

COUNCIL ACTION FORM

SUBJECT: TEXT AMENDMENT TO ALLOW FRONT YARD PARKING IN RESIDENTIAL DISTRICTS FOR GROUP LIVING USES

BACKGROUND:

The developer of the Northridge Village at 3300 George Washington Carver is a residential development with a continuum of skilled care, assisted living, and independent senior living uses. The developer requested that City Council authorize an application for a text amendment to allow for parking in front of their main building entrance where parking is prohibited in front yards of residential buildings. The Ames City Council referred their request on August 12, 2014 to consider a text amendment for front yard parking.

The Ames Zoning Ordinance prohibits parking and creating parking spaces in the front yards of residential uses and buildings (e.g. single-family homes, apartments, duplexes) in specified residential districts. See current zoning regulations of Chapter 29 Article 4 in Attachment 1. Within the residential zoning districts there is some variability of parking requirements related to non-residential uses, such as for churches and schools, which are not covered by that prohibition. But the developer's uses of skilled care facilities (nursing homes), assisted living, and senior living are classified as Group Living residential uses subject to the restriction on front yard parking.

The developer's project has been approved by the Zoning Board of Adjustment and is currently under construction. The project was approved with a drop-off looped driveway to the main entrance, but without any long term parking spaces. Northridge Village now seeks the inclusion of front entrance visitor parking spaces to accommodate friends, caregivers, and family of residents. Currently visitor parking is situated near side entrances to the building.

Proposed Amendments

The City has grappled with the issues of front yard parking standards a number of times over the past ten years. The changes have been to clarify the restrictions and ensure residential parking is not located between the fronts of buildings except on driveways. These requirements are based on a combination of need for enforcement against illegal parking and aesthetic concerns of parking areas near a street, especially since many intense residential uses can be found adjacent to single-family homes. Even single-family homes are subject to the restriction about having parking spaces in the area between the street and the house, except upon a driveway. While some non-conforming parking can be found, it mostly predates the current Zoning Ordinance of October, 2000. Front yard parking language was most recently amended in 2008 to create the current standards and diagram within the Zoning Ordinance.

Staff has crafted an amendment that will accommodate some degree of front yard parking for certain residential uses. Group Living is a category of residential uses that include assisted living and skilled care facilities as well as boarding houses, dormitories, fraternities, and sororities. It would not apply to Household Living uses such as apartments, single-family homes, etc. See Attachment 2 for information on Residential Use types from the Zoning Ordinance.

The current ordinance specifically describes where the front yard is located for residential uses and buildings. See the diagram in Attachment 1. In that diagram, the front yard is shown as the area between the street and any façade, whether primary, recessed, or secondary. See Attachment 3 for the definitions from the Zoning Ordinance of these facades.

The proposed amendment would require parking to be behind the primary façade only. For a structure that has an “ell” or “wing” extending toward the street creating a primary facade, parking in the front yard can be accommodated as long as it is behind the forward-most portion of the building and meets the required setback. The proposed amendment retains the prohibition for corner lots. This is due to the highly visible nature of corner lots.

