

COUNCIL ACTION FORM

SUBJECT: REQUEST FROM GREEN HILLS COMMUNITY FOR ZONING ORDINANCE TEXT AMENDMENTS RELATED TO PLANNED RESIDENCE DISTRICT (PRD)

BACKGROUND:

A recent review of the proposed expansion of a residential Planned Residence District (PRD) revealed three sections of zoning code that posed obstacles for the property owner. Nyemaster Law Firm addressed the City Council by letter requesting text amendments needed to facilitate the expansion of the Green Hills Community. The City Council referred the letter at its meeting of January 18. Victoria Feilmeyer, attorney representing the Green Hills Community, followed up the referral with an application for text amendments as noted in the three subsections below.

PRD Uses

Prior to 2000, the zoning code allowed general discretion by the City Council to permit uses in residential PRDs that “were for the service and convenience of the residents” (*see attached excerpt from the 1985 Zoning Code*). In 2000 the approach was revised to a more narrowly defined listing of specific uses. This resulted in creating a nonconforming use of “nursing home” at Green Hills, which was originally developed in 1986. Rather than propose revising the use provisions back to the method that existed prior to 2000, Green Hills is requesting that their specific uses be added to the narrowly defined list so that their proposed expansion can proceed. Staff believes that the addition of the broader category of “Group Living,” which includes nursing homes, as well as other uses (such as fraternities and sororities), would be too broad because it would allow group living in all PRD’s in the city. That would be a rather significant change requiring further analysis and discussion. Therefore, **the applicant proposes language that would allow group living in PRD’s only if it already exists. This would be accomplished by adding “Group Living, if pre-existing” to the list of permitted uses in a PRD. This would then allow any *existing* types of group living to expand in a PRD, but it would not allow them to be newly established.**

The proposed amendment would eliminate the non-conforming status of the existing Green Hills nursing home facility, thereby allowing its expansion. But Green Hills also wishes to establish an assisted living facility to serve the PRD. “Assisted Living” is listed under the broader “Group Living” use category, but there is no such facility in the Green Hills PRD. The proposed text amendments therefore include adding “Assisted Living” to the list of permitted accessory uses in the PRD zone. However, Green Hills is sensitive to the original intent of the PRD to be primarily residential with some limited supporting uses. Therefore, as a way to ensure that Assisted Living in PRDs would only be for the residents and not for the general public, the proposed text would read, “Assisted living, for the residents of the PRD”. [Emphasis added]

Staff is supportive of this text amendment because staff believes that these can be supporting uses. The proposed amendment to Ames *Municipal Code* Table 29.1203(4), Planned Residence District (F-PRD) Floating Zone Uses, is shown in the attached draft ordinance.

Minimum Parking for Nursing and Assisted Living

Current parking requirements for nursing and assisted living uses are one space for each 2 beds plus one space for every 2 staff members on the largest shift. **The applicant is requesting the reduction of parking requirement to one space for every five beds. Staff is supportive of this request because one space for every five beds is consistent with *Iowa Administrative Code* Chapter 481, Section 61.3 (1).** This would reduce parking requirements for nursing homes and assisted living facilities city-wide. Observations by the applicant and by city staff of nursing homes and assisted living facilities are that parking lots for these uses are largely underutilized with only a few visitors at any given time. There is never one visitor for every other occupant, and typically the occupants do not store cars at the facility because they either do not drive, or they keep their cars off-site. The proposed change would require amendment to Ames *Municipal Code* Table 29.406(2), Minimum Off-Street Parking Requirements.

Remote Parking for F-PRD

Remote parking is allowed in some zones when the minimum parking requirement can not be met on the same lot as the use. The applicant proposes adding F-PRD to the list of zones that allow remote parking. It is unusual for F-PRDs to have more than one lot. However, in the case of Green Hills, the PRD is very large and there are two entities that exist: the homeowners and the health center. Therefore there are lot lines between uses. The reduction of the parking requirement and the addition of the PRD zone to the remote parking list would facilitate adequate parking provisions without creating excessive additional parking that is unnecessary for the use. The proposed change would require amendment to Ames *Municipal Code* Section 29.406(18), Remote Parking.

The above-proposed amendments are shown on the attached draft ordinance.

Recommendation of the Planning and Zoning Commission. At its meeting of March 16, 2011, with a vote of 4-0-1 (1 abstention), the Planning and Zoning Commission recommended that the City Council approve the text amendments as proposed (see attached ordinance).

ALTERNATIVES:

1. The City Council can approve the text amendments as proposed above.
2. The City Council can approve the text amendments as proposed, with modifications.
3. The City Council can decide not to approve the proposed text amendments.
4. The City Council can refer this issue back to staff for further information.

MANAGER'S RECOMMENDED ACTION:

The applicant is requesting Council approval of the amendments so that Green Hills can move forward with site plan review of their expansion. **Staff finds that the proposed amendments are consistent with the Land Use Policy Plan, the stated intent of the current zoning code, and State standards pertaining to parking facilities for nursing homes and assisting living facilities. They would also eliminate the existing non-conforming status of the Green Hills nursing home that resulted from the initial adoption of the PRD standards. Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the proposed amendments as shown on the attached draft ordinance.**

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING TABLE 29.1203(4), TABLE 29.406(2), SECTION 29.406(18)(a)(b) AND ENACTING A NEW TABLE 29.1203(4), TABLE 29.406(2) AND SECTION 29.406(18)(a)(b) THEREOF, FOR THE PURPOSE OF ADDING THE F-PRD ZONE TO THE LIST OF ZONES WHERE REMOTE PARKING IS ALLOWED; REDUCE THE MINIMUM PARKING REQUIREMENTS FOR NURSING HOMES AND ASSISTED LIVING FACILITIES CITY-WIDE; AND, ADD GROUP LIVING AND ASSISTED LIVING FACILITIES AS PERMITTED USES IN THE F-PRD ZONE; 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 Table 29.1203(4) and enacting a new Table 29.1203(4) as follows:

**“Table 29.1203(4)
Planned Residence District (F-PRD) Floating Zone Uses**

Permitted Principal Uses	Permitted Accessory Uses
Single Family Home Two-Family Home Apartment Building Townhouse Group Living, if pre-existing	Recreational facilities for the residents of the PRD Accessory uses of the Household Living category provided for in Table 29.500 of this ordinance Garages Open spaces uses Home occupations subject to standards of Section 29.1304 of this ordinance Home Day Care subject to the standards of Section 29.1304 Office and Trade use where the property owner can demonstrate through a written Market Study that the Office and Trade use can be supported by the residents of the Planned Residence District Project Rental services offices not to exceed 5,000 square feet Assisted Living, for the residents of the PRD

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Table 29.406(2) and enacting a new Table 29.406(2) as follows:

**Table 29.406(2)
Minimum Off-Street Parking Requirements**

PRINCIPAL LAND USE	ALL ZONES EXCEPT DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES	DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES
RESIDENTIAL DWELLINGS		
One and Two-Family and Single Family Attached (including Manufactured Homes outside RLP District)	2 spaces/Residential Unit (RU)	1 space/RU
Apartment Dwellings	1.5 space/RU; for one-bedroom units 1 space/bedroom for units of 2 bedrooms or more 1.25 space/bedroom for units of 2 bedrooms or more in University Impacted (O-UIE and OUIW)	1 space/RU
Dwelling House	1 space per bedroom	N/A
Family Home	2 spaces plus 1 space/2 full time staff members of the largest shift	NONE
Group Living		NONE
Nursing and convalescent homes	1 space/5 beds, plus 1 space/2 staff members of the largest shift	
College and University housing, fraternities and sororities	1 space/bed	
Mobile Home and Manufactured Home in Manufactured/Mobile Home Parks	2 spaces/Manufactured/Mobile Home Space plus 1 space for guest parking/4 Manufactured/Mobile Home Spaces	NONE
PRINCIPAL LAND USE	ALL ZONES EXCEPT DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES	DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES

Short-Term Lodging Hotel/Motel, including ancillary uses	1 space/guest room; plus 6 spaces/1,000 sf of ballroom, meeting, bar and restaurant areas; plus 1 space/2 employees of the largest shift	1 space/guest room, plus 5 spaces/1,000 sf of ballroom, meeting, bar and restaurant areas; plus 1 space/2 employees of the largest shift
Boarding houses, rooming houses, and lodging houses	1 space/bed	0.5 space/bed
OFFICE		
Medical/Dental office	1 space/143 sf where there is no agreement for shared parking; 1 space/200 sf where there is an agreement for shared parking or for medical facilities that exceed 50,000 sf	NONE
Other office	Ground level: 1 space/250 sf; other than ground level: 1 space/300 sf	NONE
TRADE AND WHOLESALE		
Retail Sales and Services-General	Ground level: 1 space 200 sf; other than ground level: 1 space/250 sf	NONE
Wholesale Trade	1 space/500 sf	NONE
Printing	1 space/200 sf of retail area; plus 1 space/2 employees on largest shift; plus 1 space/company vehicle	NONE
Fuel Sale/Convenience Stores	1 space/200 sf; spaces at fuel pump islands may be counted towards this requirement	NONE
Retail Sales and Services-General	Ground level: 1 space/200 sf; other than ground level: 1 space/250 sf; and all levels in CVCN zone and CGS zone: 1 space/300 sf	NONE
Retail and Shopping Centers, exclusive of Grocery Stores and Offices Uses, 50,000 - 99,999 sq. ft.	4.5 spaces/1,000 sf; except that in CVCN zone and CGS zone, 1 space /300 sf 4.50 spaces/1,000 sf	NONE
PRINCIPAL LAND USE	ALL ZONES EXCEPT DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES	DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES

Retail and Shopping Centers, exclusive of Grocery Stores and Office Uses, 100,000 - 199,999 sq. ft.	4.25 spaces/1,000 sf, except that in CVCN zone and CGS zone, 1 space /300 sf.	NONE
Major retail and Shopping Centers, exclusive of Grocery Stores and Office Uses	4.00 spaces/1,000 sf, except that in CVCN zone and CGS zone, 1 space /300 sf	NONE
Grocery Stores	1 space/250 sf, except that in CVCN zone and CGS zone, 1 space/300 sf.	NONE
Display store (furniture, appliances, carpets, etc.)	1 space/500 sf	NONE
Financial institution (freestanding or as ground level service area)	Ground level: 1 space/250 sf; other than ground level: 1 space/300 sf	NONE
Entertainment and Recreation Trade	14 spaces/1,000 sf	NONE
Sit-Down Restaurant	9 spaces/1,000 sf	NONE
Fast food restaurant	12 spaces/1,000 sf in dining or waiting area, or 1 space/2 employees if no seating	NONE
Recreation facility, health club	5 spaces/1,000 sf	NONE
Enclosed tennis, handball, racquetball or squash courts	4 spaces/court plus 1 space/200 sf for rest of building	NONE
Bowling Alley	5 spaces/lane. Bar, restaurant and other uses shall provide parking according to the requirement for that use	NONE
INSTITUTIONAL AND MISCELLANEOUS USES		
Auditoriums, theaters, stadiums and arenas	Greater of 1 space/5 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces	Greater of 1 space/4 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces
Places of Worship	When seating is provided in main auditorium: 1 space/4 seats, exclusive of Sunday School and other special areas. When seating is not provided in main auditorium: 1 space/60 sf of worship area	NONE
PRINCIPAL LAND USE	ALL ZONES EXCEPT DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES	DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES
Private clubs, fraternal organizations, libraries, museums and community buildings	1 space/200 sf	NONE
Funeral Home/Mortuary	1 space/50 sf in slumber rooms, parlors and funeral service rooms	NONE

Vehicle Service Facilities Fuel Sales Only Service/Repair Facilities	3 spaces plus 1/employee 3 spaces plus 2 spaces/service bay	NONE
Car Wash	2 spaces plus 5 stacking spaces/washing bay	NONE
Motor vehicle sales and service	2 spaces plus 1 space/500 sf over 1,000 sf in the showroom, plus 2 spaces/service bay	NONE
Heliport or helicopter landing area	Greater of 1 space/employee or 2 spaces/1,000 sf of patron area, but not less than 10 spaces	NONE
Hospital/medical center	1 space/2 beds plus 1 space/2 staff members of the largest shift	NONE
Schools primarily serving children younger than age 16	Greater of 2 spaces/classroom or 1 space/4 seats in auditorium	NONE
High schools and universities	Greater of 1 space/2 students; or 10 spaces/classroom; or 1 space/4 seats in auditorium	4 spaces/classroom
Sports Practice Facility	2 spaces/1,000 sq ft of gross floor area	2 spaces/1,000 sq ft of gross floor area
INDUSTRIAL		
Industrial Service, Manufacturing and Production, Resource Production and Extraction	1 space/500 sf plus 1/space/company vehicle	NONE
Warehouse	One (1) parking space per 5,000 sq.ft.	NONE
MIXED-USE DEVELOPMENT		
	Mixed-use development parking shall be determined as the sum of parking requirements of the individual use components	NONE

(Ord. No. 3587, 9-12-00, Ord. No. 3643, 1-8-02, Ord. No. 3666, 6-11-02, Ord. No. 3720, 7-22-03, Ord. No. 3739, 10-14-03; Ord. No. 3866, 12-20-05; Ord. No. 3872, 03-07-06; Ord. No. 3967, 9-9-08; Ord. No. 3993.06-16-09; Ord. No. 4030, 4-13-10)

Section Three. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.406(18) (a)(b) and enacting a new Section 29.406(18)(a)(b) as follows:

(18) **Remote Parking.** All parking spaces required by this ordinance shall be located on the same lot as the use served, except as noted below:

(a) Parking spaces required for principal uses permitted in the DSC, CSC, HOC, CCN, CCR, S-HM and S-SMD zoning districts may be located on the same lot as the principal building or on a lot within 300 feet of the lot on which the principal building is located.

(b) Parking spaces required for uses permitted in the F-PRD zoning district may be located on a lot within 300 feet of the lot on which the use is located, if the parking spaces to be used are within the boundary of the same F-PRD zoning district.”

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

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

Section Six. 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