

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENTS TO SETBACK ENCROACHMENTS AND PROJECTIONS

BACKGROUND

In response to a general code cleanup assignment included as part of the Planning Division work plan, staff has reviewed certain development standards for consistency with terminology and development review practices. The intent is to clarify interpretations and standards, particularly as they relate to extensions into front, side and rear yard setbacks. The changes will principally apply to residential properties but also affect commercial and industrial properties.

Section 29.402(2)(a) of the *Municipal Code* specifies which features of principal buildings and other structures may extend into required building setbacks. Staff specifically identified updates to this setback exception section in response to interpretations of current terminology, duplicative standards, and an interest in facilitating front porch or entrance improvements for older homes. The updates have been prepared in consultation with the Inspections Division as well as the Planning Division. (See *Attachment B: Proposed Revisions.*)

There are two categories for extensions into setbacks. One category is “**minor projections allowed,**” and the other is “**full projections allowed.**” Minor projections may extend up to three (3) feet into the required building setback; however, such projections may be no closer than three (3) feet to a lot line. Full projections are currently allowed to extend fully into required setbacks. Porches have their own exception category allowing for an extension of up to eight (8) feet in the front yard or rear yard and three (3) feet in a side yard, provided that the portion of the porch extending into the required yards is fully open except for support columns and balustrades. The current language is included as *Attachment A: Existing Regulations.*

Staff proposes updates to minor projections by cleaning up current terminology. Fire escapes would no longer be described as “open or lattice enclosed.” Uncovered stairways would be further defined as “leading to a ground floor or basement building entrance.” Previously stairways were described in both minor and full projections with no distinguishable differences.

Staff proposes to replace the current individual Porch exception with a new exception category named Architectural Features. These new allowances are meant to broaden options for enhancing entrances and creating more opportunities for outdoor usable space beyond the traditional front porch configuration. Architectural features of an open design that are attached and protruding

from building facades located at first floor building entrances (such as porches, pergolas, stoops, porticos and decks) may project into a front, street side, or rear yard setback as much as eight feet and into a side setback not more than three feet. These allowed projections will only apply to open architectural features as described in the ordinance, therefore enclosing these features to make indoor space with walls, glass, or screens in the future would be prohibited. **Additionally, to address situations where a home may have a nonconforming setback, a new exception process allows for the ZBA to approve a projection that exceeds that stated limits so these properties may also benefit from enhanced outdoor spaces.** For example, a home built with a 20-foot setback where a 25-foot setback is now required would previously have not been able to add a porch. The new exception would allow for ZBA to approve a setback of as little as 12 feet for an architectural feature.

Currently full projections do not limit what level of a building stairs access to have a full projection. In further clarifying full projections, stairways including landings, wheelchair lifts, and accessible ramps are to lead directly to a first floor or basement building entrance. The current language would allow for full projections regardless of what level of a building it served, which was contrary to allowances of minor projections. At-grade steps and above-grade steps up to three feet in height are further clarified to include associated handrails, sidewalls and landings. Staff has also added minor changes to the landscape accent section recognizing that slightly larger arbors and other features commonly found as accents are permissible.

With the proposed changes, commercial properties will be affected by the new architectural feature allowance, use of the term covered walkways in lieu of awnings/ canopies, and newly defined sign maximums that were previously ambiguous.

The new sign standard adds definition to a vague section that previously stated signs were allowed as a full projection with no limitations. Signage is regulated by Chapter 21 of the Ames Municipal Code and some commercial zones within the Zoning Ordinance, Chapter 29. Due to discrepancies in free-standing sign definitions and allowances between Codes, staff proposes to limit free-standing sign exceptions to ground, monument, and poles signs to less than 150 square feet of coverage by either the base/support of the sign or the cabinet of the sign. The proposed 150 square foot maximum coverage for a ground sign reinforces the City's site development plan review threshold for administrative consistency. For example, the Lincoln Center sign located near the intersection of Lincoln Way and Grand Avenue has a coverage of approximately 150 square feet with an estimated 6 x 25-foot cabinet dimension. If someone desires to have a larger sign footprint than 150 square feet, it could still occur outside of setbacks. Traditional wall sign and projecting sign encroachments will continue to be allowed as full projections.

The Planning and Zoning Commission reviewed draft changes at the August 19, 2020 Commission meeting. The Commission voted 6-0 in support of the staff recommendation, which is to allow for amendments for extensions into required building setbacks subject to staff working with the City's Legal Department and Building Inspections Division to

finalize changes and prepare a draft ordinance for City Council approval.

ALTERNATIVES:

1. Approve first reading of the proposed text amendments for extensions into required building setbacks.
2. Approve first reading of the proposed text amendments with modifications.
3. Decline to proceed with amendments to the extensions into required building setbacks.

