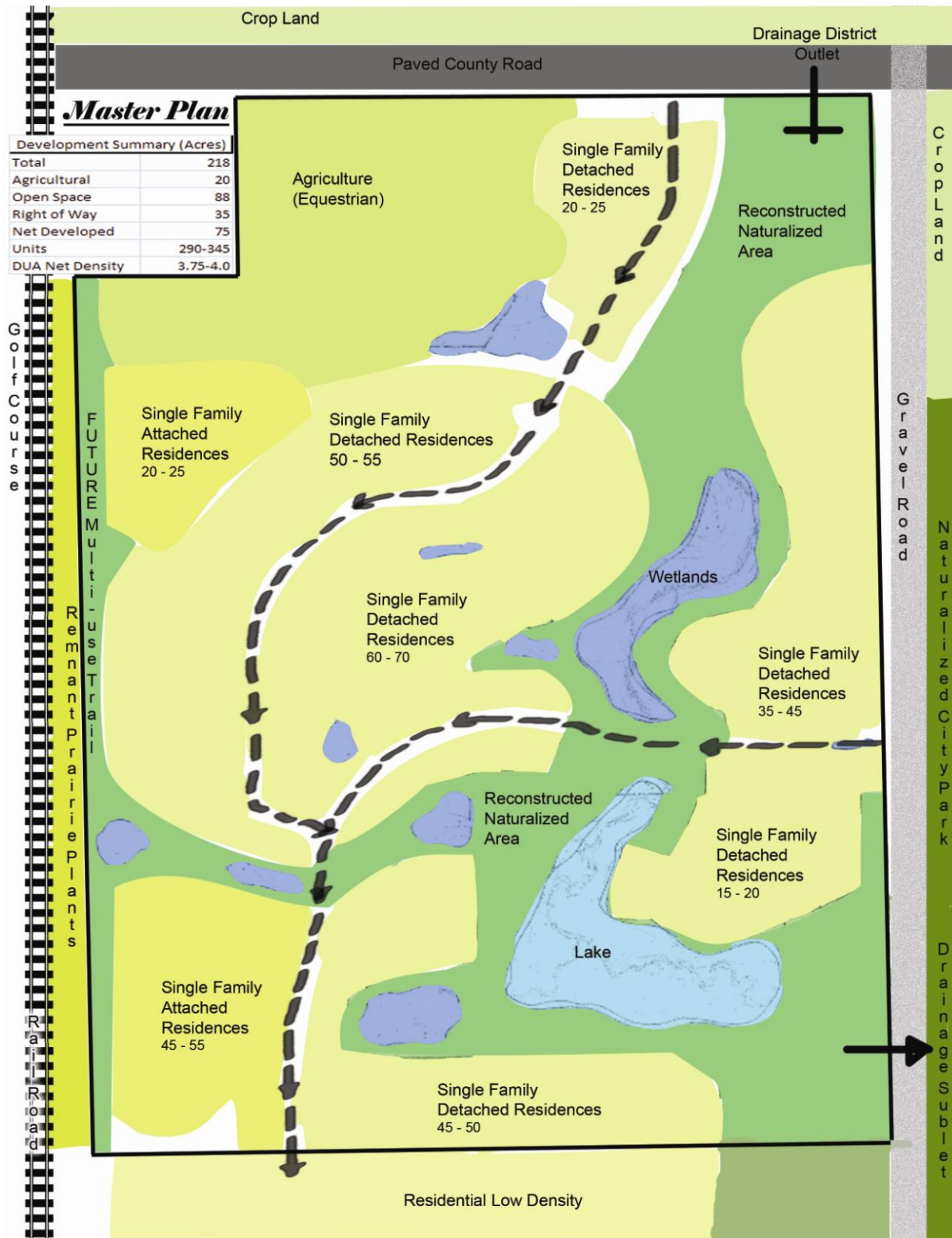
The proposed zoning text amendments would improve this rezoning process by:

- allowing the City Council to determine at the beginning of the process whether to require a Master Plan
- requiring this determination for rezoning to certain residential and non-residential zoning classifications
- simplifying the content of the Master Plan when required
- simplifying future amendments to the development

Because it is believed that the proposed text amendment will benefit both the developers and the City, it is the recommendation of the City Manager to adopt Alternative No. 1, thereby approving the attached ordinance that modifies the required process for amending the zoning map.

