

COUNCIL ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT DEFINE ATTACHED DWELLING HOUSES AND TO ALLOW FOR DWELLING HOUSES IN THE PLANNED RESIDENCE DISTRICT (F-PRD) ZONING DISTRICT

BACKGROUND:

The City Council voted on September 13, 2016 to initiate a request (See Attachment A) for a Zoning Text Amendment for the use type “dwelling house”, as an allowable use in the Planned Residence District (F-PRD) zone. The request is to allow for up to 5-bedroom rentals within single-family structures rather than in apartment buildings as part of a F-PRD. The proposed text amendment is a companion item for the larger development proposal that includes a requested rezoning to F-PRD, a Major Site Development Plan, and Preliminary Plat for the Trinitas “The Collegiate” development that is on the same agenda. The proposed text amendment would apply city-wide if it is approved, and not just as part of the Trinitas project.

A “dwelling house” is a single-family structure that is defined within the Zoning Ordinance as:

“any building in an “RM” and “RH” district consisting of no more than one dwelling unit designed for and occupied exclusively by a single family, or by not more than one more person than the number of bedrooms, up to five people, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more bedrooms, and one bedroom units shall have 1.5 parking spaces per unit.”

The developer has a desire to provide a rental product within their proposed F-PRD that has attached dwelling units with up to five bedrooms rather than construct apartments. However, dwelling houses are not a listed allowed use within the F-PRD zoning district. The only way to allow for 4 and 5 bedroom homes to be built with the intent to allow for rental to unrelated individuals is if the use type, “dwelling house” is an allowed use in the F-PRD zoning district. Additionally, the applicant asks that the term dwelling house be expanded within PRD’s to apply to two-family structures (attached units) as well single-family structures.

The proposed new use “Attached Dwelling House” would be added to the list of definitions within the Zoning Ordinance. The proposed changes to parking clarify the differences in parking for single-family homes and homes intended to be used as dwelling houses. The proposed definitional changes for Dwelling House and for “Dwelling House, Attached” are as follows:

Sec. 29.201. DEFINITIONS.

(59) **Dwelling, Apartment:** See “Apartment Dwelling”.

(60) **Dwelling House** means any building in an “RM” or “RH” district consisting of no more than one dwelling unit designed for and occupied exclusively by a single family, or by not more than one more person than the number of bedrooms, up to five people, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more bedrooms, and one bedroom units shall have 1.52 parking spaces per unit. F-PRD Site Development Plans may also permit development of Dwelling Houses as an allowed use.

(60.1) **Dwelling House, Attached** means any building in a “F-PRD” consisting of no more than two attached dwelling units designed for and occupied exclusively by a single family, or by not more than one more person than the number of bedrooms, up to five people, in each unit. Parking must be provided at a rate of 2 parking spaces per unit or one parking space per bedroom for units with two bedrooms or more.

Attached Dwelling House could be permitted within any zoning district in the City, but doing so this would cause considerable changes to the way two-family properties are licensed for rental within the City. Therefore, Staff is proposing that attached dwelling houses only be added to the F-PRD zoning district.

The F-PRD zoning allows various housing types, a wide range of densities, including low, medium, and high density as listed in Table 29.1203(4) and 29.1203(5). PRD developments must address the design principles of the zoning district as part of the design review. In addition to defining the use, a major component of the process is to decide where such uses may be established and with what types of buildings. PRD requires rezoning approval concurrent with a Major Site Development Plan to review and establish the development standards for each project. **By inserting the dwelling house use into the PRD, such a use is still subject to review on an individual basis for each PRD. Existing PRD’s will not be able to add such a use without proposing revisions to the Major Site Development Plans.**

The proposed text amendment would allow “Dwelling House” and “Attached Dwelling House as additional permitted principle uses within an F-PRD zone. The proposed change would add these two uses to the list of Permitted Principle Uses within Table 29.1203(4) Planned Residence District Floating Zone Uses as follows:

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

Permitted Principle Uses	Permitted Accessory Uses
Single Family House Two-Family House Apartment Building Townhouse Group Living, if pre-existing <u>Attached Dwelling House</u> <u>Dwelling House</u>	Recreational facilities for the residents of the F-PRD Accessory uses of the Household Living category provided for in Section 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 F-PRD

Dwelling House and Attached Dwelling House would not be seen as a way to increase density with a PRD. Density in an F-PRD is set by the residential base zones regardless of building types. Additionally, Table 29.1203(5) lays out the site requirements for F-PRDs (See Attachment B). An F-PRD is to have open space, site amenities, and landscaping that exceeds the requirements that exist in other residential zone development standards. A minimum open space requirement for an F-PRD is 40 percent for low and medium density base zones and 35% for high density base zones, again regardless of building types permitted within a PRD.

