

COUNCIL ACTION FORM

**SUBJECT: PROPOSED ZONING CODE TEXT AMENDMENT CONCERNING
DEFINITIONS OF “STORY” AND “BASEMENT”**

BACKGROUND:

Regulation of Building Setbacks by Number of Building Stories

The *Ames Zoning Code* regulates setbacks in various zones by referring to the number of building stories. For example, setbacks are regulated in the RH (Residential High) zone, as follows:

Table 29.704(3)

...

Minimum Principal Building Setbacks:

Front Lot Line	25 ft.
Side Lot Line	6 ft. for one story; 8 ft. for 2 stories; 10 ft for 3 stories; 12 ft. for 4 stories; 4 ft. additional for each story over 4

The Zoning Code also regulates the minimum number of stories in the DSC (Downtown Service Center) zone. Specifically, Table 29.808(3) states that the minimum height in the DSC is two stories.

While the Zoning Code regulates setbacks and building height according to the number of stories, there is **no definition of “story” in the Zoning Code**. Staff has therefore relied upon the definition of “story above grade” in the Building Code to interpret the Zoning Code. However, the purpose in the Building Code for regulating the number of stories may be different than the purpose of regulating height in the Zoning Code. For example, in the Zoning Code the intent of regulating buildings according to minimum number of stories in the DSC zone is to ensure that buildings in the downtown reflect the established height characteristic that visually defines the downtown. The Building Code, on the other hand, regulates according to numbers of stories such things as types of construction required, or whether an elevator is required.

At staff’s request, the City Council referred this item for a possible zoning ordinance text amendment to develop a definition of “story” that reflects the intent of the Zoning Code in regulating setbacks and building heights according to the number of building stories.

In response, staff presented to both the Planning and Zoning Commission and the City Council an amendment that essentially reflected the definition in the Building Code that the Inspection Division has applied to past projects, and therefore best reflected past practice. **However, on December 13, 2011, the Council directed staff to come back with alternatives that would address the issue of building height in the downtown as it pertains to the number of stories and that would resolve the issue of nonconforming buildings in the downtown.**

Currently, the Code requires that buildings in the downtown be at least two stories. This reflects the historic pattern of many downtowns that were developed with two or more story structures. The current story requirement was likely imposed to retain that visual pattern and the visual boundaries that define the downtown. In the traditional downtown district, those boundaries are the building walls on both sides of the street. The ratio of the height of those buildings to the width of the street between buildings establishes the scale of the space. Many downtowns intentionally include building height standards that retain that height/width ratio. The intent is to create a defined space with a sense of enclosure, making it inviting to 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. With some exceptions noted, Ames’s downtown is also characterized primarily by multiple-story buildings, and the two-story minimum height standard reflects that characteristic.

It is helpful to consider some of the reasons the two-story requirement may have been imposed, because it helps to identify alternatives that can achieve the same objectives. If the primary purpose was to retain the historic ratio of building height to street width, then allowing a single story building at heights that are similar to two-story structures could achieve the same result. This could also provide some relief to property owners who might find the two-story requirement burdensome due to both the costs of constructing a second story and the questionable ability to market the space on an upper floor. The Council may recall this discussion during the broader discussion of whether to expand the Downtown Service Center (DSC) designation along Kellogg Avenue to Lincoln way.

Staff, therefore, has drafted an amendment to the Zoning Code that would allow a single-level building if it were of a height that reasonably reflected the multi-story structures of the downtown. This is accomplished by defining story both according to the space between a floor and a ceiling (the common approach), and also according to a defined height increment.

The following definition proposes a height increment of 14 feet, meaning that every 14 feet of building height is considered one story. But it also includes a rounding provision that gives credit for a full story if a segment of height is at least 0.57 of the defined 14-foot increment (i.e., 8 feet). Under this definition, a single-story building with a height to the top of the parapet of 22 feet would be considered a two-story building, even if it only had one floor level. That would reflect a 2-story structure with first floor on grade, 9-foot

ceilings on each level separated by one-foot depth of floor, and a three-foot parapet. A building of such dimensions is technically feasible, but is nonetheless low compared to ceiling heights of typical commercial structures.