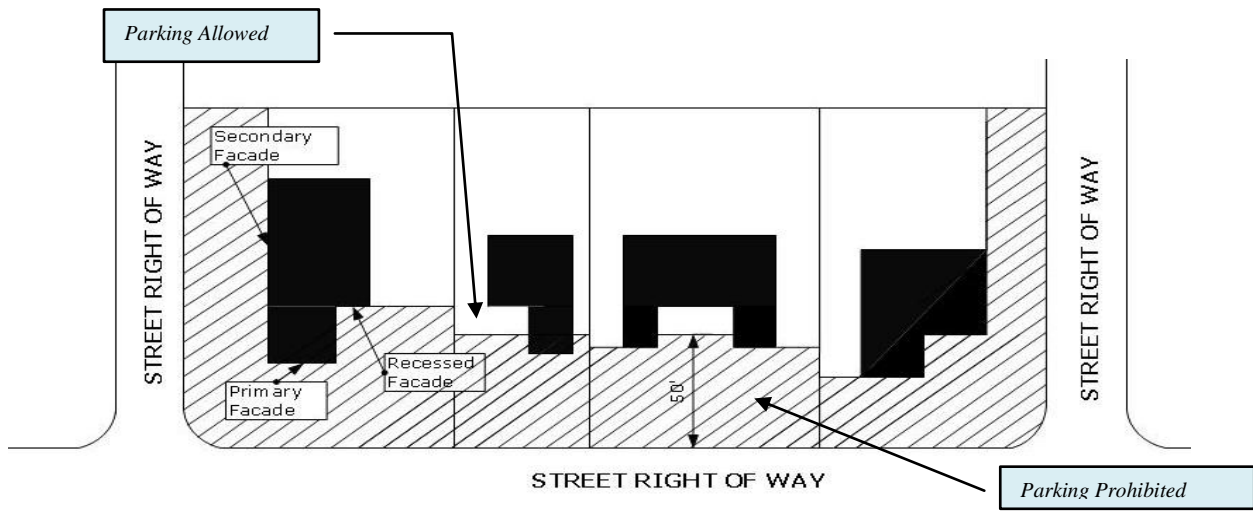
The proposed amendment also imposes a greater setback of 50 feet for this front yard parking. To be compatible with the aesthetic interest of limiting parking in front of buildings, staff recommends adding a large setback in combination with being behind the primary façade. This setback would be a minimum of 50 feet, rather than the typical minimum of 25 feet for a building. All such parking areas are also subject to the landscaping requirements of Section 29.403.

The proposed amendment inserts a new paragraph (c) and relabels the existing corresponding sections:

(c) For Group Living uses in any “RL”, “RM”, “RH”, “UCRM, FS-RL”, or “FS-RM” zone, no parking shall be permitted between the primary façade and the street on an interior lot. In addition, any parking between a recessed façade and the street shall require a setback of 50 feet. Parking is permitted in the side or rear yard. On a corner lot, no parking is allowed between the street and any secondary façade.

The next paragraph in the existing ordinance is amended to refer to Household Living and Short-term Lodging only and maintains the language for the current standards.

While not a part of the ordinance, the following diagram indicates where parking would continue to be prohibited for Group Living and where it would be allowed.



City staff considered other alternatives, but discounted them as being impractical or creating a broader range of instances when front yard parking is allowed. These include:

- Allowing front yard parking for Group Living without any other standard for setback. This is problematic as it would apply to the great number of Greek facilities, which largely are adjacent to residential uses, and change neighborhood character.
- Allowing for front yard parking areas only if approved through a Special Use Permit. Group Living uses do not require a Special Use Permit in all residential zoning districts. To do this would require that they become special use permits in all zones.
- Allowing for a limited number of “visitor” parking at a main entrance. This alternative was not considered practical from an enforcement aspect.
- Eliminating the restriction of front yard parking between building and street would have a substantial impact on community character.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission met on November 4th and recommended approval (5-0) of the proposed text amendment. The commissioners wondered how this would affect parking for Greek houses and dormitories (both Group Living uses) but, following the explanation from staff, felt assured that existing Greek houses would not be able to use this provision. Staff explained that in the University Impact Areas lot configurations and zoning standards for facades make use of the new front yard provision unlikely.

The applicant, Gib Wood of Scenic Development, stated the need for front yard parking is due to the limited mobility of some of the visitors, the interior location of the main reception area, and the central access to the three wings of the building from the main front entrance. In their design, the parking would be behind the primary façade and blend into the site.

ALTERNATIVES:

1. The City Council can approve on first reading the ordinance to amend Section 29.406 (7) of the *Ames Municipal Code* with an allowance for front yard parking for Group Living based on the proposed language above.
2. The City Council can decline the first reading of the ordinance for the proposed amendment.
3. The City Council can refer the proposed amendments back to staff for specific further information or for further options.

MANAGER'S RECOMMENDED ACTION:

Front yard parking is an important issue for community character and convenience. Parking demand is high for residential uses in general with nearly every household having at least one vehicle and, often, several. Multi-family properties, in particular, often have a vehicle for every resident. Maintaining a pleasant streetscape in residential neighborhoods has been an important goal of this section of the Zoning Ordinance. The Zoning Ordinance language matches that of the City's parking restrictions in Chapter 18 to allow for uniform enforcement.

However, some uses, although classified as residential, can be considered almost institutional in their function—having a larger degree of temporary visitors. In the case of skilled care and assisted living, visitors can include family, friends, care-givers, visiting physicians and other health care providers, and social workers. For these uses, having convenient parking near the front entrance or front lobby may be an important consideration for the siting of these types of projects.

Staff has crafted an amendment that allows for such front yard parking in limited circumstances. Allowing parking behind a primary façade still emphasizes development of the lot with the building as the primary focus rather than a parking lot. The 50-foot setback requires a parcel large enough to accommodate that setback in addition to the principle structure. In relation to Greek homes that are classified as Group Living, it would be unlikely that the change would promote front yard parking for those existing properties due to the limited size of the existing sites. The proposed language will address the applicant's particular site as the building has "wings" on the ends extending towards the street and the area between the inner recessed façade and the street is setback more than 50 feet from the roadway.

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 (7) of the *Ames Municipal Code* to include an allowance for front yard parking based on the above proposed language.

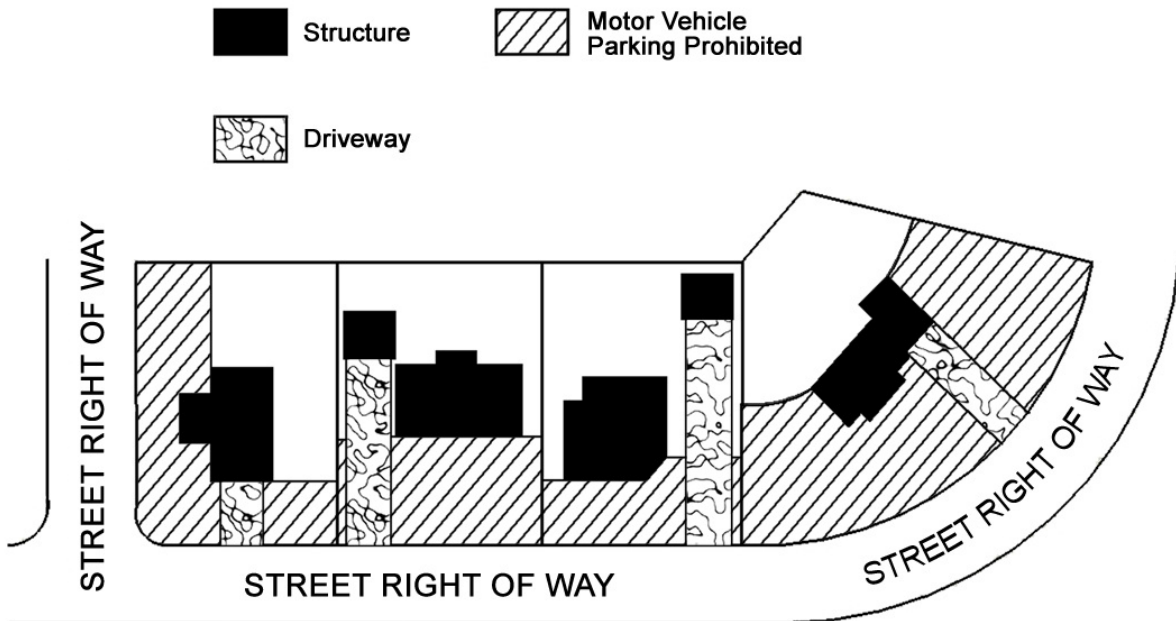
ATTACHMENT 1: EXISTING SECTION 29.406 (7) [EXCERPT]

(c) Under no circumstances shall vehicular parking be permitted in the front yard of any residential building in any "RL", "RM", "RH", "UCRM", "FS-RL", or "FS-RM" zones, except upon a driveway that leads to the side or rear yard or to an attached garage; and, one parking space is permitted in the front yard in the case where there is an existing, one car attached garage and there is insufficient room between the side of the attached garage and the side property line. Such space shall meet the following requirements:

- i) The parking space shall not exceed nine (9) feet in width;
- ii) The parking space shall be contiguous to and parallel to the existing driveway; and,
- iii) The parking space shall be located between the existing driveway and the side property line.

There shall be no installation at grade of any expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever without the written authorization of the Zoning Enforcement Officer. Such authorization shall be granted only if under the facts and circumstances of the particular situation it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as stated.

(e) As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line originating from the left side of the lot and extending to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards.



ATTACHMENT 2: RESIDENTIAL USE TYPES [EXCERPT OF TABLE 29.501(4)-1]

Group Living

Definition. Residential occupancy of a structure by a group of people who do not meet the Household Living definition. Size is larger than the average household size. Average length of stay is 60 days or longer. Structures generally have a common eating area for residents. Residents may receive any combination of care, training, or treatment, or none of these, as long as they also reside at the site.

Uses Included

- Assistant Living Facilities
- Boarding, rooming or lodging houses and single room occupancy (SRO) hotels with more than 6 units
- Congregate housing
- Dormitories or residence halls
- Fraternities and sororities
- Hospices
- Nursing and convalescent homes
- Residences for the physically disabled, mentally retarded, or emotionally disturbed which do not meet the definition of Family Home
- Transitional Living Facilities, such as halfway houses for former offenders

Household Living

Definition. Residential occupancy of a dwelling unit by a family, where the average length of stay is 60 days or longer.

Uses Included

- Apartment Building
- Manufactured Housing
- Other structures with self-contained dwelling units
- Single Family Attached Dwellings
- Single and Two-family houses
- Single Room Occupancy Housing (SRO's), if the average length of stay is 60 days or longer, there are no common dining facilities, and there are 6 units or less

Short-Term Lodging

Definition. Facilities offering transient lodging accommodations to the general public, where the average length of stay is less than 60 days.

Uses Included

- Boarding, rooming or lodging houses and single room occupancy (SRO) hotels, where the average length of stay is less than 60 days.
- Bed and breakfasts
- Hotels
- Motels
- Recreational vehicle parks

ATTACHMENT 3: SECTION 29.201 [EXCERPT]

(69) **Facade, Primary** means the front or face of a building which faces the front yard and is located nearest the front property line.

(70) **Facade, Recessed** means the front or face of a building which faces the front yard and is set back from the front property line a distance greater than that of the Primary Facade.

(71) **Facade, Secondary** means that portion of a building which is adjacent to the side yard and faces the street. A secondary facade only occurs on a corner lot.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.406 (7)(c), (d), & (e) AND ENACTING A NEW SECTION 29.406(7)(c), (d), & (e) AND ADDING A NEW SECTION 29.406(7)(f) THEREOF, FOR THE PURPOSE OF ALLOWING FRONT YARD PARKING IN RESIDENTIAL DISTRICTS FOR GROUP LIVING USES; 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 Section 29.406(7)(c), (d), (e), and adding Section 29.406(7)(f) as follows:

“Sec. 29.406. OFF-STREET PARKING.

...

(7) Locating Parking Spaces in Front Yard.

...

(c) For Group Living uses in any “RL,” “RM,” “RH,” “UCRM,” “FS-RL,” or “FS-RM” zone, no parking shall be permitted between the primary façade and the street on an interior lot. In addition, any parking between a recessed façade and the street shall require a setback of 50 feet. Parking is permitted in the side or rear yard. On a corner lot, no parking is allowed between the street and any secondary façade.

(d) Under no circumstances shall vehicular parking be permitted in the front yard of any Household Living or Short Term Lodging uses in any "RL", "RM", "RH", "UCRM", "FS-RL", or "FS-RM" zones, except upon a driveway that leads to the side or rear yard or to an attached garage; and, one parking space is permitted in the front yard in the case where there is an existing, one car attached garage and there is insufficient room between the side of the attached garage and the side property line. Such space shall meet the following requirements:

- i) The parking space shall not exceed nine (9) feet in width;
- ii) The parking space shall be contiguous to and parallel to the existing driveway; and,
- iii) The parking space shall be located between the existing driveway and the side

property line.

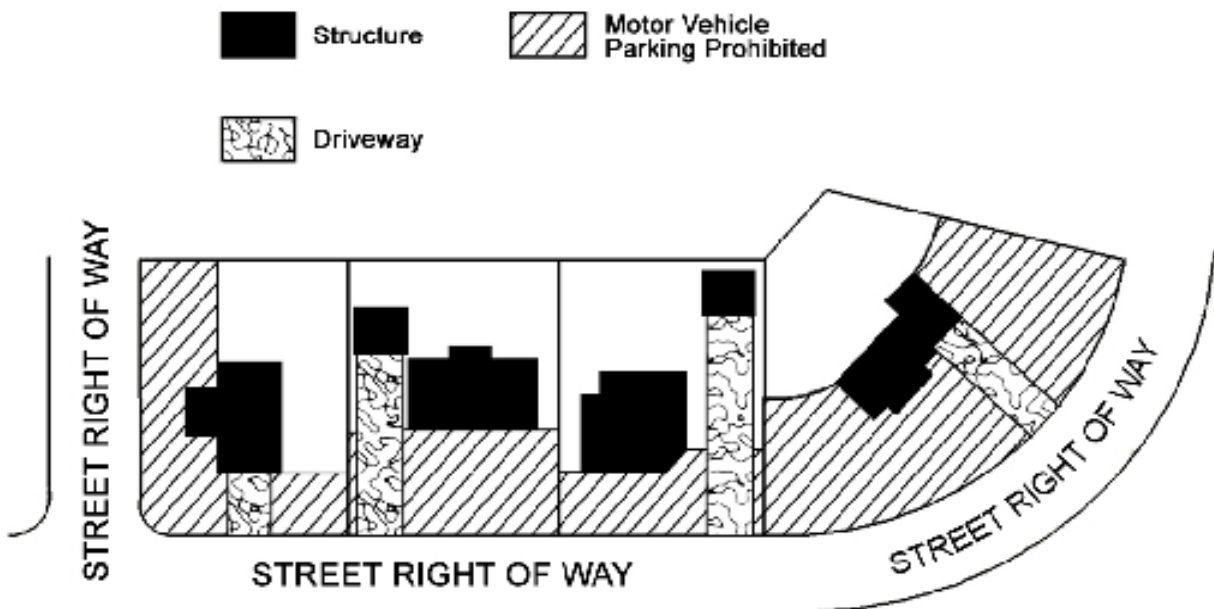
There shall be no installation at grade of any expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever without the written authorization of the Zoning Enforcement Officer. Such authorization shall be granted only if under the facts and circumstances of the particular situation it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as stated.

(Ord. No. 3591, 10-10-00, Ord. No. 3675, 8-27-02).

(e) For one and two family dwellings with access only from either Grand Avenue, Thirteenth Street, Duff Avenue, or Lincoln Way, and located on a segment of one of those streets where the Public Works Department can confirm an average weekday traffic count of not less than 12,000 vehicles per day, there may be a paved area appended to the driveway as a space in which a motor vehicle can be turned around to avoid backing

onto the street. The dimensions of the said turning space shall be no greater than reasonably convenient to that purpose. The dimensions and configuration of that space shall be approved in writing by the Department of Planning and Housing prior to construction. A Building/Zoning Permit per Section 29.1501 shall be required for installation of the turn-around.

(f) As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line originating from the left side of the lot and extending to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards.



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