

Staff Report

MINIMUM BUILDING HEIGHT IN DOWNTOWN SERVICES CENTER ZONING DISTRICT

June 28, 2011

On April 12, 2011, when acting on rezoning the Kellogg Avenue corridor to Downtown Service Center (DSC), the City Council directed the Planning and Zoning Commission to consider the minimum building height requirement in the DSC zoning district. Table 29.808(3) of the Ames *Municipal Code* contains this requirement, which is the minimum height of two stories (See Attachment A). This requirement was enacted with the current Zoning Ordinance in 2000. More detailed information about this issue can be found in the attached staff report to City Council of April 12, 2011.

In that report, staff identified and discussed five viewpoints and approaches to this issue:

- Leave the minimum building height at two stories.
- Remove the minimum building height requirement from the DSC regulations.
- Apply the minimum building height to only certain portions of the DSC zoning district.
- Require the two-story minimum building height where there are existing buildings of more than one story adjacent to a site for a proposed new building either on one side or both sides.
- Allow one-story buildings to be built whenever a one-story building has been demolished.

The **Planning and Zoning Commission** reviewed the issue of minimum building heights in the Downtown Service Center zoning district at its meeting of May 18, 2011. The Commission found consensus on the importance of two-story and taller building heights to the character of the Downtown and that this character is important to the community. They also agreed on several other characteristics that make the area more than a typical downtown, rather a cultural district which is an important attribute that Ames can present to residents and visitors. The Commission supports ongoing modernization that preserves the existing special characteristics and makes it more clearly a cultural district. This relates not only to minimum building height, but also to maximum building height and to the uses in the upper stories of the buildings. The Commission also agreed that it is important to have a better, clearer definition of building height (maximum or minimum) than the current undefined “story.”

The Commissioners also agreed it is important to try to balance preserving and enhancing character with wanting a district that is thriving. Requiring people to make an investment in a second floor that they can't use would become an economic deterrent.

The Commissioners expressed several different ideas and opinions about how to strike this balance. Some Commissioners favored allowing a property owner to replace a one-story building with a new one-story building. Some Commissioners believe that the market will do an adequate job of determining when a second story should be built. For example, two stories for a new building might be more likely than renovating an existing second story. Some Commissioners favor economic incentives for building two stories or more, instead of a code requirement. All agreed that it is not enough to just have the rules and regulations to just freeze the current conditions it in time. It is important that people be actively making more two-story buildings and not just maintaining what we have.

Although there seemed to be a consensus in support of the importance of building height, there was no recommendation offered by a majority of the Planning and Zoning Commission members regarding the existing minimum two-story requirement.

Because the City's adopted Historic Preservation Plan recommends that the **Historic Preservation Commission** should advise the City Council on policies for areas that have been identified as having potential historic significance, staff also forwarded the staff report to the Historic Preservation Commission. The Historic Preservation Commission reviewed the issue of minimum building heights in the Downtown Service Center zoning district at its meeting of June 20, 2011. Some Commissioners see the one-story buildings that are there along Main Street, especially in the 200-300 blocks of Main Street, as out of place. Others were less bothered by the height than other issues in the district, such as signs and windows. There was general agreement that maximum building height is important, in view of what was built in Campustown.

Several Commissioners conclude that replacement of two-story buildings with one-story buildings may become more likely as the downtown continues to be successful and that this could seriously compromise the historic integrity that is one of the important, special aspects of at least the Main Street portion of the district. That could lead to less investment in the area. There was also some discussion that, if the Kellogg corridor is seen as similar to the downtown district, requiring two stories when properties are rebuilt will encourage further similarity.

There was a question whether someone who owns a one-story building, which is insured based on the cost to build a one-story building, would be forced to replace it with a two-story building. The Commission agreed this would be an economic hardship. Although there is a standard for an exception to the minimum building height requirement, there are no criteria for economic hardships. It was suggested that the standards could be changed to allow for economic hardship.

Some Commissioners felt that, since this requirement has been in place for 11 years and has not been an issue, it may not be an urgent need to make a code amendment. There was consensus that it is good to leave the issue alone until the National Register nomination is complete because the consultant would be a logical source of advice. **The**

Historic Preservation Commission unanimously approved a recommendation to the City Council to table this issue until the National Register survey and the Chapter 31 review are complete so that they may benefit from the expertise of those consultants.

Since the staff has not received any complaints about the existing height requirement, there does not appear to be a need to take any immediate action. Therefore, the staff would concur with the recommendation of the Historic Preservation Commission to take no action at this time to change the minimum building height requirement until the upcoming historic studies are underway. Under this approach, the Council will be able to gain input from the consultant engaged in the project.