CITY MANAGER RECOMMENDED ACTION:

The proposed zoning text amendments clarify requirements and expectations for the extension of building features into required setbacks, as well as offer additional flexibility in the application of such extensions. Overall, the changes help to facilitate contemporary improvements to properties and enhance entrances and outdoor space valued by individuals. These changes will provide property owners with a better understanding of what is allowed by the Code as they prepare plans for new structures and additions to existing structures. Staff has received no feedback regarding the proposed changes from the public or the developer/builder contact list. **Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described above.**

Attachment A: Existing Regulations

Sec. 29.402. SETBACKS.

(1) **Building Setback Standard.** Except as provided below, all buildings and structures, Principal and Accessory, shall be located to comply with the minimum and maximum Building Setbacks established for Principal and Accessory Buildings listed in each Zone Development Standards Table, Supplemental Development Standards Table, condition or other regulation applicable to the lot or the use being employed at the site.

(2) **Extensions into Required Building Setbacks.**

(a) **Principal Buildings.**

(i) **Minor projections allowed.** Minor features of a building, such as eaves, chimneys, open or lattice-enclosed fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required setback up to 3 feet. Such projections, however, may be no closer than 3 feet to a lot line.

(ii) **Full projections allowed.** In addition to the minor projections listed in the previous section, the following features are allowed to fully project into required setbacks:

- a. Canopies, marquees, awnings and similar features in commercial and industrial zones;
- b. Stairways and wheelchair ramps and associated handrails that lead directly to a building entrance;
- c. Driveways, patios, sidewalks, and similar at-grade surfaces;
- d. Uncovered decks no higher than 24 inches above finished grade;
- e. Retaining walls that retain fill and which are up to four feet in height in front setbacks and up to six feet in height in side and rear setbacks.

- f. Retaining walls of any height that retain existing natural grade;
- g. At-grade steps, above-grade steps up to three feet in height, and associated handrails;
- h. Arbors with a footprint no greater than 10 square feet; fountains and statuary up to four feet in height, constructed ponds and waterfalls at or below finished grade, and similar incidental landscape accent;
- i. Mechanical Units (in rear and side yards only);
- j. Play structures (in rear and side yards only), no closer than 3 feet to property lines;
- k. Fences as allowed in Section 29.408(2);
- l. Planter boxes/walls at allowable fence heights;
- m. Alternative Energy devices as allowed in Sections 29.1309 & 29.1310;
- n. Satellite dishes less than 24 inches in diameter;
- o. Flagpoles and lamp poles;
- p. Signs (as otherwise allowed by code);
- q. Public Art when located within a public art easement accepted by the

City of Ames.

(Ord. No. 4356, 6-12-18)

r. **Bicycle Parking Systems.** Bicycle Parking Systems may be located in the front setback of nonresidential zoning districts when it is no higher than four feet in height and it does not interfere with required landscaping. This exception does not allow for parking areas where otherwise not permitted.

(Ord. No 4394; 10-8-19)

(iii) **Porches.** A porch may project into the required front yard not more than 8 feet, the required side yard not more than 3 feet, and the required rear yard not more than 8 feet, provided that the portion of the porch extending into required yards is fully open except for support columns and balustrades.

(Ord. No. 4098, 01-10-12)

(3) **Setbacks in Lots Abutting Residential Zones.** In all zones other than Residential Base Zones, Building Setbacks along lot lines that abut lots in Residential Zones must conform to the landscaping standards set forth in the applicable Zone Development Standards Table.

(4) **Through Lots and Corner Lots.** On through lots, and corner lots with two or more abutting streets, except lots within the RL, RM, and UCRM Zoning Districts, the required front setback shall be provided on

Attachment B -Proposed Changes

“Sec. 29.201. DEFINITIONS.

Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:

...

(17) **Awning** means an architectural projection that provides weather protection, visual interest, or decoration and is wholly supported by the building to which it is attached. ~~any structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements or a roof-like structure of a permanent nature projecting from the wall of a structure and overhanging a public way.~~

...

(27) **Building Coverage** means the area of a lot covered by buildings or roof areas, including ~~covered~~ porches, accessory buildings and areas for outdoor storage, but excluding minor projections such as ~~allowed projecting~~ eaves, uncovered balconies, and similar features.

...

(49a) **Deck** means a horizontal platform built above grade and typically supported by pillars or posts and may include railing.

...

(157a) **Pergola** means a structure of vertical posts or columns that support a series of cross-beams providing primarily an open covering that is not a roof. Pergolas may be attached to a building as an architectural feature to provide enhanced visual interest or as a stand-alone structure for shade and shelter. For purposes of the Zoning Ordinance, pergolas are accessory buildings.

...

(160) **Porch** means a roofed area attached at the first floor of a building and located at a building entrance. A Porch must be open on two or more sides, but may include support columns, piers, and balustrades or railing (including kneewalls). ~~structure attached to or extending from a building providing a covered shelter at a building entrance. A Porch is open on at least one side, except that it may be enclosed with screens or latticework.~~

...

Sec. 29.402. SETBACKS.

(1) **Building Setback Standard.** Except as provided below, all buildings and structures, Principal and Accessory, shall be located to comply with the minimum and maximum Building Setbacks established for Principal and Accessory Buildings listed in each Zone Development Standards Table, Supplemental Development Standards Table, condition or other regulation applicable to the lot or the use being employed at the site.

(2) **Extensions into Required Building Setbacks.** Certain building elements and site features are allowed to be located within or project into required setbacks. Extensions of architectural features into nonconforming setbacks may be granted as a minor area modification under Section 29.1506.

(a) **Principal Buildings.**

(a)(i) **Minor projections allowed.** Minor features of a building, such as eaves, chimneys, ~~open or lattice-enclosed~~ fire escapes, bay windows, uncovered stairways leading to an upper story entrance or deck, wheelchair ramps, awnings, and uncovered ~~decks or balconies,~~ may extend into a required setback up to ~~3~~ three feet. Such projections, however, may be no closer than ~~3~~ three feet to a lot line.

(b) **Projection of Architectural features.** Architectural features of an open design attached to and protruding from building façades located at first floor building entrances (such as porches, pergola, stoops, porticos, decks) may project into a front-, street-, or rear yard setback as much as eight feet, and into a side setback not more than three feet. Such projections, however, may be no closer than three feet to a lot line. Allowed

projections must be open in design without walls, screening, windows or doors. Enclosing an open projecting architectural feature is prohibited.

(c)(ii) Full projections allowed. In addition to the minor projections listed in the previous section, the following features are allowed to fully project into required setbacks:

- (i) ~~a.~~ Covered walkways leading to main entrances in commercial and industrial zones;
- (ii) ~~b.~~ Uncovered stairways (including landings), wheelchair lifts, and wheelchair-accessible access ramps and associated handrails that lead directly to a first floor, basement, or at-grade building entrance;
- (iii) At-grade steps, above-grade steps up to three feet in height, and associated handrails, sidewalls, and landings;
- ~~e.~~ Driveways, patios, sidewalks, and similar at-grade surfaces;
- (iv) ~~d.~~ Uncovered decks, with or without railings, no higher than 24 inches above finished grade;
- (v) ~~e.~~ Retaining walls that retain fill and which are up to four feet in height in front setbacks and up to six feet in height in side and rear setbacks.
- (vi) ~~f.~~ Retaining walls of any height that retain existing natural grade;
- ~~g.~~ At-grade steps, above-grade steps up to three feet in height, and associated handrails;
- (vii) Driveways, patios, sidewalks, and similar at-grade surfaces;
- (viii) ~~h.~~ Landscape accents that include but are not limited to arbors. Arbors with a footprint coverage area no greater than 15 square feet; fountains and statuary up to four feet in height, and constructed ponds and waterfalls at or below finished grade, and similar incidental landscape accents. The design and location of accent features shall not have the effect of creating a continuous wall that does not meet fence standards.
- (ix) ~~i.~~ Mechanical Units (within rear and side yards only);
- (x) ~~j.~~ Play structures (within rear and side yards only), no closer than 3 feet to property lines;
- (xi) ~~k.~~ Fences as allowed in Section 29.408(2);
- (xii) ~~l.~~ Planter boxes/walls at allowable fence heights;
- (xiii) ~~m.~~ Alternative Energy devices as allowed in Sections 29.1309 & 29.1310;
- (xiv) ~~n.~~ Satellite dishes less than 24 inches one meter in diameter;
- (xv) ~~o.~~ Mailboxes, little libraries, cluster box units, flagpoles, and lamp poles;
- (xvi) ~~p.~~ Signs are subject to the standards of Chapter 21 and Chapter 29. Free standing signs described as ground, pole, or monument signs, including any support structure of said signs, where the sign has less than 150 square feet of coverage. Signs attached to a principal building, such as wall signs and projecting signs, that do not have support extending to the ground (as otherwise allowed by code);
- (xvii) ~~q.~~ Public Art when located within a public art easement accepted by the City of Ames.
- (xviii) ~~r.~~ Bicycle Parking Systems. Bicycle Parking Systems may be located in the front setback of nonresidential zoning districts when it is no higher than four feet in height and it does not interfere with required landscaping. This exception does not allow for parking areas where otherwise not permitted.

(iii) ~~Porches. A porch may project into the required front yard not more than 8 feet, the required side yard not more than 3 feet, and the required rear yard not more than 8 feet, provided that the portion of the porch extending into required yards is fully open except for support columns and balustrades.~~

* * *

Sec. 29.1506. EXCEPTIONS.

(4) When Authorized.

...

(d) Exceptions for minor area modifications.

...

(vi) extension of architectural features into a required building setback pursuant to Sec. 29.402(b) when the setback of the principal building is non-conforming. An approved minor area modification under this subsection shall:

- (A) provide for a minimum usable area,
- (B) preserve compatible open yard areas intended within the zone, and
- (C) ensure the aesthetic compatibility of the feature with the surroundings.”