

ITEM #: 33
DATE: 03-12-24
DEPT: P&H

COUNCIL ACTION FORM

**SUBJECT: TEXT AMENDMENTS TO AMES MUNICIPAL CODE CHAPTER 29
(ZONING ORDINANCE) TO ALLOW TWO-FAMILY (DUPLEX) DWELLINGS
IN ALL RESIDENTIAL ZONING DISTRICTS**

BACKGROUND:

The City Council has identified implementing the Ames Plan 2040 initiatives related to infill development options for housing as a priority. Additionally, the Council values adding diversity in housing opportunities. Allowing two-family dwellings within all residential zoning districts supports these priorities of the Council.

City Council directed staff in August of 2023 to do public outreach on infill housing of ADUs and Duplexes. **On October 10, 2023, after reviewing the public outreach responses, City Council directed staff to proceed with zoning text amendments to allow new construction of two-family dwellings (also known as duplexes) within low density residential zoning districts citywide, based upon the draft compatibility standards used for public outreach. Conversions of existing structures will not be allowed, only new construction that conforms to new standards.** Staff has refined the standards consistent with this direction and a complete draft of the proposed ordinance is included as Attachment “A”.

City Council also provided direction on how to consider two-family dwellings within the “Near Campus Neighborhood” areas. Council directed that the minimum lot size in Near Campus Neighborhoods for two-family dwellings be increased from 7,000 sq. ft. to 10,000 sq. ft. Existing Near Campus two-family dwellings on lots less than 10,000 sq. ft. will become “pre-existing” status, but no new two-family dwellings can be built on lots less than 10,000 sq. ft. Occupancy for rental purposes will be limited to the 2018, bedroom count. Accordingly, total allowable bedroom count for rental occupancy purposes in “Near Campus Neighborhoods” will not be increased with the construction of a new two-family dwelling.

Summary of Changes to Chapter 29- Zoning Ordinance

The proposed standards address the following primary issues:

- Existing Duplexes are not subject to the new standards for additions or changes
- Allowed in all residential zoning districts except Village (Sommerset), private covenants may still restrict their development.
- New second curb cut allowance to facilitate separated parking designs for a site
- Minimum of one covered parking space is required per unit.
- Planning Division staff must approve a zoning permit for design review prior to issuing a building permit.
- New construction in existing areas must include design elements of roofs form, entrances, window transparency, and orientation consistent with housing on the same block, or nearby if small block.
- Front door orientation and setbacks from front facades

Standards unique to two-family dwellings are proposed in Section 29.410(2). This section includes standards applicable to new construction of all two-family dwellings. There are also additional standards for infill sites located within established neighborhoods. **Existing two-family dwellings will be considered “pre-existing” as defined within the Zoning Ordinance and will not be subject to the new standards for remodeling and additions. Pre-existing units may continue indefinitely; however, should a pre-existing two-family dwelling be demolished, the new two-family dwelling would be subject to all current standards.**

Where Permitted. Currently, two-family dwellings are limited to the RM, FS-RM and RH zoning districts. **The change will allow two-family dwellings in residential zoning districts where previously only pre-existing two-family dwellings were allowed, which include, RL, UCRM, & FS-RL.** F-VR Village Residential zoning is not being amended at this time, as this zone only applies in Somerset which has unique design requirements and covenants limiting certain building types. **Additionally, the new design requirements will apply in RM, FS-RM, and RH which is more restrictive than today where they are permitted with no additional requirements.**

Please note that although the zoning may allow for two-family homes, private subdivision covenants may still restrict this building type just as was discussed during the ADU text amendment process.

Single-family homes will not be allowed to convert to a two-family use. Two-family dwellings will only be allowed only as new construction. New construction can be on a vacant lot in an established neighborhood or built as new development.

Parking & Driveways. **The current requirement for two parking spaces per dwelling will continue; however, a garage space will be required for one of the spaces per unit.** Currently in the city there are no covered parking requirements, but this was added in consideration that most single-family neighborhoods do include at least one covered garage parking space.

The standards do not preclude the use of a two-car garage for each dwelling; however, other standards such as maximum driveway width and driveway separation requirements, as well as compatibility standards for established neighborhoods will influence the design and may limit the orientation of the garage to a street or potentially its overall size. Existing requirements allow a garage door width no greater than 20 feet per dwelling unit (Section 29.408(7)(a)(iii)(d)). Constructing a two-family dwelling with 40 feet of continuous garage doors facing the street will not meet existing neighborhood compatibility standards and will have to be broken up or placed in the rear.