Staff Report

MINIMUM BUILDING HEIGHT IN DOWNTOWN SERVICES CENTER ZONING DISTRICT

April 12, 2011

On March 1, 2011, during discussion of rezoning the 100 and 200 blocks of Kellogg Avenue to the Downtown Service Center (DSC) zoning district, the City Council asked staff to report on the minimum building height requirement in the DSC zoning district. Table 29.808(3) of the Ames *Municipal Code* contains this requirement, which is the minimum height of two stories (See Attachment A). This requirement was enacted with the current zoning ordinance in 2000.

In a traditional downtown district this standard recognizes that a mix of different, complementary uses is one of the defining characteristics of downtowns. The first floor contains the retail shops, services, restaurants, and entertainment uses while the upper floor contains professional offices, service clubs, organizations, and residences. The mix of a compact, walkable area creates a 24-hour district, generates less traffic and parking than a strictly commercial district, and provides another lifestyle option for a vibrant community. It also makes efficient use of infrastructure and provides a location for smaller, locally-owned businesses. All of these uses and characteristics are present in downtown Ames.

The minimum height standard also preserves an existing urban design characteristic that is important to a walkable, compact district – human scale. The term “human scale” describes a three dimensional space defined by boundaries within which many people feel comfortable when out of their cars. In the core of a traditional downtown district, those boundaries are the building walls on both sides of the street. The ratio of the height of those buildings and the distance across the street between buildings establishes the scale of the space. Many downtowns intentionally establish building height standards that reflect the width of the street. The intent is to create a defined space and a sense of enclosure for the area, creating a comfortable place for pedestrians. Some downtown planners compare this to “walking into a room.” Typically, traditional downtowns in moderate-sized Midwestern communities have buildings of two, three or four stories and distance across the street of 50 to 80 feet. Our city’s two-story minimum height standards may have been adopted to reflect that characteristic. (See Attachment B for illustrations of the scale of various building heights.)

These characteristics are not uniform throughout the Ames downtown, nor are they confined in Ames to the downtown. Attachment C illustrates that there are many buildings with only one story downtown, although fewer in number than the buildings

with two or more stories. All of the one-story buildings were built before 2000 when the two-story minimum was enacted. In fact, no new buildings have been built in this district since 2000, except for a few replacement buildings, such as the expansion of Ames Silversmithing. However, there has certainly been a great deal of renovation of existing buildings.

Attachment C also illustrates that, although buildings with two or more stories are distributed throughout the DSC zoning district, they are concentrated on Main Street east of Clark Avenue and in the northeast part of the district east of Kellogg. The illustration does not show the Public Library or other buildings in the Government/Airport zoning district, but the library is two-story on the north end and one story on the south end.

A natural question relates to what will happen if a one-story building in this district is demolished or destroyed. Must a two-story building be constructed to replace it? Even after suffering damages of up to 70% percent of its value, the one-story building can be rebuilt. But a building with two or more stories would be required if the structure is damaged to more than 70% of its assessed value (Per Municipal Code Section 29.307(3)(c)). There are two different standards for the Zoning Board of Adjustment to approve an exception to this requirement. One standard is that the “restoration will be made to fullest extent possible in conformance with the applicable zoning standards” (Section 29.307(3)(c)). The other standard is that the lot “size and shape is not conducive to a multi-story structure . . . and . . . there is a direct benefit to the community to have a one-story structure at the proposed location” (Section 29.808(4)). These may be difficult standards to fulfill if the only reason that a one-story building is proposed is cost or preference of the owner.

Zoning requirements change throughout the years to reflect changing conditions, preferences or values. Requiring property improvements to follow the current zoning requirements under some circumstances promotes intentional incremental change in the community. The minimum height standard in the Downtown Services Center helps to preserve some of the intrinsic characteristics that define this area and make it distinctive. The Campustown Service Center and the Village Residential zoning districts also include minimum height standards, 25 feet in Campustown and 16 feet in the Village Commercial Center for street-facing facades.