The definition would also apply in the opposite manner to sections of the Code that regulate the maximum number of stories rather than a minimum number of stories. In those situations, a segment of height is rounded up to assume an additional story if it measures more than 0.50 of the defined 14-foot increment (i.e., 7 feet). **This ensures that codes meant to protect abutting properties from the impacts of taller buildings are also carried out.** For example, some setbacks are based upon the number of stories, ensuring that the taller the building, the further from the property line it will be located. The lower rounding threshold of 0.5 is applied in this situation because the full increment height of 14 feet is quite generous compared to the typical story height of a residential structure.

The above approach using height increments would provide an alternative means for *new construction* to comply with the two story-height requirement. However, it would likely not make any of the existing single-story structures conforming. The Ames Silversmith Building on Main Street, for example, is estimated to be a little over 18 feet high to the top of the parapet, and it may be one of the taller single-story buildings along that street. There are a number of single-level buildings with little to no parapets further to the east that are noticeably lower than the Ames Silversmith building.

If the goal were to make all downtown buildings conforming under this increment approach, we would need to adopt a lesser increment of, say, 8 feet, which would have to assume that a two story building consisted of 8-foot ceilings on both levels and a flat roof with no parapet.. Although that may be technically feasible, there is no precedent for a building like that in the downtown, and it may be contrary to the objective of maintaining a more lofty form of architecture in the downtown. A lesser increment would also be inadvertently burdensome as applied outside the downtown, such as in the FS-RL zone where the number of stories determines a building's setbacks. In those instances, a house with only one floor level would have to meet the setbacks of a two story house if it exceeded 12 feet at the midpoint of the ridge (assuming adoption of an 8-foot increment). That would actually make many, if not most, existing homes nonconforming. It would also make the approved expansion tower on Mary Greeley Hospital non-conforming because building heights in the Hospital/Medical Zone are also regulated by the number of stories. The 14-foot increment exactly reflects the height of the hospital's new tower and would therefore have no adverse impact on that project.

PROPOSED AMENDMENTS:

Staff has drafted the following amendment to Section 29.201 of the Zoning Code. It includes a definition of "story" that ensures that the setback of a building is similar to how setbacks have been determined using the Building Code definition (for consistency purposes), but also provides more flexibility in meeting

requirements for minimum numbers of stories in the downtown. It also includes a definition of basement, which is a companion definition to the definition of story, (i.e., it is a term used in the definition of story and therefore in need of definition):

Section 29.201(218) **Story.** That portion of a building included between the upper surface of a floor and the upper surface of the ceiling joist, roof rafter or floor next above, located fully above finished grade. Also, any 14-foot increment of building vertically measured between the surface of a first-level floor (excluding basement) and the highest point of the roof or parapet for flat roofs, or the mid-point between the eaves and the ridge for sloped roofs. When the term is applied to setback and/or maximum number of story requirements: any 14-foot increment greater than 0.50 (7 feet) shall be rounded up to the next 14-foot increment. When applied to minimum number of stories requirements: if the increment is less than 0.57 (8 feet) it shall be rounded down.

Section 29.201(17.1) **Basement.** That floor level of a building between the upper surface of a floor and the ceiling or floor joists next above, which has at least 50% of the total area of its perimeter or foundational walls located below natural and finished grade.

The above-proposed language does not require complex formula to determine the numbers of stories as does the current definition in the Building Code, and it requires significantly less verbiage to describe the term. It also provides more flexibility in meeting requirements pertaining to the minimum number of stories because it considers a tall building with only one floor level to be the same as a building with multiple floor levels. This would be applicable in the downtown where buildings must be at least two stories in height.

The proposed definition was worded in a manner that allows it to apply to any provision in the Zoning Code that regulates according to the number of stories. That made it challenging to develop language that would strike the right balance between the various ways the term “story” is used. The only other way around that challenge would be to eliminate reference to the term “story” altogether and instead regulate by specified footage rather than the number of stories that make up a building’s height. That may actually be the ideal way of addressing this issue, but it would entail amendments to each section of the Zoning Code where the term is used or referenced, which would likely be a time and labor intensive undertaking.

Recommendation of the Planning & Zoning Commission. At its meeting of March 21, 2012, with a vote of 5-0, the Planning and Zoning Commission recommended approval of the language as proposed, adding the above definitions of “story” and “basement” to Section 29.201 of the Zoning Code. No one from the audience spoke for or against the proposed text amendment.

ALTERNATIVES:

1. The City Council can adopt the language as proposed, adding the above definitions of “story” and “basement” to Section 29.201 of the Zoning Code.
2. The City Council can adopt the language as proposed in alternative one, except to change the defined increment to 10 feet rather than 14 feet.
3. The City Council can decide not to adopt the proposed definitions.
4. The City Council can direct staff to revise all sections of the Code that are based upon stories so that they instead regulated according to specified heights.
5. The City Council can refer this back to staff for additional analysis.

MANAGER’S RECOMMENDED ACTION:

Staff believes that the proposed definition reflects the intent of the Zoning Code in terms of both downtown building design and setbacks in residential and hospital/medical zones. It would reasonably reflect how the term “story” has been applied on past residential projects as defined in the Building Code without reliance upon complex formulae. It puts relatively tall buildings with few floor levels on par with the similar height buildings with multiple floor levels, thereby providing a more flexible means of meeting requirements pertaining to minimum number of stories in the downtown. Finally, staff believes the proposed increment of 14 feet, along with the rounding provisions described, strikes the appropriate balance between the objectives of ensuring minimum building height in the downtown, and the objectives of requiring increased setbacks in residential and hospital/medical zones when buildings reach a certain height.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative 1, which is to adopt the definitions of “story” and “basement” defined above and in the attached draft ordinance.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.201(218) AND ADOPTING A NEW SECTION 29.201(218) TO DEFINE “STORY”, AND ADOPTING A NEW SECTION 29.201(249) TO DEFINE “BASEMENT”; 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.

WHEREAS, current zoning regulations define for some zones building setbacks that are based upon the number of stories, and also regulate in some zones building heights based upon minimum number of stories; and

WHEREAS, there is no definition of “story” in the zoning code; and

WHEREAS, the city has been applying the definition of “story above grade” as defined in the Building Code when determining setbacks that are based upon the number of stories; and

WHEREAS, defining within the zoning code those terms that are used in the zoning code will ensure consistency of interpretation and also facilitate better customer service; and

WHEREAS, a definition of “story” has been proposed that relies upon the word “basement” and there is no definition of “basement” in the zoning code; and

WHEREAS, a definition of “basement” has also been proposed to facilitate definition of “story”;

Therefore, 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 Section 29.201(218), and adopting a new Section 29.201(218), to read as follows:

Section 29.201(218) **Story.** That portion of a building included between the upper surface of a floor and the upper surface of the ceiling joist, roof rafter or floor next above,

located fully above finished grade. Also, any 14-foot increment of building vertically measured between the surface of a first-level floor (excluding basement) and the highest point of the roof or parapet for flat roofs, or the mid-point between the eaves and the ridge for sloped roofs. When the term is applied to setback and/or maximum number of story requirements: any 14-foot increment greater than 0.50 (7 feet) shall be rounded up to the next 14-foot increment; when applied to minimum number of stories requirements: if the increment is less than 0.57 (8 feet) it shall be rounded down.

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by adopting a new Section 29.201(249), to read as follows:

Section 29.201(249) **Basement.** That floor level of a building between the upper surface of a floor and the ceiling or floor joists next above, which has at least 50% of the total area of its perimeter or foundational walls located below natural and finished grade.

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

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

Section Five. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

ATTEST:

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor