

**COUNCIL ACTION FORM**

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO ALLOW LIMITED RESIDENTIAL USE ON THE FIRST FLOOR IN THE DOWNTOWN SERVICE CENTER ZONE**

**BACKGROUND:**

On July 24, 2012, the City Council referred to staff a request from Mr. William Talbot on behalf of the property owners, Craig and Beth Marrs, to amend the Zoning Ordinance to allow limited residential use on the first floor in the Downtown Service Center (DSC) Zone.

This request was prompted by a recent application for a building permit to renovate the original McFarland Clinic building most recently used as the Ames Tribune Business Offices. The submitted floor plans for the renovation indicated four residential units that would be accessed from the second floor via a staircase on the back of the building, but with portions of two units being located on the first floor of the building.

Staff had previously discussed with the applicant how the residential portion of the first floor was not allowed under existing Downtown development standards. Specifically, Table 29.808(2) does not allow household living in the Downtown Service Center Zone “except in combination with permitted non-residential use or uses, in which case Household Living shall be located **above the first floor**” (emphasis added). The stated purpose of the Downtown Services Zone is to encourage a strong pedestrian activity along the downtown street frontage by allowing uses that emphasize safe, vital and attractive streets.

**Table 29.808(2)**  
**Downtown Service Center (DSC) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
Group Living	N	--	--
Household Living	N, except in combination with permitted non-residential use or uses, in which case Household Living shall be located above the first floor.	SDP Minor	Staff
Short-term Lodgings	Y	SDP Minor	Staff

To address this need, the applicant requested a text amendment to revise the allowance for residential household living in the table above to read as follows, “No, except in combination with permitted non-residential use or used, in which case 75% to

100% household living shall be located above the first floor, and the façade of the building retains a commercial appearance.”

While the applicant’s proposed wording maintained the majority of the residential use above the first floor and attempts to maintain a commercial frontage appearance, staff suggested that the language be modified to ensure that the **front** of downtown buildings actually be useable for non-residential purposes. Staff believed this is important for facilitating commercial synergies in the downtown.

Accordingly, staff proposed language (included in the attached draft ordinance) that allows household living in combination with a permitted non-residential use or uses, provided that 75% of the household living use is located above the first story (the same as the applicant’s language), but also provided that at least the front 50% of the first story be maintained for non-residential use. This differs from the applicant’s proposed language that only requires a commercial “*appearance*” along the street-facing façade, and instead requires that space be actually maintained for non-residential use on the first floor street frontage. **The applicant’s proposed project can be accomplished within these requirements.**

**Recommendation of the Planning & Zoning Commission.** At its meeting of September 5, 2012, with a vote of 6-0, the Planning and Zoning Commission recommended that the City Council adopt the draft ordinance as proposed. The only person from the public that spoke on the item was Bill Talbot, attorney for the applicant. Mr. Talbot spoke in favor of the amendment.

### **ALTERNATIVES:**

1. The City Council can approve the attached draft ordinance amending Table 29.808(2) to allow limited residential use on the first floor in the Downtown Service Center (DSC) Zone.
2. The City Council can decide not to adopt the proposed text amendments.
3. The City Council can refer this issue back to staff for additional information.

### **MANAGER’S RECOMMENDED ACTION:**

The proposed amendment addresses the stated essential needs of the property owner in the revitalization of a prominent downtown structure, while also reflecting the purpose statement of the Downtown Service Center Zone.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative 1, thereby approving the attached draft ordinance amending Table 29.808(2) to allow limited residential use on the first floor in the Downtown Service Center (DSC) Zone.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING TABLES 29.808(2), AND ADOPTING NEW TABLE 29.808(2) TO ALLOW LIMITED RESIDENTIAL USE ON THE FIRST FLOOR IN DOWNTOWN; 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**, the City Council received a request from Newbrough Law Firm, LLP to amend the Zoning Ordinance to allow limited residential use on the first floor in the Downtown Service Center (DSC) Zone; and

**WHEREAS**, the Council referred said request on July 24, 2012, directing staff to initiate the text amendment process; and

**WHEREAS**, one of the stated purposes of the Downtown Service Center is to encourage pedestrian activity with a strong emphasis on safe, vital and attractive streets, and

**WHEREAS**, a continuous street face of commercial or non-residential uses can support the synergy needed to ensure a vibrant commercial economy and create visual draw for pedestrians walking along downtown streets; and

**WHEREAS**, amending the code to allow some degree of residential use on the first floor will not hinder commercial clustering or visual draw along commercial streets, provided that residential uses are not located along the front, street side of the buildings at street level.

**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 Table 29.808(2), and adopting a new Table 29.808(2), to read as follows:

**Table 29.808(2)**  
**Downtown Service Center (DSC) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
Group Living	N	--	--
Household Living	N, except in combination with permitted non-residential use or uses, in which case 75% Household Living shall be located above the first story, and at least the front 50% of the first story must be maintained for non-residential use.	SDP Minor	Staff
Short-term Lodgings	Y	SDP MINOR	STAFF
<b>OFFICE USES</b>	Y	SDP MINOR	STAFF
<b>TRADE USES</b>		SDP MINOR	STAFF
Retail Sales and Services - General	Y		
Retail Trade - Automotive, etc.	N	SDP MINOR	STAFF
Entertainment, Restaurant and Recreation Trade	Y	--	--
Wholesale Trade	N	SDP MINOR	STAFF
<b>INDUSTRIAL USES</b>		--	--
Industrial Service	N		
<b>INSTITUTIONAL USES</b>		--	--
Colleges and Universities	Y		
Community Facilities	Y	SP	ZBA
Social Service Providers	Y	SDP MINOR	STAFF
Medical Centers	N	SP	ZBA
Parks and Open Areas	Y	--	--
Religious Institutions	Y	SDP MINOR	STAFF
Schools	N	SP	ZBA
<b>TRANSPORTATION, COMMUNICATIONS AND UTILITY USES</b>		--	--
Passenger Terminals	Y		
Basic Utilities	Y	SDP MINOR	STAFF
Commercial Parking	Y	SDP MAJOR	CITY COUNCIL
Radio and TV Broadcast Facilities	Y	SDP MINOR	STAFF
Rail Line and Utility Corridors	Y	SP	ZBA
Railroad Yards	N	SP	ZBA
<b>MISCELLANEOUS USES</b>		--	--
Commercial Outdoor Recreation	N		

Child Day Care Facilities	Y	--	--
Detention Facilities	N	SP	ZBA
Major Event Entertainment	Y	--	--
Vehicle Service Facilities	N	SP	ZBA
Adult Entertainment Business	Y	SDP MINOR	STAFF

Y = Yes: permitted as indicated by required approval.  
 N = No: prohibited  
 SP = Special Use Permit required: See Section 29.1503  
 SDP MINOR = Site Development Plan Minor: See Section 29.1502(3)  
 SDP MAJOR = Site Development Plan Major: See Section 29.1502(4)  
 ZBA = Zoning Board of Adjustment

**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 \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor

Approved as to form:

\_\_\_\_\_  
Kristine Stone, Assistant City Attorney