Current driveway regulations for single-family and two-family properties limit a property to one curb cut & driveway unless there is 150 feet of frontage. Essentially, a site must be a corner lot to have a second driveway. Additionally, there is a 75' separation distance required (Section 29.406(10)(b)(ii)). As staff evaluated the design goals for two-family dwellings and in response to one developer comment, staff concluded having only one 20' wide driveway on a two-family property would limit design layout options and functionality. In some cases, a single driveway access point may be able to allow for a driveway to flare out and provide access to multiple garages. If the one driveway limit is maintained, it would not allow for split garage designs on opposite sides of the building. It would result in only one garage space per unit unless the garage is in a rear yard. **Allowing the second curb cut would take a street parking space away but give the builder more choices in building design.** Allowing two-family dwellings to have more than one driveway cut was not discussed during public outreach, but this change is proposed in the draft ordinance by staff.

Staff met with the city's traffic engineer to better understand SUDAS regulations and to understand required driveway design standards and spacing. No change to the actual design requirements is proposed for driveway approach design, all driveways would still require at least a 3-foot taper at the curb and typically 5 feet of curb would be needed between tapers, resulting in 11 feet of separation. Functionally, a property would likely have to have at least 65 feet of lot frontage to accommodate two driveways and potentially meet the other design requirements. **Staff supports amending Section 29.406(10)(b)(ii) to allow two driveways for two-family dwellings with the intent that neighborhood compatibility would still apply and not necessarily permit split driveway designs in all neighborhoods.**

Design and Orientation. **The proposed standards require two-family dwellings to be designed to have the appearance of two identifiable separate units in terms of materials and architectural treatments, when both front doors face the street on the primary façade.** This standard will apply to all new two-family dwellings. Alternatively, the building can locate one entrance on the primary façade with the second unit's entrance to the side or rear. Two-family dwellings located on a corner lot may locate a front door on each street facing façade as well.

Dwelling units may be located side-by-side, in tandem (second unit behind front unit), or stacked.

Entrances. **The primary entrance for at least one of the units shall be on the primary façade or on a recessed façade that is setback from the primary façade by not more than 12 feet.** The draft regulations used the term "not substantially setback from the front façade." A recess of more than 12 feet is now defined as substantial. Within the Zoning Ordinance, several overlay zones require a minimum (4-foot or 8-foot) recessed façade along with the primary façade. Having a recessed façade can add variation and interest in the building form when it is appropriately dimensioned.

Windows and Transparency. All primary façades shall include a minimum solid to void ratio of 15%. This prevents blank walls that create a blocked-off street frontage. This standard is already utilized in the Single-Family Conservation Overlay (O-SFC). Current definitions describe how the standard is applied.

Block Face Evaluation and Neighborhood Compatibility. Ames Plan 2040 policies emphasize infill compatibility and the protection of neighborhood character in established neighborhoods. **Compatibility of new construction will be achieved by incorporating a prevalent architectural style and/or prevalent features currently existing on the block face within established neighborhoods into the design.** An evaluation of the block face will determine if a uniform architectural style is present among the single-family homes and/or if prevalent styles exist in the treatment of roof design, primary entries, windows, and garage placement. The block face includes all properties facing one side of a street in a block. Neighborhood "style" varies among neighborhoods depending upon the year of construction.

New neighborhoods are proposed to be exempt from the strict application of the design compatibility due to lack of established character.

The most notable feature that will be determined by the block face evaluation will be the determination of where driveways and garages can be placed in relation to the front (street facing) façade of the building. There are three garage/driveway patterns that may emerge within established neighborhoods:

- A flush or nearly flush front-loaded garage accompanied by a driveway not having a width

greater than 20 feet (most predominant pattern).

- Garages that protrude from the front façade are not allowed, unless it can be documented that this pattern is existing and prevalent on the street block.
- A street-facing garage door(s) shall not exceed 50 percent of the total front façade width.
- An attached or detached garage located at the rear of the house or in the rear yard accompanied by a driveway usually along one side of the house.
 - Locate the garage at the rear of the two-family dwelling or as a detached garage in the rear yard.
 - Alternatively, the garage may be located a minimum of 18' from the front façade of the two-family dwelling. All garages, attached or detached, shall be set back a minimum distance of 18 feet behind the primary facade of the principal building on the lot.
- An attached or detached garage located at the rear of the house or in the rear yard accessed from an alley.
 - Garages shall be located either at the rear of the two-family dwelling or as a detached garage in the rear yard.
 - Any new driveway shall be constructed with access only from the alley. The driveway leading from an alley to the entrance of a garage shall be either 8 feet from the property line abutting the alley or a minimum of 20 feet from the property line abutting the alley.

In all areas, side loading and rear placed garages are allowed, if other required standards are met. Additionally, detached garages shall comply with the accessory building regulations described in Sec. 29.408(7), for allowable setbacks, maximum size, and maximum building height.

Other features that might emerge from the evaluation and impact the design are roof design, entrance features, and window styles and proportions.

- Incorporate prevalent roof forms from the block face evaluation that represent compatible features, such as hipped roofs, gables, and dormers.
- Entrances. Incorporate prevalent entrance features from the block face evaluation that represent compatible features, such as porches, stoops, sidelights.
- Windows and Transparency. Incorporate window style and proportions from the block face evaluation, if a predominate style is evident. This is key element in that generally single-family home windows are important design feature of a single-family home and exceed minimum dimensions of the building code. When a structure utilizes only minimum dimension requirements of the building code, it will often not be consistent with surrounding home designs.

Block faces with an eclectic mix of single-family home styles will have few, if any, features to replicate and there will be more flexibility for the builder to propose a design that is generally compatible with the block.

A zoning permit will be required for two-family dwellings before a building permit can be issued. This will allow review for compliance with the two-family standards of the zoning ordinance. The application for a two-family home zoning permit will require an applicant to assess the block face and identify what features are proposed to address these criteria.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On January 17, 2024, the Planning and Zoning Commission reviewed the text amendments to Chapter 29, Zoning Ordinance. The commission debated the balance of these standards with maybe allowing for more housing to be built. Several commissioners questioned why single-family home conversions to

two-family dwellings were not being allowed. Staff responded that with the current price point for new construction being so high, City Council felt it important to maintain the existing single-family inventory that may be affordable as ownership housing opportunities, rather than promote its transition to investment property.

One commissioner strongly opposed the whole concept of adding two-family dwellings into single-family neighborhoods and voted against the text amendments. The final vote of the Commission was 5-1 to recommend approval of the draft ordinance amending Chapter 29 as proposed by staff for new construction only.

State Legislation

The Iowa Legislature is considering a bill (SF 2154) that among other issues will limit the ability of a City to apply building materials and other architectural design requirements related to roofs, windows, doors for one family, two-family, and multi-family buildings of 12 units or less. The proposed bill currently includes exceptions for historic districts, PUDs, and special purpose zoning districts. **If this bill is enacted as proposed it would render many of the proposed design compatibility standards unenforceable in standard residential zoning districts. They could still be applied to more limited areas of the City within the language of special purpose districts.**

The bill has moved out of committee but has not proceeded to the Senate Floor for approval. Staff believes that some version of this bill will likely get approved during the legislative session. With this bill pending, staff still believes City Council should proceed with the Hearing and have first reading of the ordinance. However, staff recommends that ultimately the third reading of the ordinance and adoption of the ordinance does not occur until the Bill has been resolved at the legislative level because it would impact many of the standards in this ordinance. If that occurs, City Council will have to decide if it wants to allow more limited zoning options for duplexes or if duplexes without design requirements will still be desirable in all zoning districts.

ALTERNATIVES:

1. Approve on second reading, the draft ordinance text amendments to Chapter 29, included as Attachment 'A', allowing two-family dwellings in all residential districts.
2. Approve on second reading, a modified version of the draft ordinance text amendments to Chapter 29, included as Attachment 'A', allowing two-family dwellings in all residential districts.

CITY MANAGER'S RECOMMENDED ACTION:

During the 1980s and 1990s several low density and medium density zoning districts allowed for two-family dwellings to be constructed. The city currently has over 1000 two-family dwelling units. Due to sensitivity of design issues and over concentration of rental properties, the new zoning ordinance adopted in 2000 eliminated options for new two-family dwelling construction in almost all zoning districts. These existing two-family dwellings were identified as a “pre-existing” use that allowed for them to be maintained and altered. Consequently, very few two-family dwellings have been constructed since 2000.

In support of the City Council’s goal of valuing diverse housing options, this zoning text amendment will introduce an expansion of this type of housing option. Policies of Ames Plan 2040, require infill development to give consideration to design context. Support for infill is based upon the concept of contextual design for compatibility, the goal is not strictly to increase density as efficiently as possible,

but instead to allow for integrated design into a neighborhood. The city has examples of both compatible and integrated two-family dwelling designs and those that are not designed in a context-sensitive manner.

Design standards have been added to help ensure compatibility of the new construction with the existing homes in an established neighborhood. Two-family dwellings can only be established through new construction and are not allowed to be established by conversion of an existing single-family home. The conversion limitation is intended to preserve existing affordable single-family housing stock and to not incent its conversion to two-family dwellings that would not meet the standards of the new design requirements.

Although the design requirements will add cost and require builders to consider site specific situations, staff believes that the standards include an appropriate balance of considerations.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, approving the first reading of the draft ordinance text amendments to Chapter 29, allowing two-family dwellings in all residential districts.

Note that staff supports first reading at this time but will recommend final adoption not occur until resolution by Legislature of SF 2154. Third reading would tentatively be planned for March 27th.

ATTACHMENT(S):

[DRAFT_ORDINANCE_Zoning_Text_Amendments_for_Two-Family_Dwellings_2.5.24.pdf](#)