

COUNCIL ACTION FORM

SUBJECT: CORRECTING AN ERROR IN TEXT AMENDMENT IN RESIDENTIAL LOW DENSITY AND URBAN CORE RESIDENTIAL MEDIUM ZONES IN THE GROUP LIVING USE CATEGORY.

BACKGROUND:

The City Council approved an amendment to the Zoning Ordinance to allow for Supervised Transitional Homes under the Group Living category in Residential Low Density and Urban Core Residential Medium zones in January of this year. The text amendment also reformatted the use tables, specifically for Group Living. **Staff recently discovered that the ordinance did not transfer that language explaining that existing facilities are permitted, but new facilities are not. Staff proposes to add the term “if pre-existing” to correct this omission.** The RL and UCRM table of uses were included in the ordinance. The following change was the intended amendment.

Chapter 29 RL Table 29.701(2) & UCRM Table 29.703(2)

Group Living	Staus	Approval Required	Approval Authority
Residences for the physically disabled, mentally retarded or emotionally disturbed which do not meet the definition of Family Home.	Y, <u>if pre-existing.</u>	SP	ZBA

ALTERNATIVES:

1. The City Council can approve on first reading an ordinance to correct a scrivener’s error and amend the Zoning Ordinance to include “if pre-existing” to the residential use under Group Living of residences for the mentally or physically disabled. **(Staff also requests second and third reading for approval of the ordinance as a correction of a Scrivener’s Error)**

CITY MANAGER’S RECOMMENDED ACTION:

The proposed ordinance is to address an unintended error in the previous ordinance. Due to City Council’s previous review of this item and direction to make the amendment to the RL and UCRM zoning districts, it is important to correct the scrivener’s error to allow for appropriate conformance to the Zoning Ordinance.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the text amendment adding “If pre-existing” to language under Group Living addressing residences for the mentally and physically disabled.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 29.701(2) TABLE AND SECTION 29.703(2) TABLE THEREOF, FOR THE PURPOSE OF TEXT AMENDMENT 29.701(2), 29.703 (2) INSERTION OF "IF PRE-EXISTING" UNDER GROUP LIVING; 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 Text Amendment 29.701(2), 29.703 (2) insertion of "if pre-existing" under Group Living as follows:

“Sec. 29.701. "RL" RESIDENTIAL LOW DENSITY.

(2) **Permitted Uses.** The uses permitted in the RL Zone are set forth in Table 29.701(2) below:

**Table 29.701(2)
Residential Low Density (RL) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living			
Residences for the physically disabled, mentally retarded or emotionally disturbed which do not meet the definition of Family Home	Y, if pre-existing.	SP	ZBA
Supervised Transitional Home	Y, subject to Section 29.1314	ZP	Staff
Household Living			
Single Family Dwelling	Y	ZP	ZEO
Two Family Dwelling	Y, if pre-existing.	ZP	ZEO
Single Family Attached Dwelling	N	--	--
Apartment Dwelling (12 units or less)	N	--	--
Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
Home Office	Y	HO	ZBA/Staff
Home Business	Y	HO	ZBA/Staff
Clubhouse	N	--	--
Short-term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA/Staff
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services – General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Child Day Care Facilities	Y	SP or HO,	ZBA

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
		depending on the size	
Community Facilities	Y	SP	ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y, if pre-existing	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Radio & TV Broadcast Facilities	N	--	--
Parks & Open Areas	Y	SDP Minor	Staff
Essential Public Services	Y	SP	ZBA
Personal Wireless Service Facilities	Y	SP	ZBA

Y = Yes: permitted as indicated by required approval.
N = No: prohibited
SP = Special Use Permit required: See Section 29.1503
ZP = Building/Zoning Permit required: See Section 29.1501
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502(4)
HO = Home Occupation
ZBA = Zoning Board of Adjustment
ZEO = Zoning Enforcement Officer
(Ord. No. 3591, 10-10-00; Ord. No. 4286, 1-10-17)

Sec. 29.703. "UCRM" URBAN CORE RESIDENTIAL MEDIUM DENSITY ZONE.

(2) **Permitted Uses.** The uses permitted in the UCRM Zone are set forth in Table 29.703(2) below:

**Table 29.703(2)
Urban Core Residential Medium Density (UCRM) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living			
Residences for the physically disabled, mentally retarded or emotionally disturbed which do not meet the definition of Family Home	Y, if pre-existing.	SP	ZBA
Supervised Transitional Home	Y, subject to Section 29.1314	ZP	Staff
Household Living			
Single Family Dwelling	Y	ZP	ZEO
Two Family Dwelling	Y, if pre-existing	ZP	ZEO
Single Family Attached Dwellings (2 units only)	Y, if pre-existing	SDP Minor	Staff
Apartment Dwelling (12 units or less)	Y, if pre-existing	SDP Minor	Staff
Former School Building Converted for Use as an Apartment Dwelling	Y	AR	City Council
Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
Home Office	Y	HO	ZBA/Staff

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Home Business	Y	HO	ZBA/Staff
Clubhouse	N	--	--
Short Term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA/Staff
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services – General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Funeral Facilities	N	--	--
Child Day Care Facilities	Y	HO or SP (depending upon size)	Staff/ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y, only if pre-existing	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Essential Public Services	Y	SP	ZBA
Radio & TV Broadcast Facilities	N	--	--
Parks & Open Areas	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA

Y = Yes: permitted as indicated by required approval

N = No: prohibited

SP = Special Use Permit required: See Section 29.1503

ZP = Building/Zoning Permit required: See Section 29.1501

AR = Adaptive Reuse approval required: See Section 29.306

SDP Minor = Site Development Plan Minor: See Section 29.1502(3)

SDP Major = Site Development Plan Major: See Section 29.1502(4)

HO = Home Occupation

ZBA = Zoning Board of Adjustment

ZEO = Zoning Enforcement Officer

(Ord. No. 3591, 10-10-00; Ord. No. 4153, 7-16-13; Ord. No. 4286, 1-10-17)”

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

Section Three. 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