The proposed rezoning of the 100 and 200 blocks of Kellogg Avenue to DSC brings this process into focus. The building setbacks and parking locations along Kellogg Avenue are more similar downtown than to the corridor commercial sites on Lincoln Way. Visually this helps Kellogg to serve as an entry corridor from Lincoln Way to downtown and DSC zoning would preserve the setbacks. If that is a desirable objective and policy for zoning, then the one-story buildings should be expected to be replaced with buildings of two or more stories over time. These larger buildings would be more distinctive, more similar to Main Street, more walkable and a more identifiable entrance to downtown. **This argument supports leaving the minimum building height at two stories.**

All of the two- and three-story buildings in the downtown were built in the past 100 years without any minimum standard for building height. Owners made the decisions to build more than one story because it met their needs and made economic sense. However, needs and the economic context have changed and upper stories may no longer make sense in all cases. From this perspective, it can be expected that owners will build taller buildings when the market supports buildings of more than one story, even without a minimum height requirement. For example, after many years of developing one-story buildings in Campustown, in the last twenty years taller buildings have been built. If there is no need for the residential or office space on the upper floors in the downtown, then a mandate may discourage the construction of new buildings in DSC zoning district. **This perspective supports removing the minimum building height requirement from the DSC regulations.**

It has been noted above that on Main Street east of Clark Avenue, the predominance of buildings taller than one story creates the most consistent pedestrian environment. On the other hand, if the newer buildings on the site of the railroad depot were more than one story tall, they would have detracted from the historic nature of that building. **Another approach then is to apply the minimum building height to only certain portions of the DSC zoning district.** The properties along the 100 and 200 block of Kellogg Avenue could be included or excluded from the area where this requirement applies.

Another approach is to require the two-story minimum building height where there are existing buildings of more than one story adjacent to a site for a proposed new building either on one side or both sides. This approach would preserve this characteristic wherever it already exists anywhere in the DSC zoning district.

Should the City Council desire to change the current minimum building height requirement, it can refer any of these approaches to the Planning and Zoning Commission as a proposed text amendment to the zoning ordinance.

Table 29.808(3)

Downtown Service Center (DSC) Zone Development Standards

DEVELOPMENT STANDARDS	DSC ZONE
Minimum FAR	1.0 [1]
Minimum Lot Area	No minimum, except for mixed uses, which shall provide 250 sf of lot area for each dwelling unit
Minimum Lot Frontage	No minimum, except for mixed uses, which shall provide 25 ft.
Minimum Building Setbacks:	
Front Lot Line	0
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting a Residentially Zoned Lot	10 ft.
Landscaping in Setbacks Abutting an R Zoned Lot	5 ft. @ L3. See Section 29.403
Maximum Building Coverage	100%
Minimum Landscaped Area	No minimum
Maximum Height	7 stories
Minimum Height	2 Stories
and Streets	
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Yes. See Section 29.405
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

(4) **Standards for the Granting of Exceptions to the Minimum Requirement** for Two Story Buildings in the DSC (Downtown Service Center) District. Before an exception to the requirement for two-story buildings in the DSC (Downtown Service Center) can be granted, the Zoning Board of Adjustment shall establish that the following standards have been, or shall be satisfied:

(a) **Standards.** The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed one-story building, in the DSC zone, meets the following standards:

(i) Physical circumstances exist for the property which result in a lot with a size and shape that is not conducive to a multi-story structure, and

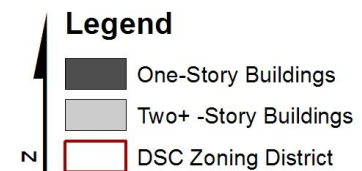
(ii) It can be demonstrated that there is a direct benefit to the community to have a one-story structure, at the proposed location, as opposed to a multi-story structure.

(b) **Procedure.** The procedure to follow for an “exception” is described in Section 29.1506(3).

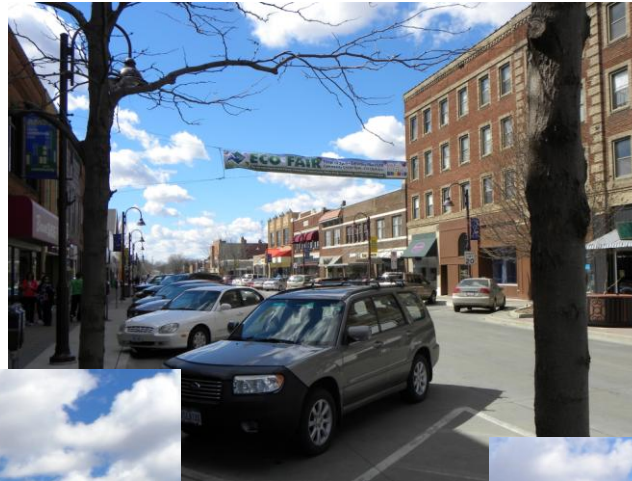
(Ord. No. 3815, 12-21-04; Ord. No. 3872, 03-07-06)



Existing Building Height in Downtown Service Center



Most buildings on Main Street
are two stories tall . . .



. . . except the east end of
Main Street.



Most buildings on the 100 and 200 blocks of
Kellogg Avenue are one story tall