Planning and Zoning Commission Recommendation:

At the meeting of May 17, 2017, the Planning and Zoning Commission questioned the specific impact that this dwelling type would have for the Trinitas development. The developer stated that an increased number in beds in some units would make the smaller units more affordable. The attached dwelling house, in their opinion, increased the amount of green space between dwellings more than if they were built as row houses or apartments that allow for higher occupancy levels. Staff also explained to the Commission that existing PRDs would need to be amended to allow dwelling houses and attached dwelling houses as a permitted use type if it was not indicated in the approved plans.

With a vote of 7-0, the Commission recommended that the City Council approve text amendments to allow for a new use type and definition for “Attached Dwelling House” and allow Dwelling House and Attached Dwelling House as permitted uses in an F-PRD zone.

ALTERNATIVES:

1. The City Council can adopt the zoning text amendment to for definitions of Dwelling House and Attached Dwelling House and allow Dwelling House and Attached Dwelling House as permitted uses in an F-PRD zone.
2. The City Council direct staff to modify the proposed text amendment with different definition or to allow in different zoning districts.
3. The City Council decline to adopt the proposed zoning text amendments.

CITY MANAGER’S RECOMMENDED ACTION:

The proposed new residential use, Attached Dwelling House, would allow two-attached units to have a maximum of five bedrooms for each unit to be rented. The proposal is to allow for such a use only within F-PRD and to not allow it within other base zoning districts. Additionally, existing PRD’s would need to request amendments to take advantage of the proposed change. A PRD Major Amendment would require Council approval.

An F-PRD is defined in Section 29.1203(1) to provide for a development of a variety of innovative housing types...In all instances development that occurs in areas zoned F-

PRD shall include integrated design, open space, site amenities and landscaping that exceeds the requirements that exist in the underlying base zone development standards. Even with the allowance for a dwelling house type, each project will be subject to individual projected review to meet overall housing needs and design principles. As with all F-PRDs, quality design that goes above and beyond the base zoning district standards will be expected regardless of allowed building types and density. Allowing for the Dwelling House options provides for additional rental housing choices that are subject to site specific review.

Therefore, it is the recommendation of the City Manager to act in accordance with Alternative #1.

As City Council is aware, the state legislature recently passed a law that limits the City's ability to regulate occupancy in regards to rental licenses. The new law prohibits limits on occupancy based upon familial or non-familial status. This means that the definition of a dwelling house that relies upon a limit of a one family or up to 5 unrelated people will likely not be enforceable in regards to limiting future occupancy. Therefore, the definition of the dwelling will have to be changed once the new State law take effect.

The question is, why should the City Council approve an amendment that will soon become illegal as it relates to enforcing occupancy according to the Rental Code? The City Council is being asked to adopt the proposed amendment during this interim time to remain consistent with our current requirements.

Attachment A

Section 29.1203. F-PRD Planned Residence District Excerpt

Sec. 29.1203. "F-PRD" PLANNED RESIDENCE DISTRICT

(1) **Purpose.** The F-PRD is intended to provide for development of a variety of innovative housing types, including: attached and detached dwellings, zero lot line detached housing, clustered housing development, residential condominiums and innovative multiple family housing projects. In all instances, development that occurs in areas zoned F-PRD shall include integrated design, open space, site amenities and landscaping that exceeds the requirements that exist in underlying base zone development standards.

(2) **Planned Residence District Development Principles.** Property developed according to the requirements of this district shall create a development pattern that is more aesthetic in design and sensitive to the natural features of the site and to surrounding uses of land than would customarily result from the application of Base Zone requirements. Innovation and flexibility in the design and development of the property shall create a more efficient and effective utilization of land. Property that is zoned F-PRD shall adhere to the following development principles:

(a) Provide for innovative and imaginative approaches to residential development that would not occur as a result of the underlying zoning regulations;

(b) Result in a more efficient, aesthetic, desirable and economic use of land and other resources while maintaining the density of use, as provided for in the Land Use Policy Plan and the underlying base zone regulations;

(c) Promote innovative housing development that emphasizes efficient and affordable Home ownership and rental occupancy;

(d) Provide for flexibility in the design, height and placement of buildings that are compatible with and integrate with existing developed neighborhoods and the natural environment;

(e) Promote aesthetic building architecture, significant availability of open space, well designed and landscaped off-street parking facilities that meet or exceeds the underlying zone development standards, more recreation facilities than would result with conventional development, and pedestrian and vehicular linkages within and adjacent to the property;

(f) Provide for the preservation of identified natural, geologic, historic and cultural resources, drainage ways, floodplains, water bodies and other unique site features through the careful placement of buildings and site improvements; and

(g) Provide for a development design that can be more efficiently served by existing and proposed infrastructure, including: street, water, sewer, and storm water infrastructure, than would be otherwise required as a result of conventional development.

