

COUNCIL ACTION FORM

SUBJECT: TEXT AMENDMENT FOR MAXIMUM HEIGHT OF ARCHITECTURAL FEATURES IN ALL ZONING DISTRICTS

BACKGROUND:

Heartland Baptist Church is seeking an amendment to the Zoning Ordinance regarding the maximum allowable height for steeples and other architectural features of principle structures. The Church is seeking to construct a new facility on a 21-acre site at 3333 Stange Road where the proposed steeple is 72 feet in height where only 60 feet is allowed. The site is zoned Suburban Low-Density Residential (FS-RL).

Currently, Section 29.401 (4) (b) limits the height of such architectural features to 150% of the maximum height allowed in the zone. This allowance applies to features that have a footprint of 200 square feet or less. For low-density residential zones, the height of a structure is limited to 40 feet. The corresponding overall height, then, is 60 feet to the top of a steeple. For most medium-density zones, the height limit is 50 feet, which allows an overall height of 75 feet to the top of a steeple. High density residential and also commercial zones allow for even higher heights of architectural features.

During review of the Church's plans, it was determined that the proposed steeple was at 72 feet, exceeding the height limit in the low-density zoning district. Several options were presented to the Church. Church representatives chose to request a zoning text amendment rather than rezoning the property to medium density or reducing the height. The City Council authorized proceeding with considering a Zoning Text Amendment at their meeting on October 14.

Proposed Amendment

The proposed amendment allows architectural features, such as steeples, spires, etc. to be either the greater of one and one-half times the maximum height limit in the zone or 75 feet. The full text can be found in the attachment, but the relevant portion is here.

- (b) Architectural features. Steeples, spires, cupolas, clock towers and similar features with a footprint of less than 200 square feet are permitted above the building height limit. The building height, including the architectural feature, shall not exceed the building height limit by the greater of one and one-half times either the maximum allowable height or a total height of 75 feet.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission met on November 19th and **recommended denial (3-2)** of the proposed text amendment. Those commissioners who recommended denial felt that the amendment was being proposed to serve a particular development project rather than affecting the city as a whole. Some also were concerned about the unintended

consequences of allowing this increase in height in a residential zone as it would apply to all uses and a wide variety of architectural features.

Those commissioners supporting the request believed all text amendments that have been considered by the Commission in the past have been as a result of a particular development project.

The applicant, Pastor Randy Abell of Heartland Baptist Church, indicated that the scale and proportions of the church are best served by the proposed steeple and that reducing it in height would alter the architectural proportions of the building. Pastor Abell noted that a rezoning to RH would solve the height problem.

ALTERNATIVES:

1. The City Council can approve on first reading an ordinance to amend Section 29.401 (4) of the Ames *Municipal Code* to increase the allowable height for architectural features as proposed above.
2. The City Council can deny the proposed amendments as recommended by the Planning and Zoning Commission.
3. The City Council can refer the proposed amendments to the Zoning Ordinance back to staff for specific further information or for further options.

MANAGER'S RECOMMENDED ACTION:

The proposed amendment identifies a problem associated with a pending development project. It would have an impact on only low-density residential districts (RL, FS-RL), the urban-core medium density district (UCRM), and the some commercial districts (NC, CCN, and CCR), all of which have a maximum height limit of 40 feet or less. The change would allow an additional 15-23 feet of height for architectural features for these areas compared to the current limitations.

Staff notes that in all these districts (except the NC), the approval of religious institutions that would likely include a steeple or spire requires a Special Use Permit approved by the Zoning Board of Adjustment (ZBA). Among other things, the ZBA is required to consider the scale of the proposal and its context within the neighborhood as part of its review. Staff believes through this process that a proposed substantial architectural element that may be out of place could be modified to better suit its surroundings.

Uses other than religious institutions do not typically utilize architectural features exceeding the height limit and therefore are unlikely to have wide spread use in the City even with the proposed change.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to amend Section 29.406 (4) of the Ames *Municipal Code* to increase the allowable height for architectural features that are less than 200 square feet in size.

ATTACHMENT 1: SECTION 29.401 (4)

Existing:

(4) **Maximum Height Exceptions.** Maximum heights for structures are listed in the individual Zone Development Standards Tables. Exceptions to the maximum heights are set forth below.

- (a) Projections allowed. Chimneys, flag poles, radio and television antennae, satellite receiving dishes, and other similar items with a width, depth or diameter of 5 feet or less may rise above the height limit if within 5 feet above the highest point of the roof. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10% of the roof area may extend 10 feet above the height limit. Parapet walls may extend 10 feet above the height limit.
- (b) Architectural features. Steeples, spires, cupolas, clock towers and similar features with a footprint of less than 200 square feet are permitted above the height limit, but may not exceed one and one-half times the allowable height.

Proposed:

(4) **Maximum Height Exceptions.** Maximum heights for structures are listed in the individual Zone Development Standards Tables. Exceptions to the maximum heights are set forth below.

- (a) Projections allowed. Chimneys, flag poles, radio and television antennae, satellite receiving dishes, and other similar items with a width, depth or diameter of 5 feet or less may rise above the height limit if within 5 feet above the highest point of the roof. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10% of the roof area may extend 10 feet above the height limit. Parapet walls may extend 10 feet above the height limit.
- (b) Architectural features. Steeples, spires, cupolas, clock towers and similar features with a footprint of less than 200 square feet are permitted above the building height limit. The building height, including the architectural feature, shall not exceed the building height limit by the greater of one and one-half times either the maximum allowable height or a total height of 75 feet.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.401(4)(b) & ENACTING A NEW SECTION 29.401(4)(b) THEREOF, FOR THE PURPOSE OF INCREASING THE ALLOWABLE HEIGHT FOR CERTAIN ARCHITECTURAL FEATURES ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.401(4)(b) and enacting a new Section 29.401(4)(b) as follows:

“Section 29.401 (4)

...

(b) Architectural features. Steeples, spires, cupolas, clock towers, and similar features with a footprint of less than 200 square feet are permitted above the building height limit. The building height, including the architectural feature, shall not exceed the building height limit by the greater of either one and one-half times the maximum allowable height or a total height of 75 feet.”

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

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor