

COUNCIL ACTION FORM

SUBJECT: **ZONING TEXT AMENDMENT REGARDING ACCESSORY
STRUCTURES FOR INSTITUTIONAL USES IN RESIDENTIAL
ZONING DISTRICTS**

BACKGROUND:

At the request of Heartland Baptist Church, the City Council initiated consideration of a text amendment related to accessory building size. Accessory building standards for size, location, etc. are part of Article 4 of Chapter 29 of the Municipal Code. The Code limits this type of building to 900 square feet for single-family dwellings or institutional uses. City Council amended the Zoning Code in 2005 to address issues of process for accessory buildings related to institutional uses by exempting accessory buildings from the Special Use Permit process and applied the 900 square foot limitation. At that time, the amendment addressed concerns about a burdensome process for small accessory buildings. In this instance, the request is to provide a mechanism to allow consideration of larger accessory buildings rather than consideration of small buildings.

Heartland Baptist Church is in the process of seeking a Special Use Permit to construct a church at 3333 Stange Road on a 21-acre lot in an FS-RL zoning district. Because of the zoning section noted above, they are limited to 900 square foot per accessory structure. They are interested in constructing a single maintenance/garage building of approximately 3,000 square feet. They suggest two options to meet their interest for a larger maintenance building. The first would be to exempt institutional uses from the size limit, and leave all review to the Special Use Permit process. The second would be to change the size restriction to a ratio of no more than 10% of the principal building size as a by right use. Staff is proposing a new third option that takes into account feedback from the Planning and Zoning Commission discussion and the background from the 2005 text amendment. This third option is a blend of allowing smaller structures by right, but also allowing for larger buildings subject the Special Use Permit process.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission met on July 2 and recommended approval (4-1) of the Special Use Permit process without a size restriction on accessory buildings. Commissioners discussed the range of options on size and process to approve accessory structures and whether there was a need to change the Code for this issue. It noted that the other review processes (Special Use Permit or Major Site Development Plan) that are in place for institutional uses provide a large range of discretion in process with less certainty in the outcome. One commissioner felt that there should be an upper limit on size tied to a defined component of a proposed project.

The proposed text amendment is shown below:

29.408(a) (iii) Size.

a. Detached garages and accessory buildings in the rear yard shall not occupy more than 25% of the rear yard.

b. The maximum gross floor area shall not exceed 900 square feet for a detached garage or accessory building/structure to a Single Family Dwelling ~~or Institutional Use~~, or 1,200 square feet for accessory uses to a Two Family Dwelling.

29.408 (c) When a special use permit is required for an institutional use, garages, and accessory buildings/structures they shall be exempt from that requirement if the accessory structure does not exceed 900 square feet. Institutional use accessory structures exceeding 900 square feet require approval of a Special Use Permit.

ALTERNATIVES:

1. The City Council can approve the attached text amendment for institutional uses that allows up to a 900 square foot accessory building by right and requires a Special Use Permit for accessory buildings that exceed 900 square feet.
2. The City Council can approve a text amendment that allows by right accessory buildings that exceed 900 square feet up to a maximum of 10% of the principal institutional building.
3. The City Council can approve a text amendment that requires a special use permit for all institutional use accessory buildings with no restriction on maximum size. (Planning & Zoning Commission recommendation)
3. The City Council can decline to adopt the proposed text amendments.
4. The City Council can refer this issue back to staff for further information at its next meeting.

MANAGER'S RECOMMENDED ACTION:

Institutional Uses in residential zones are reviewed by a Special Use Permit or a Major Site Development Plan that are subject to public notice and approved by the Zoning Board of Adjustment or the City Council. Accessory buildings are currently exempt from the special use permit process, but previously had been subject to it. The Special Use Permit process includes considering the characteristics of institutional uses in regards to size of the lot; the size, number, and placement of principal buildings; architectural design; the size, number, and placement of accessory structures; landscaping and

screening; the type and classification of adjacent streets; the proximity and location of adjacent structures and uses; and any public comment heard during the review. This process allows for a comprehensive assessment of the overall project regardless of size. **Maintaining an efficient administrative process for smaller accessory buildings coupled with a new discretionary process for larger buildings appears to be an appropriate balance of issues related to the 2005 amendment and the current request.**

Therefore, the City Manager recommends that the City Council act in accordance with Alternative 1, thereby approving the attached text amendment allowing a 900 square foot accessory building by right and requiring a Special Use Permit for those institutional use accessory buildings that exceed 900 square feet.

Addendum

Accessory Building Zoning Standards

Section 29.408(7) describes the requirements for accessory structures and private garages in terms of location, setbacks, access and size. The standards do not restrict the overall number of accessory structures. In Agricultural, Residential, and Hospital Medical zoning districts, the size of accessory garages is subject to sub-paragraph (a)(iii), which states:

(iii) Size.

- a. Detached garages and accessory buildings in the rear yard shall not occupy more than 25% of the rear yard.
- b. The maximum gross floor area shall not exceed 900 square feet for a detached garage or accessory building/structure to a Single Family Dwelling **or Institutional Use**, or 1,200 square feet for accessory uses to a Two Family Dwelling. [Emphasis added]

...

Also relevant to the proposed text amendment is Section 29.408(7) exempts accessory structures for institutional uses from Special Use Permit review that is required for the principal use. This exception was instituted in 2005.

- (c) When a special use permit is required for an institutional use, garages and accessory buildings/structures shall be exempt from that requirement.

Institutional Use in Residential Zones

Table 29.501(4)-5 describes the types of uses within the Institutional Use category. In summary, these include colleges and universities, community facilities (such as libraries, post offices, senior centers, youth club facilities), child care facilities, funeral facilities, medical centers, religious institutions, schools, and social service providers (such as shelters, soup kitchens, surplus food distribution centers).

Residential zoning districts generally do not allow for all of the uses described above. In most residential zones in which they are allowed, Institutional Uses need review and approval of a Special Use Permit by the Zoning Board of Adjustment following a public hearing. Exceptions to that are:

- In the RH High Density Residential zoning district, most Institutional Uses need approval from the Planning and Housing Director following review by the Development Review Committee.

- In the Village zoning district, only Community Facilities and Religious Institutions are allowed and need approval of a Major Site Development Plan by the City Council.

In all districts except RH, further review of site plans for Institutional Uses are required by either the Zoning Board of Adjustment or the City Council. The relevant approval criteria allow for the size and placement of accessory structures to be limited in order to be “in proportion” with adjacent and surrounding properties or “compatible” with the predominant building pattern in the area.

If either of the two alternatives proposed by Heartland Baptist Church were adopted, the ability to review and limit garages and accessory structures greater than 900 square feet for Institutional Uses would remain with the Zoning Board of Adjustment or the City Council, with the exception of RH where it is only staff approval. Review and approval of an accessory structure up to 900 square feet would remain with staff.

Institutional Uses Site Comparison

The following is a comparative sampling of institutional uses in residential zones. This list is intended to help provide context to the option of allowing buildings by right up to 10% of the principal building size.

<u>Institutional Use</u>	<u>Site Acres</u>	<u>Principal Building</u>
Bethesda Lutheran 1517 Northwestern Ave	5.3 ac	77,139 sq.ft.
Lutheran Services In Iowa, INC. 1323 Northwestern Ave	10.1 ac	29,562 sq.ft.
Saint Cecilia 2400 Hoover Ave	9 ac	62,700 sq.ft.
Stonebrook Church 3611 Eisenhower Ave	5.2 ac	16,600 sq.ft.
Ascension Lutheran 2400 Bloomington Rd	7 ac	11,800 sq.ft.
Ames Community Preschool Center 920 Carroll Ave	2.5 ac	21,000 sq.ft.
**Proposed Heartland Baptist 3333 Stange	21 ac	31,000 sq.ft.

2005 Text Amendment

It should be noted that in 2005, the Zoning ordinance was amended to add institutional use to the list of by-right allowed uses with accessory buildings and an exemption from the requirement of a Special Use Permit. Prior to 2005, all accessory buildings required approval of Special Use Permit with institutional uses. The change was instituted in response to requests for small sheds that were typical of residential neighborhood.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 29 ARTICLE 4 SECTION 408(7)(a)(iii)(b),(c) AND ENACTING A NEW CHAPTER 29 ARTICLE 4 SECTION 408(7)(a)(iii)(b),(c) THEREOF, FOR THE PURPOSE OF REMOVING THE SIZE LIMITATION FOR ACCESSORY STRUCTURES AND PRIVATE GARAGES FOR INSTITUTIONAL USES IN RESIDENTIAL ZONES; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; 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 enacting a new Chapter 29, Article 4, Sec. 29.408 (7)(a)(iii)(b),(c) as follows:

“**Sec. 29.408. OTHER GENERAL DEVELOPMENT STANDARDS.**

... (7) **Requirements for Private Garages and Other Accessory Buildings.**

(a) The following requirements apply to private garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:

... (iii) Size.
...

b. The maximum gross floor area shall not exceed 900 square feet for a detached garage or accessory building/structure to a Single Family Dwelling or 1,200 square feet for accessory uses to a Two Family Dwelling.

(Ord. No. 3595, 10-24-00; Ord. No. 3861, 11-22-05)

... (c) When a special use permit is required for an institutional use, garages and accessory buildings/structures shall be exempt from that requirement if the accessory structure does not exceed 900 square feet. Garages and accessory structures for an institutional use exceeding 900 square feet require approval of a special use permit.

(Ord. 3861, 11-22-05).”

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

Section Three. 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

Ann H. Campbell, Mayor