(3) **Establishment.** The F-PRD zone is hereby established and applies to all lands that are rezoned to F-PRD on the Zoning Map. A Zoning Map Amendment as described in Section 29.1507(2) may be approved provided the City Council makes the following findings:

(a) The designation is consistent with the Land Use Policy Plan;

(b) The development complies with all requirement of Article 29.1203 as stated herein;

(c) The existing infrastructure system to be utilized by the land proposed to be zoned F-PRD has the capacity to support the development contemplated;

(d) The designation and contemplated development of the land proposed to be zoned F-PRD has been selected by the property owner as an alternative to the F-VR or the F-S zoning designation.

(Ord. No. 3591, 10-10-00; Ord. No. 4188, 7-22-14)

(4) **Planned Residence District (F-PRD) Floating Zone Permitted Uses.** The uses permitted in the F-PRD are set forth in table 29.1203(4) below.

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

Permitted Principle Uses	Permitted Accessory Uses
Single Family House Two-Family House 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 Section 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

(Ord. No. 3858, 11-08-06; Ord. No. 4060, 4-26-11)

(5) **Planned Residence District (F-PRD) Floating Zone Supplemental Development Standards.** Property that is zoned F-PRD shall be developed in accordance with the Zone Supplemental Development Standards listed in Table 29.1203(5) below.

**Table 29.1203(5)
Planned Residence District Floating Zone
Supplemental Development Standards**

SUPPLEMENTAL DEVELOPMENT STANDARDS	F-PRD ZONE
Area Requirement	A minimum of two (2) acres shall be required for all areas developed as F-PRD
Density	Densities of developments shall be as provided for residential base zones as follows: <ol style="list-style-type: none"> 1. Low-Density Residential (RL) - no more than seven and twenty-six hundredths (7.26) dwelling units per net acre. 2. Urban Core Residential Medium Density (UCRM) - no more than seven and twenty-six hundredths (7.26) dwelling units per net acre. 3. Residential Medium Density (RM) - at least seven and twenty-six hundredths (7.26) but no more than twenty-two and thirty-one hundredths (22.31) dwelling units per net acre 4. Residential High Density (RH) - at least eleven and two tenths (11.2) dwelling units per net acre but no more than thirty-eight and fifty-six hundredths (38.56) dwelling units per acre. Where a development encompasses more than one residential base zone, each area of the PRD development shall comply with the density requirements that are set by the base zone that the area is in. Density transfer from an area of a PRD zoned for higher density to an area

	of the same PRD zoned for lower density shall not be permitted.
Height Limitations	Structures proposed to be developed in areas zoned PRD shall be compatible with the predominant height of structures in adjacent neighborhoods. There is no absolute height limitation in the PRD district.
Minimum Yard and Setback Requirements	There are no specified yard and setback requirements in areas zoned PRD, except that structures constructed adjacent to public right-of-way and adjacent to the exterior boundary of an area zoned PRD shall comply with the setback standards in the underlying base zone regulations unless there are physical features on the site that would justify a different setback than provided for in the base zone.
Parking Requirements	Parking for uses permitted in areas zoned PRD shall comply to the parking standards set forth in Section 29.406 of this ordinance
Open Space Design Requirements	Open space shall be designed as a significant and integrated feature of the entire area to be developed as a PRD project. Open space may include such features as: Larger recreation areas for all residents of the PRD project. Mini-parks for selected residents of a PRD project. Pedestrian open space systems. Environmental features, drainage ways, flood prone areas and other areas of geologic, cultural or historic significance.
Open Space Area Requirement	The area devoted to open space in a PRD project shall meet the landscape and open space requirements as set forth in the base zone standards. Those standards are: Residential Low Density - 40% open space. Residential Medium Density - 40% open space. Residential High Density - 35% open space
Open Space Improvements and Amenities	Open space and amenity features in areas zoned PRD shall include such features as: Pathway systems Club houses and meeting room facilities Playground facilities Swimming pool improvements Tennis courts Volleyball improvements Picnic shelters Other similar amenities
Maintenance of Open Space and Site Amenities	Open space and site amenities for areas developed as a PRD project shall be the ownership and maintenance responsibilities of a Homeowner's Association.
Street/Infrastructure Improvements	Street improvements, water sanitary sewer, storm sewer improvements, and electric facilities shall be installed in compliance with the subdivision regulations of the City and shall meet the construction specifications of the City.

(Ord. No. 3591, 10-10-00; Ord. No. 3652, 3-26-02; Ord. No. 3771, 07-13-2004)

(6) **Effects and Limitations of Approval.** When a Site Development Plan Major is approved and property has been rezoned to F-PRD, the contents of the plan, the location, design, height, and use of all buildings and structures, and any other requirements related to the buildings or the use, plus any other site improvements, shall constitute the development regulations for the use and development of the property. Construction of buildings, or the use of the property in any way that constitutes a major change from the approved Site Development Plan Major, shall constitute a violation of the Zoning Ordinance and shall be enforceable as provided for in Article 16 of this ordinance.

(7) **Effective Period of Approval and Time Extensions.**

(a) **Period of Approval.** The approval of any Site Development Plan Major under this Section shall be effective for a period of one (1) year from the date at which the rezoning decision of the City Council is finalized and published in a newspaper of general circulation. The approval of the Site Development Plan Major shall become null and void as a result of any of the following circumstances:

(i) Failure to obtain Building Permits for the commencement of construction within the one year period of approval;

(ii) Failure to commence construction within 18 months of approval of the Site Development Plan Major. For the purpose of this provision construction shall be defined as including site excavation and excavation for and installation of footings and foundations for structures approved for construction.

(b) **Time Extension.** The owner of property who has obtained an approval of a Site Development Plan Major under this article may petition the City Council for an extension of time to the effective period of approval as long as the following conditions are met:

(i) The request for a time extension is submitted and acted upon by the City Council within the one year period of approval;

(ii) The request for a time extension is accompanied by a written explanation describing events or circumstances that have prevented the commencement of construction and the events or circumstances shall be beyond the control of the property owner.

(8) **Progress on Phased Development.** Where the approval of a Site Development Plan Major has included the approval of a Phasing Plan for a “F-PRD” project, the progress for developing the “F-PRD” project shall occur according to approved phasing plan. No variation of the development progress from the approved Phasing Plan shall occur without the City Council approval of a revision to the Phasing Plan. Failure to obtain approval of a revision to the Phasing Plan shall nullify the approval of the entire Site Development Plan Major. No further construction of any kind shall be permitted without subsequent approval of the Site Development Plan Major in accordance with Section 29.1203(6) of this article.

(9) **Minor Changes.** Minor changes to the approved Site Development Plan Major may occur after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for purposes of keeping the Site Development Plan Major current. Minor changes are defined as changes that:

- (a) Do not constitute a change in the land use of the project; or the overall layout and design;
- (b) Do not increase the density or intensity of use, and the number of buildings or a change in dwelling unit types;
- (c) Does not change the overall landscape design of the F-PRD project; or
- (d) Change the height or placement of buildings, or other major site features.

(Ord. No. 4167, 12-17-13)

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.201 (59), (60) ENACTING A NEW SECTION 29.201 (59), (60), (60.1) AND AMENDING TABLE 29.1203(4) THEREOF, FOR THE PURPOSE OF CREATING A NEW RESIDENTIAL USE TYPE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; 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 enacting a new Section 29.201(59), (60), (60.1) as follows:

“Sec. 29.201. DEFINITIONS.

...

(59) **Dwelling, Apartment:** See “Apartment Dwelling”.

(60) **Dwelling House** means any building in an “RM” or “RH” district consisting of no more than one dwelling unit designed for and occupied exclusively by a single family, or by not more than one more person than the number of bedrooms, up to five people, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more bedrooms, and one bedroom units shall have 2 parking spaces per unit. “F-PRD” Site Development Plans may also permit development of Dwelling Houses as an allowed use.

(60.1) **Dwelling House, Attached** means any building in a “F-PRD” consisting of no more than two attached dwelling units designed for and occupied exclusively by a single family, or by not more than one more person than the number of bedrooms, up to five people, in each unit. Parking must be provided at a rate of 2 parking spaces per unit or one parking space per bedroom for units with two bedrooms or more.”

...

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Table 29.1203(4) as follows:

Sec. 29.1203. “F-PRD” PLANNED RESIDENCE DISTRICT.

...

(4) **Planned Residence District (F-PRD) Floating Zone Permitted Uses.** The uses permitted in the F-PRD are set forth in table 29.1203(4) below.

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

Permitted Principle Uses	Permitted Accessory Uses
Single Family House	Recreational facilities for the residents of the F-PRD
Two-Family House	Accessory uses of the Household Living category provided for in
Apartment Building	Section 29.500 of this ordinance

Townhouse Group Living, if pre-existing Attached Dwelling House Dwelling House	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 F-PRD
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(Ord. No. 3858, 11-08-06; Ord. No. 4060, 4-26-11; Ord. No. 4286, 1-10-17)

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

Section Four. 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