Attachment A

EXAMPLE OF A MASTER PLAN UNDER PROPOSED REQUIREMENTS



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, REPEALING SECTION 29.1200 AND ADOPTING A NEW SECTION 29.1200 TO MODIFY THE PROCESS FOR REQUIRING A MASTER PLAN AND A PRELIMINARY PLAT WHEN ESTABLISHING FLOATING ZONES ON THE ZONING MAP; AND REPEALING SECTION 29.1502(5), AND SECTION 29.1502(6) AND ADOPTING NEW SECTION 29.1502(5) TO REMOVE THE REFERENCE TO MASTER PLANS IN THAT SUBSECTION; AND REPEALING SECTION 29.1507 AND ADOPTING A NEW SECTION 29.1507 TO MODIFY THE REQUIREMENT FOR, AND CONTENT OF, A MASTER PLAN; 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.

WHEREAS, current requirements for content of a Master Plan are similar to requirements for a Preliminary Plat; and

WHEREAS, in most cases reviewing a Master Plan that is similar to a Preliminary Plat does not add substantially to the development review process; and

WHEREAS, preparing a Master Plan under the current requirement adds unnecessary expense to the development review process; and

WHEREAS, reviewing a Master Plan that is more general in nature early in the development process could result in development that is more consistent with the City's adopted policies and allow greater flexibility in how the Master Plan will be executed; and

WHEREAS, a situation, or specific conditions on or around a proposed development or rezone site, may exist that require more careful consideration of how the layout and design of a site affects general health, safety, and welfare concerns; and

WHEREAS, in those cases, reviewing a Master Plan would provide the staff, the public, Planning and Zoning Commission, and City Council the opportunity to determine whether the proposed zone is consistent with the land use plan and that the general direction or style of the project is consistent with City policies; and

WHEREAS, reviewing a Master Plan could identify impacts on the community so that the developer and the City can work together to determine how to mitigate any negative impacts; and

WHEREAS, to ensure that the development is built according to the Master Plan and that the Master Plan is binding on future development and property owners, a contract rezone would be appropriate.

NOW THEREFORE, 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 repealing Section 29.1200, and adopting new Section 29.1200, to read as follows:

Sec. 29.1200. FLOATING ZONES

(1) **Purpose.** The "floating" zone concept provides flexibility in determining the style and layout of residential development in newly-annexed areas of the city that the Land Use Policy Plan designates as Village/Suburban Residential or that the Ames Urban Fringe Plan designates as Urban Residential. The Floating Zoning Districts established by this ordinance are:

- (a) Village Residential (F-VR)
- (b) Suburban Residential Low Density (F-S RL)
- (c) Suburban Residential Medium Density (F-S RM)
- (d) Planned Residence (F-PRD)

(2) **Pre-application Conference.** Prior to submittal of an application to rezone property to a Floating Zone, a pre-application conference shall be held with the developer, Department of Planning and Housing staff, Public Works Department staff, and other staff as necessary to review the information listed below. Neither the developer nor the City shall be bound by any comments, determinations or decisions of City staff offered or made during the Pre-application Conference. The following information shall be submitted to the City prior to the Pre-application Conference.

- (a) Name of the applicant and the name of the owner of record.
- (b) Legal description of the property.
- (c) North arrow, graphic scale, and date.
- (d) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas
- (e) Proposed zoning boundary lines.
- (f) Outline and size in acres of areas to be protected from impacts of development
- (g) For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.

(3) **Establishment of areas zoned F-S.** Areas zoned F-S shall be established through the process described in Section 29.1507.

(4) **Establishment of areas zoned F-VR and F-PRD.** Areas zoned F-VR and F-PRD shall be established through concurrent review and approval of both a Major Site Development Plan by the City Council as required in Section 29.1502(4) and of a zoning map amendment through the process described in Section 29.1507. The requirements of the Major Site Development Plan become mapped zoning district requirements and all subsequent development shall adhere to the requirements of the approved Major Site Development Plan.

(5) **Use Regulations.** Use regulations for all areas zoned F-VR, F-S and F-PRD are set forth in the following Use Tables: Village Residential, 29.1201(5); Suburban Residential Low Density, 29.1202(4)-1; Suburban Residential Medium Density, 29.1202(4)-2; Planned Residence District, 29.1203(4).

(Ord. No. 3591, 10-10-00)

(6) **Floating Zone Supplemental Development Standards.** Zone supplemental development standards for all areas zoned F-VR, F-S, F-PRD are set forth in the following Zone Supplemental Development Standards Tables: F-VR Supplemental Development Standards, 29.1201(6); Suburban Residential Low Density, 29.1202(5)-1; Suburban Residential Medium Density, 29.1202(5)-2; Planned Residence District, 29.1203(5).

(Ord. No. 3591, 10-10-00)

(7) **Village Residential Floating Zone Urban Regulations.** Urban Regulations are applicable only to land uses that are permitted in the Village Residential F-VR zone. These regulations are found in the following Tables: Country House, 29.1201(7)-1; Village House, 29.1201(7)-2; Village Cottage, 29.1201(7)-3; Single Family Attached/Side-Yard House, 29.1201(7)-4; Single Family Attached/Row-House, 29.1201(7)-5; Village Apartments, 29.1201(7)-6; Mixed Use/Shop House, 29.1201(7)-7; Commercial/Shop Front, 29.1201(7)-8.

(8) **Village Residential Floating Zone Street Design Standards.** Street design standards that are applicable to streets that are developed in a Village Residential project are found in the following tables: Street Right-of-Way Standards 29.1201(11)-1; Street Width Standards 29.1201(11)-2.

(9) **Suburban Residential Floating Zone Suburban Regulations.** Suburban regulations are applicable only to land uses that are permitted in areas zoned Suburban Residential (F-S) and are found in table 29.1202(6).

(Ord. No. 3591, 10-10-00)

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.1502(5), and Section 29.1502(6) and adopting new Section 29.1502(5), to read as follows:

(5) **Lapse of Approval.** All major and minor site plan approvals shall lapse within a period of 24 months after the date of approval unless a building permit is issued and actual building construction, including the pouring of footings, has commenced. The applicant may, in the case of minor site plans, petition the planning staff or, in the case of major site plans, petition the City Council, to grant a 12-month extension of the approval. Extension of approval shall only be granted if the staff or Council finds that (1) codes pertinent to the site plan have not changed since the site plan approval date, and (2) conditions in the surrounding area have not changed in a manner that would affect the analysis of the project and associated required mitigation.

(Ord. No. 4103, 01-10-12)

Section Three. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.1507 and adopting new Section 29.1507, to read as follows:

Sec. 29.1507. ZONING TEXT AND MAP AMENDMENTS

(1) **Authorization.** The City Council may, from time to time, on its own initiative, on petition, or on recommendation of the Planning and Zoning Commission, after public notice and hearings, and after a report by the Planning and Zoning Commission, or after 30 days written notice to said Commission, amend, supplement or change the regulations, districts, or Official Zoning Map herein or subsequently established.

(2) **Petition for Amendment.** Whenever the owners of 50% or more of the area of the lots in any district or part thereof desire amendment, supplement or change in any of the provisions of this Ordinance applicable to such area, they may file an application in the Department of Planning and Housing requesting City Council to make such amendment, supplement or change. Such application shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement, or change, together with the boundaries of said area, and the names and addresses of all the owners of record in the Office of the County Recorder and Auditor of Story County, Iowa, of lots therein and within a distance of 200 feet from the boundaries of said area. Such application shall be transmitted immediately to the Planning and Zoning Commission for an investigation and report. The Planning and Zoning Commission shall file its recommendations approving, disapproving or modifying the proposed amendment, supplement or change with City Council within 90 days thereafter.

(3) **Master Plan Determination.** Before an application is made for amending the zoning map to designate any property as F-S RL or F-S RM the applicant shall request that the City Council determine whether a Master Plan will be required. When City Council first considers an application for amending the zoning map to any other zoning district, the City Council may require a Master Plan be submitted prior to taking action on the rezoning request. The procedural requirements for this determination shall be as follows:

(a) Information as required by Section 29.1200(2) for a Pre-Application Conference shall be forwarded to City Council.

(b) The City Council may require a Master Plan to be submitted with a rezoning application if it determines that any one of the following conditions is met:

(i) The area to be rezoned will contain more than one type of residential dwelling unit and will be developed in multiple phases.

(ii) The area to be rezoned contains designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas; conservation easements or other documented sensitive environmental conditions or valuable natural resources.

(iii) Development of the area with the most intensive uses permitted by the proposed zoning designation may require new, enlarged or upgraded off-site public improvements.

(iv) The City Council determines that due to specific conditions that exist on or around the area proposed to be rezoned, or due to situations that require more careful consideration of how the layout and design of a site affects general health, safety, and welfare, a Master Plan is necessary for consideration of the proposed zoning map amendment.

(c) If the City Council determines that a Master Plan is required it shall be prepared in compliance with the requirements of Section 29.1507(4) and shall be reviewed concurrently with the application for a zoning text amendment.

(4) **Master Plan.** When a Master Plan is required, it shall be submitted in compliance with the following:

(a) Submittal Requirements. The Master Plan shall contain the following information:

(i) Name of the applicant and the name of the owner of record.

(ii) Legal description of the property.

(iii) North arrow, graphic scale, and date.

(iv) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas

(v) Proposed zoning boundary lines.

(vi) Outline and size in acres of areas to be protected from impacts of development

(vii) Outline and size in acres of areas proposed of each separate land use and for each residential unit type

(viii) Pattern of arterial streets and trails and off-site transportation connections

(ix) For proposed residential development provide the number of unit type for each area, expressed in a range of the minimum to maximum number to be developed in each area

(x) For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.

(xi) For proposed commercial development: placement, size in square feet and approximate dimensions for all buildings, locations and approximate dimensions of all parking areas; areas of landscape, screening, buffer, plaza and open space; circulation pattern for all modes of transportation on the site.

(b) Number of copies. Submit seven (7) copies of the Master Plan on a sheet not to exceed 30" x 40", and one (1) reduced copy of the Master Plan no larger than 11" x 17".

(5) **Compliance with Master Plan.** When a Master Plan is required and the proposed zoning map amendment is approved, a zoning agreement shall be approved by the City and agreed to by the owners of the property in the area of the proposed zoning map amendment that requires all development to be in compliance with the Master Plan. No Preliminary Plat, Final Plat, Major Site Development Plan, Minor Site Development Plan or Special Use Permit shall be approved that does not comply with the approved Master Plan. The process for amending the Master Plan shall be the process specified in this section for a zoning map amendment.

(6) **Conditions.** Council may impose reasonable conditions on map amendments in accordance with Section 414.5 of the Iowa Code.

(7) **Notice.**

(a) Map. Notice of a map change shall be made by mail, publication and posting, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above, except that at least 7 days notice must be given. In no case shall the public hearing be held earlier than the next regularly-scheduled City Council meeting following the notice.

(b) Text. Notice of a text change shall be made by publication in accordance with Section 29.1500(2)(d)(ii) above, except that at least 7 days notice must be given. In no case shall the public hearing be held earlier than the next regularly-scheduled City Council meeting following the notice.

(8) **Vote Required When Amendment Protested.** If a written protest against any proposed amendment, supplement or change has been filed with the City Clerk, signed by the owners of 20% or more of the area of the lots included in the proposed amendment, supplement or change or by the owners of 20% or more of the property that is located within 200 feet of the exterior boundaries of the property for which the amendment, supplement or change is proposed, such amendment, supplement or change shall not become effective except by favorable vote of at least $\frac{3}{4}$ of all members of the City Council.

(9) **Renewal of Petition After Denial.** Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this Ordinance has been denied by the City Council, such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least 50% of the property owners who previously objected to the change. This provision, however, shall not prevent City Council from acting on its own initiative in any case or at any time as provided in this Section.

(10) **Processing Time.**

(a) Rezoning proposals referred by the City Council to the Planning and Zoning Commission shall be acted upon and returned to the Council not more than 90 days thereafter unless time extensions are specifically requested by the applicant.

(b) Failure of the Planning and Zoning Commission to render a decision within the time specified will be deemed approval of the application as submitted.

(Ord. No. 3815, 12-21-04)

Section Four. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Five. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Six. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

ATTEST:

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor