

Staff Report

**DOWNTOWN GATEWAY COMMERCIAL ZONING DISTRICT STANDARDS AND
NONCONFORMITIES**

April 24, 2018

BACKGROUND:

The Downtown Gateway area is a Focus Area for redevelopment identified within the Lincoln Way Corridor Plan. The Downtown Gateway area is generally described as property on the north and south side of Lincoln Way extending from Grand Avenue to Duff Avenue (Attachment 1-Focus Area Boundary). The Corridor Plan identified redevelopment and repositioning of commercial properties in the market place to support a transition to more intense and urban development. To facilitate this desired change of the area, staff believes allowing for mixed-use residential development and reductions in parking requirements are beneficial. Additionally, any new zoning would need to strike a balance between accommodating commercial uses in traditional one and two-story buildings while allowing for multi-story redevelopment that includes housing versus mandating multi-story development for all sites.

Staff proposes a new special purpose zoning district for the Downtown Gateway Focus area. The proposed zoning is a new district for the City and is not an overlay of the existing Highway Oriented Commercial (HOC) zoning district or Downtown Service Center (DSC) zoning district. The proposed special purpose district includes standards based upon site size and proposed uses with specific street frontage orientation and building requirements. The allowed uses are similar to those of the DSC zoning district rather than the Highway Oriented Commercial zoning district. The proposed changes create new categories of nonconformities for certain existing uses, site improvements regarding parking, and for the design/setbacks of structures in some circumstances. A complete description of the proposed standards is included in the addendum and the original draft ordinance is Attachment 2.

City Council first reviewed the proposed Downtown Gateway Commercial zoning standards at its March 6th meeting at a public hearing on adopting an ordinance for the new standards. At the March 6th meeting the City Council requested information on nonconformities within this Focus Area and for information regarding effects on a property with a nonconforming status. Additionally, City Council wanted information regarding the difference between a Pre-existing and Nonconformity status.

Staff has prepared an inventory of existing and proposed conditions for all 70 properties zoned DSC and HOC within the Focus Area. (Attachments 3- Nonconformity Inventory; Attachment 4- Nonconformity Maps; Attachment 5- Table Comparing Zoning Standards) Staff inventoried current uses, structures, and site improvements for conformance to zoning requirements. Staff estimates that 55 properties (78% of the total properties)

currently have a nonconformity for one or more zoning standards. With the proposed DGC zoning, 62 properties would have a nonconformity for a total of 88% of the properties. **The primary reason for the increase in nonconformities is the prohibition of Vehicle Service Facilities and the changes to the standards for parking.** A more complete explanation of the nonconformity inventory is included within the Addendum. The following table summarizes the findings by zoning district and relevant standard.

Summary of Focus Area Properties with Nonconformities

Zoning District	Properties	Nonconforming Use	Nonconforming Structure	Nonconforming Site Development/Other
DSC Zoning	15	1(6%)	14 (93%)	3 (20%)
HOC Zoning	55	7 (13%)	26 (47%)	28 (50%)
Proposed DGC Zoning	70	15 (21%)	22 (31%)	56 (80%)

Nonconformities are allowed to continue with no requirement for changes to the current use, structures, or site improvements. However, when a property has a nonconformity there are restrictions on alterations to the use and site. Staff has prepared a Frequently Asked Questions document to address the most common questions regarding nonconformities, including Zoning Ordinance references. (Attachment 6-FAQ)

The following summarizes the primary issues for nonconformities:

- Once a nonconformity is changed to a more conforming situation, it cannot revert to a nonconformity
- A nonconforming use cannot be expanded and increased in intensity of use
- If a nonconforming use ceases to operate, it could be deemed abandoned after 12 months and not permitted to be reestablished (*There is an appeal process to the ZBA for this determination*)
- Nonconforming uses and structures can be maintained and are allowed to be remodeled
- Nonconforming structures with a permitted use can be expanded in compliance with the current zoning standards and allow for the current nonconformity to persist
- If a nonconforming structure is damaged less than 70% of its assessed value it can be rebuilt in its previous configuration
- If a nonconforming structure is damaged more than 70%, it can be rebuilt subject to approval of a Special Use Permit by the Zoning Board of Adjustment
- A nonconforming structure or use cannot be demolished/removed and then replaced in kind
- Nonconforming site improvements, such as parking and landscaping, are required to be improved as practical at the time other improvements are made to a site. Practical improvements take into account the scope of the changes and ability to make improvements without causing new nonconformities.

The City of Ames also has a defined term of “Pre-existing” that is distinguished from a nonconforming use. **Pre-existing is a term that has been applied to certain uses that were previously permitted uses, but are no longer allowed to be established as a new use. A Pre-existing designation considers the use as permitted with no restrictions on changes to its intensity of use, other than comply with current zoning standards for the site.** However, if a Pre-existing use is discontinued for 12 months or more, the use cannot be reestablished. This is similar to the abandoned standard of a nonconforming use.

OPTIONS:

Staff believes the primary nonconformity issues related to the proposed DGC zoning are the creation of nonconforming uses for properties, such as Vehicle Service Facilities, and secondly site improvement standards related to parking, both in quantity and location.

Nonconforming Uses

Option 1. Prohibit uses for Warehouse, Funeral Home, Vehicle Service Facilities consistent with the proposed DGC zoning ordinance.

The proposed standards create new restrictions on certain uses that are viewed as incompatible with the vision for changes to the area that includes increased commercial activity with pedestrian oriented design features and potentially residential uses. **Staff believes prohibiting such uses and creating a nonconformity status for the uses is consistent with the vision for the area.**

With a nonconforming status the current businesses would be allowed to continue to operate, but would have limits on expanding the use. They would have options to remodel and make other improvements to their sites consistent with zoning standards. The proposed use limitations for DGC zoning are more consistent with current DSC zoning uses than the HOC zoning uses.

Option 2. Modify the proposed DGC zoning ordinance to designate Vehicle Service Facilities as a pre-existing use.

Allowing for Pre-existing vehicle facilities would prohibit any new such use into the area. The Pre-existing designation would allow for changes and reuse of the property with the specific Pre-existing use if the use does not cease to operate for more than 12 months. The Pre-existing designation would allow existing businesses to expand or change their use consistent with current zoning standards. This option precludes new uses that are not compatible with the area from being located in the area, however, it does not encourage the change of the use to a conforming use. Funeral Homes could continue to be a Special Use Permit use to be evaluated on a case by case basis. This option is more consistent with use allowances of HOC zoning compared to DSC zoning.

Option 3. Create Vehicle Service Facilities and other proposed nonconforming uses as requiring a Special Use Permit.

This option would allow for existing uses to continue to operate, but any changes would be subject to approval of a Special Use Permit to determine compatibility of the use. This designation would also allow for new uses to be established subject to approval of Special Use Permit.

The Special Use Permit would allow for a case-by-case review to determine compatibility with the surroundings and consistency with the purpose of the zoning district. This option would be appropriate if the primary concern was the design or configuration of the use on a site and not the type or nature of the use. If it is unlikely a Special Use Permit could be approved in the area for the use no matter the configuration, it would not be appropriate to use the Special Use Permit designation. If there are specific design expectations, it is also better to include them as zoning standards than through the use of the Special Use Permit process. This approach is a hybrid of allowing potentially for expansion of or changes to certain uses, but allowing for case-by-case review.

Minimum Parking Requirements

The proposed DGC zoning includes parking standards similar to HOC zoning, however this is different than DSC zoning for the 15 properties along Kellogg. No parking is required for commercial uses along Kellogg. The expectation is that redevelopment of the area would require provision of some parking on site or through a remote parking arrangement.

Option 1. Require commercial parking for all properties within the DGC zoning.

Commercial parking could be required as proposed in the draft zoning standards to ensure a minimum level of parking is available for the redevelopment and intensification of the site.

Option 2. No parking required for development along Kellogg.

If City Council has a concern about requiring parking for commercial uses along Kellogg, a parking waiver or reduction policy could be added to the DGC zoning reflecting the intent for Main Street style development along Kellogg.

Parking Location (Between Building and the Street)

One of the primary drivers for site improvement nonconformity is the requirement that parking no longer be allowed between the building and the street. This type of zoning standard requires parking to be to the side of a building or behind a building. Current HOC zoning has no prohibition of parking between a building and a street, only that the front yard landscaping is provided along the street frontage. Existing sites with parking between the building and the street could continue to keep their parking in its current configuration until such time as the property redevelops. Due to the “improve as practicable” standard for parking nonconformities, reconstruction of a parking lot may

also be allowed subject to site development plan review if the building is not part of the redevelopment.

Option 1. Restrict parking between the building and the street.

City Council can provide direction on having a parking location standard with the understanding that many sites may be able to reuse their nonconforming parking lot configuration, but would not be able to fully redevelop in the same manner.

Option 2. Allow parking between a building and the street, with the exception of Kellogg.

City Council could provide direction to eliminate the proposed standard that restricts parking between the building and the street if it has concerns about the impact on redevelopment of standalone commercial properties. In many circumstances parking is already nonconforming due to lack of landscaping or other design requirements. Most reuse will be subject to the “improve as practicable standard” if there is not full scale redevelopment of a site.

STAFF COMMENTS:

The proposed DGC zoning standards are an attempt to address the flexible design options for a wide range of uses, site sizes, and design priorities for different street frontages within the Downtown Gateway Area. The tradeoff of this approach is less predictability on final outcomes as many decisions on design will not be complete until final approval of a project. With the flexibility there are still ramifications for current sites that are nonconforming that may desire to make incremental changes rather than fully redevelop a site. Related to the discussion of the standards is the potential boundary of the rezoning area to DGC. Options regarding potential rezoning boundaries are included in a separate report.

Staff needs direction from the Council on how to address the primary concerns raised about nonconformities, including uses, structures, and site improvements. **Staff believes that will the information provided about nonconformities most property owners and business would be minimally affected by the changes as they would principally affect redevelopment of a site. The exception to this is the proposed changes to the Vehicle Service uses.**

With City Council’s direction on how to address the proposed development standards and permitted uses, staff can finalize a draft ordinance for City Council review on May 8th. With a first reading of new standards for the DGC zoning on May 8th, the ordinance would be adopted and effective prior to the end of June and before the end of the moratorium on July 2nd.

Addendum

Nonconformity Inventory

Staff conducted a review of the properties in the Downtown Focus area to evaluate the conformity of each parcel to both current zoning standards and the proposed Downtown Gateway Commercial standards. There are seventy parcels within the proposed Downtown Gateway Commercial (DGC) zoning district. Fifteen properties are zoned Downtown Service Center (DSC), all of which have frontage on Kellogg Avenue. The remaining fifty-five properties are zoned Highway Oriented Commercial (HOC). Attachment 3 is the inventory by address and zoning of each property.

Staff identifies three types of nonconformities for each property: Nonconforming Uses, Nonconforming Structure, and Nonconforming Site Development/Other. Section 29.307 of the Zoning Ordinance describes each nonconformity and the standards that apply to each circumstance. A use nonconformity would be if a use exists on a parcel that is not permitted by the applicable zoning district. A structure nonconformity is any building requirement of the zoning district that is not met, such as setbacks, floor area ratio (FAR), minimum and maximum building height, building coverage percentage, and number of stories of a building. Site development/other nonconformity would include issues not related to use or the structure, such as landscaping, parking lot design, parking lot landscaping, parking stall quantity.

The three maps (**Attachment 4**) represent each nonconformity type. The nonconforming use map identifies eight uses as nonconforming under current DSC and HOC zoned properties. Two of the nonconforming use types do not meet the location requirements of the zoning code, Adult Entertainment Business and Delayed Deposit Services. Additionally, there are two residential household living uses, janitorial services, dry cleaning, and warehouse uses that are nonconforming. Under the proposed zoning, the mini-storage and vehicle service facilities (car wash, gas stations, and automotive repair) would become new nonconforming uses. The total properties with nonconforming uses under DGC zoning would be 21%.

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DSC Zoning	15	1 (6%)	14 (93%)	3 (20%)
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Proposed DGC Zoning	70	15 (21%)	22 (31%)	56 (80%)

Nonconforming structures are structures that do not meet minimum building requirements, such as setbacks or height. The majority of the properties on Kellogg Avenue are nonconforming as DSC zoned buildings that are one-story where the zoning requires a minimum of two stories and minimum floor area ratio (FAR) of 1.0. For HOC zoning the nonconformities are typically related to building setbacks from side or rear

property line. Overall, when evaluating properties against the current DSC and HOC zoning and the proposed DGC zoning, the amount of nonconforming structures decreases to thirty-one percent under the proposed DGC zoning. This is mostly a result of decreased setbacks on all sides of a property in the proposed DGC zoning and no minimum FAR requirements. Buildings along Kellogg that are one story would continue to be nonconforming under the proposed DGC zoning.

The site development/other nonconformities mostly consist of parking deficiencies. These deficiencies include inadequate minimum parking spaces, parking in the front yard without front landscaping, paved parking, overall design and landscaping of the parking area. There is an increase in number of nonconformities of this type with the proposed DGC zoning district. Site Development/other nonconformities increase from forty-four percent to eighty percent. The main reason for this increase is because parking would not be allowed between the building and street for most streets in the DGC district, such as Kellogg and Lincoln Way. The other change is the requirement for parking for the 15 properties current zoned DSC. The proposed zoning does require parking making these uses nonconforming that have no parking on site.

Proposed Downtown Gateway Commercial Zoning Standards

The proposed draft ordinance from March 6th is included as Attachment 2.

Uses

Allowed uses are intended to be a more focused set of commercial uses compared to the HOC zoning district. **The allowed uses principally include office, retail sales and services, restaurant, recreation, and entertainment uses.** The intent behind the list of allowed uses is to focus on the desired commercial uses while helping to insure compatibility with any future residential that could be added to the area.

The proposed zone will prohibit the following uses that are permitted in the HOC zoning district: vehicle service facilities (gas stations and auto repair), vehicle sales, college and university, lodges and social clubs, catering establishments(primary use), medical centers, wholesale trade, detention facilities, sports practice facilities, and mini-warehouse. By prohibiting these uses it would preclude new establishments and also make existing uses non-conforming. For example, a gas station that exists today would become nonconforming and be allowed to continue to operate as is, but they would be unable to expand or if they cease to operate it could not be restarted.

Drive through windows and pickup areas are also restricted within the proposed zoning standards. Drive through uses are not precluded in their entirety, but would have separation requirements. The proposed spacing standard is for no more than one drive through use per Lincoln Way street block face and no drive through uses are permitted along Kellogg Avenue. A drive through would be precluded if any part of the property had frontage along a block face of Lincoln Way that already has a drive through use, regardless of the ingress/egress to the site. The drive through limitation would apply to any type of use, fast food, banks, pharmacies, etc.

Residential uses for short-term lodging are permitted as a standalone use; however, household living may only be established as part of a mixed-use development. Major Site Development Plan review is required for any residential mixed-use development. No density standard will apply to the residential development for either a minimum or maximum. The goal is to promote smaller units at higher density and to allow for a limited number of larger units. No more than 25 percent of the total units in a development may exceed two bedrooms. No dwelling units shall exceed four bedrooms.

The proposed zoning standards do not prescribe a minimum total commercial square footage requirement in combination with mixed-use buildings. Specific tenant spaces sizes, orientation, and total square footage in a project will need to be evaluated on a case-by-case basis to determine if a proposed mixed-use design achieves the goals of the Corridor Plan for commercial first development plans that enhance the commercial options for the city and are complimentary to Downtown.

Parking

The proposed commercial standards are a hybrid of standard parking requirements and the reduced parking standards of Downtown Service

Commercial. Staff did incorporate parking minimums for the district due to the lack of public parking in the immediate area and the desire to ensure that the commercial development was viable for a large range of uses. The proposed parking modifies commercial parking standards by reducing parking for larger sites to promote shared and common parking areas, principally for bar and restaurant uses. Individually developed sites are subject to standard parking requirements for commercial uses. Staff also added a fast food parking standard that is at 9 spaces per 1,000 square feet so as to not incent redevelopment with fast food establishments in this area.

The proposed requirement for commercial parking results in the 100 Block of Kellogg Avenue requiring parking compared the current DSC zoning where none is required. For the HOC zoned properties there is either no change or a potential reduction compared to current standards.

Residential parking standards are also a hybrid of the standards used in other parts of the City. The typical apartment standard is one parking space per bedroom. However, Campustown and Downtown only require one space per apartment regardless of the number of bedrooms. In an effort to incentivize smaller apartment units and to recognize the area is highly walkable with multiple transportation options, parking is reduced for smaller units. Staff believes this a balance of allowing for a variety of unit configurations while promoting construction of smaller apartment units.

Apartment	Parking Spaces Required
Studio	0.8 per unit
1 Bedroom	0.8 per unit
2 Bedroom	1.0 per unit
3 Bedroom	2.5 per unit
4 Bedroom	4.0 per unit

The parking standards also permit additional reductions in parking through Major Site Development Plan approval. There are allowances for shared parking, remote parking, and collective parking. Reductions of up to 25% of the commercial parking can be approved through these options. Another unique standard relates to allowing for residential to be utilized in a shared or collective parking situation when at least one parking space per dwelling unit is provided on site assigned to the residential use. Typically, shared use of residential parking spaces is not permissible in other zoning districts.

The parking requirements include a bicycle parking standard for commercial uses. However, there are no mandatory bicycle parking standards for residential uses. Staff believes that most new residential apartment development accommodates bicycle parking and does not believe a prescribed parking standard is needed. However, for commercial uses visitor parking is not typically addressed by developers. Staff proposes requiring a minimum of four bicycle rack parking spaces with each building and that larger buildings include additional parking. A reduction in vehicle

parking spaces can be accommodated with the provision of bicycle parking, with a maximum reduction of five vehicle parking spaces.

Lot Standards

The site development standards are intended to promote property aggregation to take advantage of increased development intensity compared to the current HOC zoning. Existing sites and buildings will not become non-conforming based upon lot size. Existing sites may be used in their current configuration and buildings can be modified under the new standards. However, mixed-use residential development with reduced parking standards will only apply to larger scale sites.

Minimum Lot Size is 1 acre and 100 feet of frontage on a public street for redevelopment intensification standards. Lots less than 1 acre in size or with less than 100 feet of frontage are subject to a use restriction of commercial uses only and must comply with standard parking requirements. A 1 acre standard means that for almost all properties in the Gateway Area that at least one additional property will need to be combined with another parcel to get to the larger site size for mixed use development. For comparison, if the site size was set at 0.5 acres there would be approximately 22 out of 70 properties that could develop mixed use without property aggregation.

Building Setbacks

The Downtown Gateway Area consists of a street hierarchy with primary streets of Lincoln Way, Kellogg Avenue, Clark Avenue, and Duff Avenue. Secondary streets include Washington Avenue, Sherman Avenue, Market Avenue, Commerce Avenue, and Gilchrist Street. Additionally there are alleys within most of the block areas. Staff proposes to differentiate setbacks based upon street type and intended design aesthetic for the blocks.

In most cases there are minimal setbacks required to either encourage a building to be built up to the street, as is the case along Kellogg Avenue, or to ensure a site is redevelopable when accounting for lot sizes and restrictions on where parking is permitted on a site. The greatest setback is planned along Lincoln Way. This is due to the intended larger scale of buildings along Lincoln Way and the intent to include widened sidewalks along with redevelopment due to the narrow right-of-way width for Lincoln Way. Setbacks for corner properties can be reduced through design review when the buildings include specific features supportive of a pedestrian design.

There are no proposed minimum side or rear setbacks required for redevelopment projects.

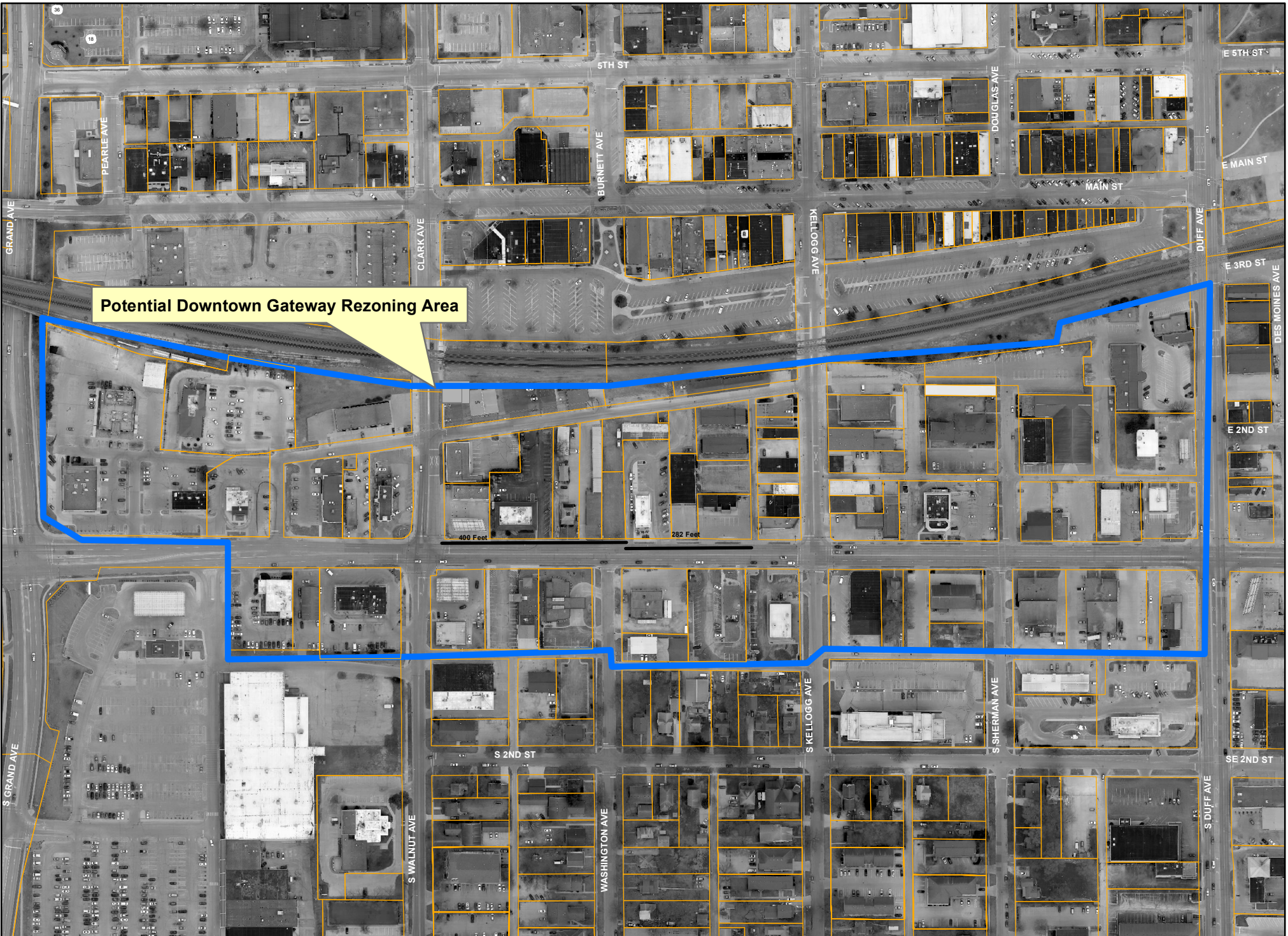
Building Design

Due to the desired flexibility of uses and redevelopment options for the area, individual design standards are difficult to apply consistently through the district. The intent is to state base design standards and rely upon individual project review to ensure consistency with the overall design intent for the area. The Kellogg Avenue frontage has design preferences for storefront patterns of 25 feet for consistency with Main Street

buildings. However, due to design options to promote gathering areas and entertainment uses, alternative design approaches can be approved that include high activity spaces and pedestrian friendly design features at the ground floor. The other areas in the district do not require a storefront pattern.

Kellogg Avenue includes design standard to act as a transition to historic Downtown with a minimum of two-story buildings, architectural detailing, high levels of glazing, and the use of clay brick façade materials. There are no specified percentages for brick, but it is a required material for each building.

Properties with frontage on other streets do not have as many mandatory standards. The design standards do require façade variation and detailing with use of clay brick without a specified percentage.



Potential Downtown Gateway Rezoning Area

 Ames
Geographic Information
Services
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Attachment 1: Downtown Gateway Commercial Boundary

Attachment 2: Draft Ordinance

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING NEW SECTIONS 29.1004 AND 29.1005 THEREOF, FOR THE PURPOSE OF DOWNTOWN GATEWAY COMMERCIAL ZONING; 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 enacting new Sections 29.1004 and 29.1005 as follows:

Sec. 29.1004 "DGC" DOWNTOWN GATEWAY COMMERCIAL

The Downtown Gateway Commercial Zoning District (DGC) is established to implement the vision and objectives of the Lincoln Way Corridor Plan and more specifically for the Downtown Gateway Focus Area.

The City of Ames finds that implementation of the DGC will facilitate redevelopment of the area consistent with the objectives of the Lincoln Way Corridor Plan and create new commercial retail, entertainment, and office uses that are a compliment to the Downtown area north of the Gateway Area. The Gateway Area is a commercial redevelopment area intended to promote an enhanced streetscape, commercial uses complimentary to the broader Downtown area with retail, entertainment, and employment, and in some situations the addition of mixed use residential development.

It is the purpose of the provisions of this Zoning District to promote public health, safety, and general welfare and define development procedures for obtaining the objectives of the Lincoln Corridor Plan with redevelopment of property within the District.

1. Development Process

Development or redevelopment of site is required to conform to this Chapter and the procedures of Article XV. The approval process within the District has been modified to address site size and the types of uses permitted on each site. A Building Design conformity finding is required with all Site Development Plans.

Major Site Development Plan review is required for mixed-use development. Mixed-use residential development requires a Major Site Development Plan to ensure the primary purpose of commercial development is accomplished in conjunction with the addition of housing. The Major Site Development Plan grants additionally flexibility for the configuration of a site and for the arrangement of uses. No Major Site Development Plan for Mixed-use development shall be approved that does not specify appropriate commercial tenant space sizes, orientation, and total square footage in a project. An appropriate mix of commercial and residential development will be evaluated on case-by-case basis to ensure a mixed-use project fulfills the redevelopment goals of the Lincoln Way Corridor Plan for commercial first redevelopment that incorporates community commercial uses and uses that are complimentary to Downtown.

(a) Standard Site

A standard site is defined as any site that that is less than one acre in net lot area or as a site that exceeds one acre in net lot area that does not include Household Living Mixed Use. A standard site may be developed or redeveloped consistent with the zone development standards. A standard site review process consists of approval of a Zoning/Building Permit, Minor Site Development Plan or Special Use Permit, as applicable to the principle use and scope of the development project. A standard site may be approved for a plat of survey or subdivision consistent with the standard lot zone development standards.

(b) **Redevelopment Intensification Site**

A Redevelopment Intensification Site is an optional designation requested by a property owner for a site that meets minimum net lot area standards of 1 acre and 100 feet of lot frontage. A Redevelopment Intensification Site designation allows for approval of Household Living Mixed Use development in addition to the other allowed uses of the zoning district. A Redevelopment Intensification Site is subject to a Major Site Development Plan approval.

2. **Parking Standards**

Parking shall be provided in accordance with this Chapter, notwithstanding the modified parking requirements of this zone. Uses not listed below are subject to standard parking requirements of Article IV of this Chapter.

**Table 29.1004(2)
Downtown Gateway Commercial Parking Standards**

Household Living-Apartments	
1 Bedroom Dwelling Unit (DU)	0.8 spaces/DU
2 Bedroom Dwelling Unit	1 space/DU
3 Bedroom Dwelling Unit	2.5 spaces/DU
4 Bedroom Dwelling Unit	4 spaces/DU
Short Term Lodging	1 space per room/1 space per 2 employees largest shift/accessory uses for meeting areas at 5 spaces /1000 sq. ft.
General Office	3 spaces /1000 sq. ft.
Medical Office	6 spaces /1000 sq. ft.
Retail and Service-Standalone or Existing	3 spaces/1000 sq. ft.
Restaurant or Bar uses with Retail and Service Uses -Redevelopment Site	5 spaces /1000 sq. ft.
Recreation Use- Redevelopment Site	Determined by Major Site Development Plan Review
Restaurant and Fast Food-Standalone or Existing	9 spaces /1000 sq. ft. (gross floor area)

Parking reductions are subject to City Council approval as part of a Major Site Development Plan. Parking requirements may be modified as part of the Major Site Development Plan review process to either reduce parking requirements by twenty percent or to apply a five parking spaces per 1,000 square feet of gross floor area for all Trade Uses. Parking reductions of 25% of the required parking may be approved for a use with shared parking or collective parking allowances for use by other adjacent commercial properties that are also approved for collective parking. Residential parking spaces may be approved as part of a share or collective parking plan for commercial uses when there is at a minimum one parking space available per dwelling unit. City Council may approve use of remote parking or public parking for non-residential uses through the Major Site Development Plan review process.

Parking Decks are subject to Article IV standards with the exception of parking setbacks requirements for decks proposed along Gilchrist, Commerce, and Market. City Council may approve additional setback exceptions through the Major Site Development Plan review.

**Table 29.1004(2)-1
Downtown Gateway Commercial Bicycle Parking**

Bicycle Parking	
Non-Residential	Provide a minimum of four visitor bicycle parking spaces for the first 10,000 of commercial space. Provide additional visitor bicycle parking at a rate of one space for every 10,000 square feet of floor area.
Residential	Residential development should include secured bicycle parking for residents and provision

	of visitor bicycle parking.
Bicycle parking shall be placed in a visible location that is either adjacent to a primary commercial entrance or within a visitable open area of the site. Bicycle rack parking shall provide adequate space and access to permit use of the rack system with the locking of a wheel and frame to the bicycle rack. A parking reduction of one non-residential parking space for each four bicycle parking spaces is permitted up to a maximum of 5 parking spaces.	

Table 29.1004(3)

Downtown Gateway Commercial Uses

**Downtown Gateway Commercial Development Standards
Table 29.1004(4)**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living, Mixed Use Development	Y, on sites greater than one acre in combination with non-residential use Dwelling units shall be configured as studio, one, or two bedroom dwelling units for a minimum of 75% of the total dwelling units within a building. No dwelling unit shall consist of five bedrooms or more within any building.	SDP MAJOR	CITY COUNCIL
Short-term Lodging (stand alone or mixed use)	Y	SDP MAJOR	STAFF
OFFICE USES	Y	SDP MINOR	STAFF
TRADE USES			
Retail Sales and Services - General	Y	SDP MINOR	STAFF
Retail Trade - Automotive, etc.	N	--	--
Entertainment, Restaurant and Recreation Trade	Y	SDP MINOR	STAFF
Catering Establishments	N	--	--
Lodge or Social Club	N	--	--
Wholesale Trade	N	--	--
INDUSTRIAL USES			
Industrial Service	N	--	--
Small Production Facility	Y standalone, if Mixed Use Development SDP Major	SP/ SDP MAJOR	ZBA/ CITY COUNCIL
Warehouse, Mini-storage	N	--	--
INSTITUTIONAL USES			
Colleges and Universities	N	--	--
Community Facilities	Y	SDP MINOR	STAFF
Social Service Providers	N	--	--
Medical Centers	N	--	--
Parks and Open Areas	Y	SDP MINOR	STAFF
Religious Institutions	N	--	--
Schools	N	--	--
Funeral Homes	N	--	--
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
Passenger Terminals	N	--	--
Basic Utilities	Y	SDP MAJOR	CITY COUNCIL
Commercial Parking	Y	SDP MINOR	STAFF
Radio and TV Broadcast Facilities	Y	SP	ZBA
Rail Line and Utility Corridors	N	--	--
Railroad Yards	N	--	--
MISCELLANEOUS USES			
Commercial Outdoor Recreation	N	--	--
Child Day Care Facilities	Y	SP	ZBA
Detention Facilities	N		
Major Event Entertainment	Y	SP	ZBA
Vehicle Service Facilities	N	--	--
Adult Entertainment Business	Y, SUBJECT TO ARTICLE XIII	SDP MINOR	STAFF

DEVELOPMENT STANDARDS	Downtown Gateway Commercial
Standard Site, Minimum Lot Area	0.25 net acres
Standard Site, Minimum Lot Frontage	50 feet
Redevelopment Intensification Site	One (1.0) net acres
Redevelopment Intensification Site, Minimum Lot Frontage along at least one of the following streets: Lincoln Way, Clark Avenue, Kellogg Avenue, South Kellogg Avenue, Duff Avenue.	100 feet
Building Design	Building design and material standards described below.
Minimum Street Building Setbacks*: Lincoln Way Kellogg/S Kellogg Clark/Walnut Sherman Gilchrist Washington Duff Commerce and Market	15 feet ground floor/10 feet above ground floor 5 feet 5 feet 10 feet 5 feet (except through lots) 10 feet 15 feet ground floor/10 feet above ground floor 5 feet *Properties on Kellogg and corner properties along Lincoln Way may have reduced setbacks approved with design review of a Major Site Development Plan when buildings include high levels of quality materials, architectural interest, glazing, and a pedestrian oriented design.
Minimum Side and Rear Setbacks	No minimum setbacks required except for utility service separation and access requirements, typically 10 feet or less along a rear property line.
Landscaping in Setbacks Abutting a residential zoned lot or South Lincoln Mixed Use District Zoned Lot with an existing residential use.	High Screen. See Section 29.403
Maximum Building Coverage	100%
Minimum Landscaped Area Percentage	No minimum
Maximum Height	None
Minimum Height	Kellogg Avenue- two (2) stories. No minimum other streets
Parking Allowed Between Buildings and Streets	No, Except Gilchrist, Commerce, and Market
Drive-Through Facilities Permitted	Yes, Major Site Development Plan approval required. Maximum of one facility per Lincoln Way Block Face. No Drive-Through Facilities are permitted for any property with frontage along Kellogg Avenue or S Kellogg Avenue.
Outdoor Display Permitted	Yes. See Section 29.405
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	No

5. Building Design Standards

The following development standards apply to all projects subject to a Site Development Plan or Special Use Permit. The intent of the design standards is to promote high levels of architectural interest, enhancement of the pedestrian oriented streetscape, and to accommodate desirable commercial uses as the primary use within the District. Each proposed building shall undergo a design review for conformance to the applicable design standards and objectives for development within the District. Design review will be incorporated into the review of the Site Development Plan or Special Use Permit and require a finding that the proposed project includes conforming design elements that support a high quality building design with architectural interest and enhances the structures appearance in a manner that is compatible with both existing and planned uses adjacent to the site.

(a) **Kellogg Avenue Frontage**

Buildings with facades along the Kellogg Avenue are intended to be designed in a manner that is compatible with the traditional look of Main Street and incorporate architectural elements that support the transition of the uses from Lincoln Way to Main Street. Buildings are required to consist of a minimum of two stories along Kellogg Avenue. Each building shall incorporate the following design elements into the design.

- i. Transparent windows at ground level. Glazing shall consist of a minimum of 40% to 50% of the façade area at the ground level. Commercial retail storefronts require higher levels of glazing than other uses. Glazing requirements apply along street frontages and to designated activity areas or plaza spaces.
- ii. Each tenant space shall have a pedestrian entrance that connects directly to the street. Corner lots may be required to provide an entryway at a corner or to include two entries.
- iii. Minimum ground floor to ceiling height of 15 feet for all buildings.
- iv. Incorporate wall plane changes and variations in the façade to create visual relief along long facades, e.g. 50 feet of facade length. Incorporate store front pattern and rhythm similar to Main Street, e.g. 25 feet.
- v. Clay brick building materials for front and side facades.
 - a. There is an exception for side facades obscured from view by an abutting building located within 5 feet of the property line.
 - b. Accent materials may be approved in addition to the use of clay brick.
 - c. Buildings greater with three or more stories may propose to incorporate a secondary façade material in addition to clay brick.
- vi. The building design shall include architectural details to create visual interest and design diversity, such as transoms, brick soldier course, corbel, cornice, lintels, projecting window bays, inset windows, canopies, parapet variation.
- vii. Alternative high interest architectural building materials, such as stone, glass, steel, architectural metal panels may be approved in lieu of clay brick when approved with a Major Site Development Plan.
- viii. Rear facades may include materials other than clay brick that are compatible with the overall design of the building.
- ix. No balconies are permitted along the perimeter of a building adjacent to a street.
- x. Commercial floor area requires a minimum depth of 60 feet, minor variations allowed through Design Review.

(b) **Other Street Frontages**

Buildings in areas without frontage along Kellogg Avenue may take on a variety of architectural appearances to meet the goals of the District for enhanced architectural design that creates visual interest and identity for the Lincoln Way Corridor. Buildings with facades along streets other than Kellogg shall incorporate the following design elements:

- i. Minimum ground floor to ceiling height of 15 feet.
- ii. Commercial floor area requires a minimum depth of 60 feet, minor variations allowed through Design Review.
- iii. Incorporate pedestrian entrances that lead directly to an abutting street.
- iv. Transparent windows at ground level. Glazing shall consist of a minimum of 30% to 50% of the façade area at the ground level. Commercial retail storefronts require higher levels of glazing than other uses. Glazing requirements apply along primary street frontages and to designated activity areas or plaza spaces.

v. Clay brick shall be used as a primary building material for front and side facades, unless alternative high interest architectural building materials are approved through a Major Site Development Plan review.

vi. Incorporate wall plane changes and variations in the façade to create visual relief along long facades, e.g. 50 feet of facade length.

vii. The building design shall include architectural details to create visual interest and design diversity, such as transoms, brick soldier course, corbel, cornice, lintels, projecting window bays, inset windows, canopies, parapet variation.

viii. Minimize the placement of balconies along Lincoln Way. When balconies are permitted along Lincoln Way, balconies shall not project more than 2-feet from the front primary building facade. Balconies may not project within 5 feet of the right-of-way.

ix. Drive-through facilities may require a covered pick-up window and street screen walls with compatible materials to the principal building.”

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

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

John A. Haila, Mayor

Attachment 3: Nonconforming Tables

Property Address	Current Zoning	Use	DSC Conforming Use	DSC Conforming Structure	DSC Conforming Site Development, Other	DGC Conforming Use	DGC Structure*	DGC Site Development, Other
104 KELLOGG AVE	DSC	Office	Y	N, 1 story, FAR	Y	Y	N, 1 story	N, Quantity parking
105 KELLOGG AVE	DSC	Retail	Y	N, FAR	Y	Y	Y	N, Quantity parking
109 KELLOGG AVE	DSC	Retail	Y	N, 1 story, FAR	Y	Y	N, 1 story	N, Quantity parking
110 KELLOGG AVE	DSC	Pet Grooming	Y	N, 1 story, FAR	Y	Y	N, 1 story	N, Quantity parking
111 KELLOGG AVE	DSC	Parking Lot	Y	N, FAR	Y	Y	NA	N, Parking Design
113 KELLOGG AVE	DSC	Retail	Y	N, 1 story, FAR	N, Parking Design	Y,	N, 1 story	N, Parking Quantity & Design
114 KELLOGG AVE	DSC	Martial Art Instruction	Y	N, 1 story, FAR	Y	Y	N, 1 story	N, Quantity parking
117 KELLOGG AVE	DSC	Adult Entertainment Business	N, Separation Requirements	Y	Y	N, Separation Requirements	Y	Y (Off site Parking)
118 KELLOGG AVE	DSC	Office	Y	N, 1 story, FAR	Y	Y	N, 1 story	N, Quantity parking
119 KELLOGG AVE	DSC	Parking Lot (City lot)	Y	N, FAR	Y	Y	NA	Y
120 KELLOGG AVE	DSC	Entertainment/Restaurant Trade	Y	N, 1-story,FAR	Y	Y	N, 1 story	N, Quantity parking
121 KELLOGG AVE	DSC	Parking Lot	Y	N, FAR	Y	Y	NA	Y
124 KELLOGG AVE	DSC	Parking Lot	Y	N, FAR	N, Parking Design	Y	NA	N, Parking Design
213-223 LINCOLN WAY	DSC	Retail	Y	N, 1-story, FAR	Y	Y	N, 1 story	N, Parking Quantity & design
303 LINCOLN WAY	DSC	Retail	Y	N, 1 story, FAR, Front/Rear/Side Setback	N, Parking Design	Y	N, 1 story	N, parking Design

* 0' Setback approved for pedestrian oriented design assumed.

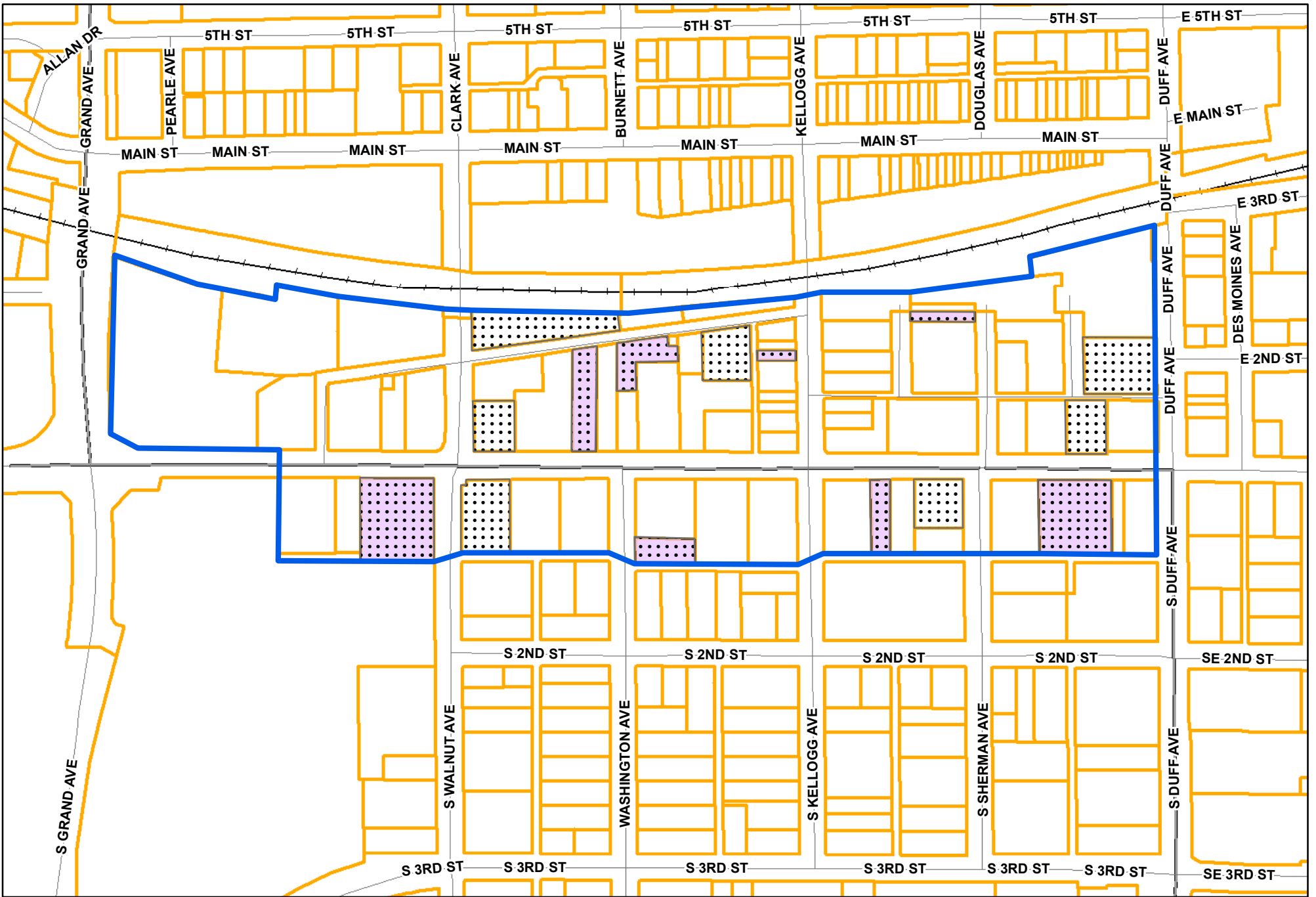
Attachment 3 cont'd: Nonconforming Tables

Property Address	Current Zoning	Use	HOC Conforming Use	HOC Conforming Structure	HOC Conforming Site Development, Other	DGC Conforming Use	DGC Structure*	DGC Site Development, Other
104 LINCOLN WAY	HOC	Retail	Y	N, Rear Setback	N, Parking Design	Y	Y	N, Parking Location & Design
105 LINCOLN WAY	HOC	Retail (with drive thru)	Y	Y	Y**	Y	Y	N, Parking Location
108 LINCOLN WAY	HOC	Parking Lot	Y	NA	N, Parking Design	Y	NA	N, Parking Design
110 SHERMAN AVE	HOC	Pet Grooming	Y	N, Front, Rear, Side Setback, FAR	N, Parking Quantity & Design	Y	Y	N, Parking Quantity & Design
111 DUFF AVE	HOC	Vehicle Service Facility	Y	Y	N, Parking Design	N	Y	N, Parking Location & Design
111 S SHERMAN AVE	HOC	Vacant land	NA	NA	Y	NA	NA	Y
111 SHERMAN AVE	HOC	Institutional	Y	N, Front Setback	Y	Y	N, Sherman Ave Setback	Y
113 LINCOLN WAY	HOC	Vehicle Service Facility	Y	N, Front Setback	N, Parking Quantity	N	Y	N, Parking Location & Quantity
114 WASHINGTON AVE	HOC	Janitorial Services	N	N, FAR, Rear/Side setback	N, Parking	N	Y	N, Parking Quantity & Design
116 CLARK AVE	HOC	Office	Y	N, Front/Side Setback	Y	Y	N, Clark Ave	Y
118 LINCOLN WAY	HOC	Vehicle Service Facility/Delayed Deposit Services	N, Delayed Deposit Y, Vehicle repair	Y	N, Parking Design	N, Delayed Deposit N, Vehicle repair	Y	N Parking Location & Design
119 SHERMAN AVE	HOC	Warehouse	N	N, all Setbacks, FAR	N, Parking Quantity	N	N, Market Ave and Sherman Ave Setback	N, Parking Quantity
120 SHERMAN AVE	HOC	Office	Y	N, Front/Side Setback, FAR	N, Parking Quantity & Design	Y	N, Sherman Ave and Commerce	N, Parking Quantity & Design
123 LINCOLN WAY	HOC	Food Sales	Y	N, Front/Side Setback	N, Parking Design	Y	N, Lincoln Way Setback	N, Parking Design
128 LINCOLN WAY	HOC	Retail	Y	N, Front Seback on S Sherman	N, Parking Design	Y	Y	N, Parking Design
129 LINCOLN WAY	HOC	Vacant Building	NA	N, Front, Side Setback	N, Parking Design	NA	N, Lincoln Way Setback	N, Parking Location & Design
202 LINCOLN WAY	HOC	Vehicle Service Facility	Y	Y, Pending Plat of Survey approval	Y	N	Y	Y
203 KELLOGG AVE	HOC	Retail	Y	N, Front, Side Setback, FAR	N, Parking Quantity & Design	Y	N, Gilchrist Setback	N, Parking Quantity, Location & Design



Property Address	Current Zoning	Use	HOC Conforming Use	HOC Conforming Structure	HOC Conforming Site Development, Other	DGC Conforming Use	DGC Structure*	DGC Site Development, Other
204 CLARK AVE	HOC	Car Wash	Y	N, Front Setback	N, Parking Design	N	N, Gilchrist Setback	N, Parking Location & Design
204 MARKET AVE	HOC	Vacant land (paved)	Y	NA	N, Landscaped area	Y	NA	N, Parking Design
205 CLARK AVE	HOC	Office	Y	Y	N, Parking Design	Y	Y	N, Parking Location & Design
209 LINCOLN WAY	HOC	Fast Food (with Drive Thru)	Y	Y	Y	Y	Y	N, Parking Location
212 LINCOLN WAY	HOC	Parking Lot	Y	Y	Y	Y	Y	N, Parking Design
213 DUFF AVE	HOC	Retail/Restaurant/Office	Y	N, Front/Side/Rear Setback	Y	Y	N, Duff Setback	N, Parking Location & Design
218 LINCOLN WAY	HOC	Residential/Historic Site	N	Y	Y	N	Y	Y
222 LINCOLN WAY STE (232 Lincoln Way)	HOC	Retail	Y	N, Front/Side Setback	N, Parking Quantity	Y	N, Lincoln Way Setback	N, Parking Location
302 LINCOLN WAY	HOC	Retail/Restaurant	Y	Y	Y	Y	Y	N, Parking Location
311 -315 LINCOLN WAY	HOC	Office	Y	N, Rear Setback	Y	Y	Y	N, Parking Location & Design
312 GILCHRIST ST	HOC	Mini Warehouse	Y	N, Front Setback	N, Parking Design	N	Y	N, Parking Design
316 LINCOLN WAY	HOC	Fast Food (with Drive Thru)	Y	Y	Y	Y	Y	N, Parking Location
319 LINCOLN WAY	HOC	Office	Y	N, Side/Rear Setback	Y	Y	Y	N, Parking Location & Design
320 GILCHRIST ST	HOC	Vacant Land	Y	NA	N, Landscape area	Y	NA	N, Parking Design
322 GILCHRIST ST	HOC	City Well	Y	Y	Y	Y	Y	Y
323 GILCHRIST ST	HOC	Vacant Land	Y	NA	Y	Y	NA	Y
326 LINCOLN WAY	HOC	Retail	Y	Y	N, Parking Design	Y	Y	N, Parking Location & Design
327 LINCOLN WAY	HOC	Fast Food (with Drive Thru)	Y	Y	N, Parking Design	Y	Y	N, Parking Location & Design
328 GILCHRIST ST	HOC	Warehouse	N	N, Side/Rear Setback	N, Parking Design	N	Y	N, Parking Design
329 LINCOLN WAY	HOC	Vacant Land	Y	NA	NA	Y	NA	NA

Property Address	Current Zoning	Use	HOC Conforming Use	HOC Conforming Structure	HOC Conforming Site Development, Other	DGC Conforming Use	DGC Structure*	DGC Site Development, Other
335 LINCOLN WAY	HOC	Retail	Y	N, Front/Side Setback	N, Parking Quantity	Y	N, Lincoln Way Setback	N, Parking Quantity
402 LINCOLN WAY	HOC	Bank (with Drive Thru)	Y	Y	Y (Off site Parking)	Y	Y	N, Parking Location
403 LINCOLN WAY 401	HOC	Residential	N	N, Front Setback - Garage	Y	N	Y	Y
414 LINCOLN WAY	HOC	Funeral home	Y	Y	Y**	Y	Y	N, Parking Location & Design
415 LINCOLN WAY	HOC	Restaurant	Y	Y	N, Parking Design	Y	Y	N, Parking Location
419 LINCOLN WAY	HOC	Vehicle Service Facility	Y	N, Front Setback - Canopy	Y	N	Y	N, Parking Location & Design
428 LINCOLN WAY	HOC	Vehicle Service Facility	Y	N, Front Setback	Y	N	Y	N, Parking Location & Design
500-510 LINCOLN WAY	HOC	Restaurant (with Drive Thru)/Retail/Laundry	Y, Restaurant (with Drive Thru) & Retail, N, Laundry	Y	Y	Y, Restaurant (with Drive Thru) & Retail, N, Laundry	Y	N, Parking Location & Design
509 LINCOLN WAY	HOC	Restaurant (with Drive Thru)	Y	Y	N, Parking Design	Y	Y	N, Parking Location & Design
510 GILCHRIST ST	HOC	City Well	Y	Y	NA	Y	Y	NA
511 LINCOLN WAY	HOC	Restaurant	Y	Y	N, Parking Design	Y	Y	N, Parking Location & Design
516 LINCOLN WAY	HOC	Retail	Y	N, Side Setback	Y	Y	Y	N, Parking Location & Design
517 LINCOLN WAY	HOC	Laundry/Restaurant	Y	Y	Y	Y	Y	N, Parking Location
524 - 526 LINCOLN WAY	HOC	Restaurant	Y	N, Side Setback	N, Parking Quantity	Y	Y	N, Parking Quantity
525 GILCHRIST ST	HOC	Restaurant (with Drive Thru)	Y	Y	Y	Y	Y	Y
533 LINCOLN WAY	HOC	Restaurant (with Drive Thru)	Y	Y	N, Parking Design	Y	Y	N, Parking Location & Design
539 LINCOLN WAY	HOC	Retail/Restaurant	Y	N, Side Setback	Y	Y	Y	N, Parking Location

** Conforming site development/other assumed with prior site plan approval.

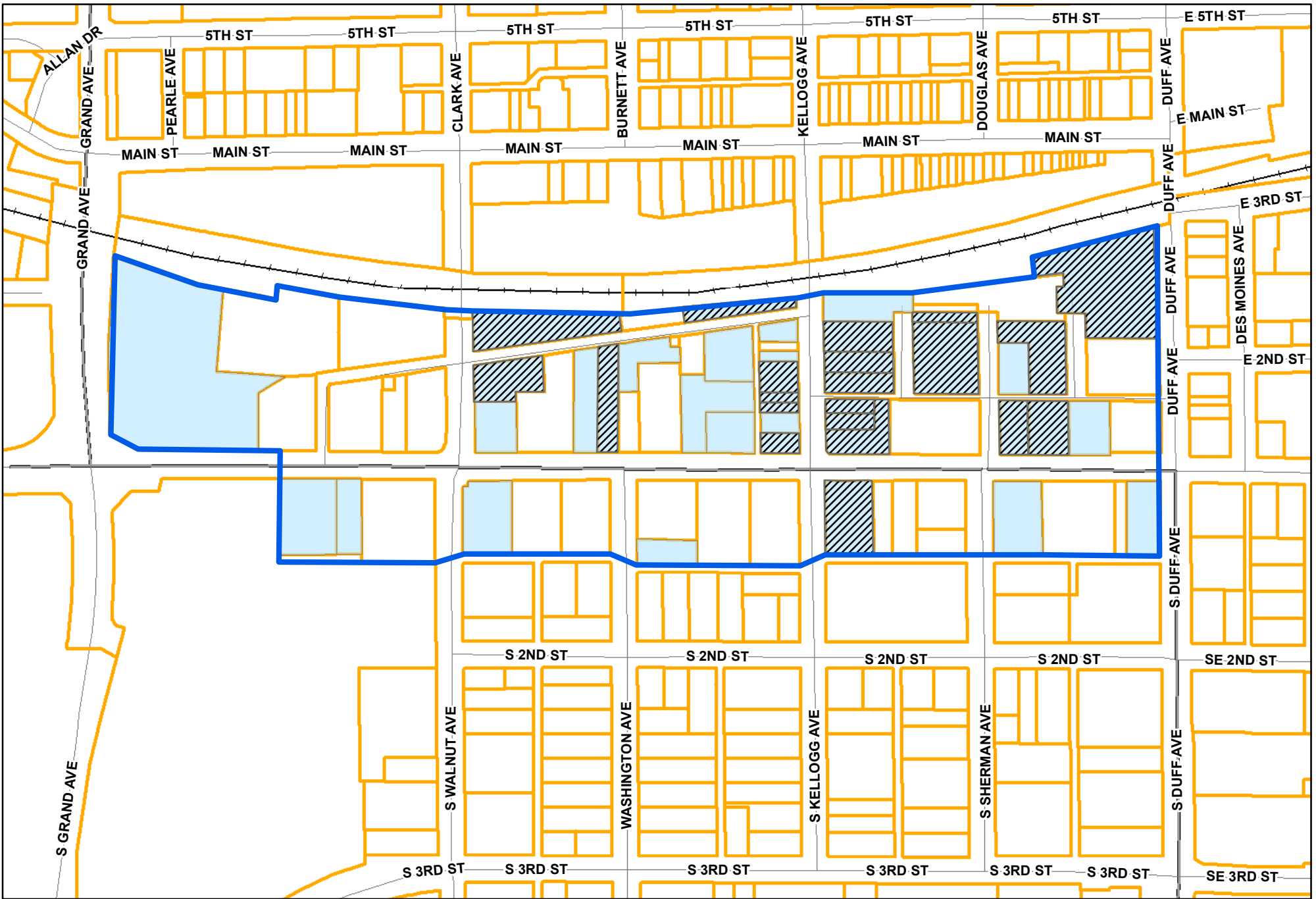


Nonconforming Uses



-  Nonconforming Uses - Proposed DGC
-  Nonconforming Uses - Existing DSC, HOC

**Attachment 4:
Nonconforming Maps**

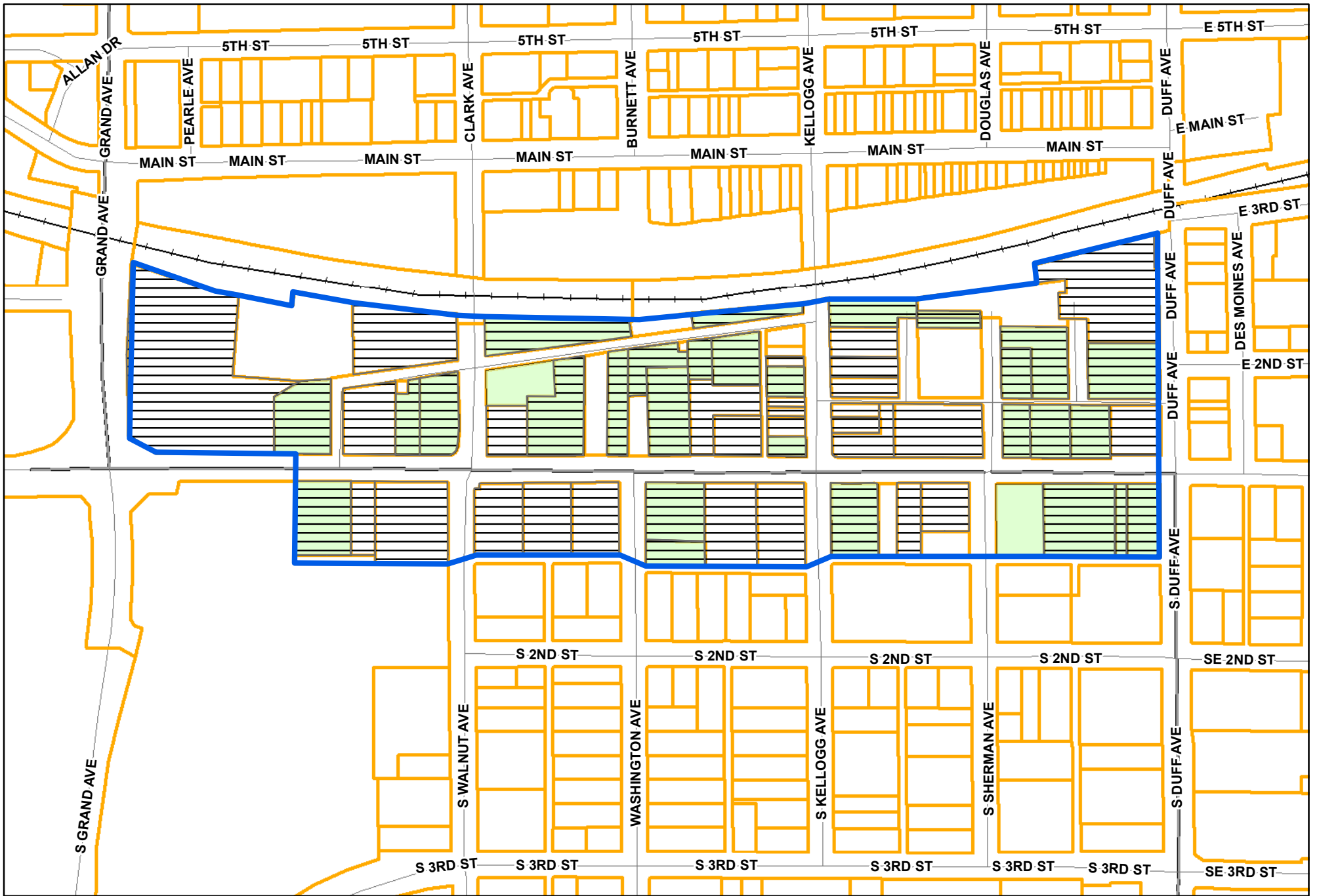




Nonconforming Structures

-  Nonconforming Structures - Proposed DGC
-  Nonconforming Structures - Existing DSC, HOC

Attachment 4 cont'd:
Nonconforming Maps



Nonconforming Site Development/Other

-  Nonconforming Site Development/Other - Proposed DGC
-  Nonconforming Site Development/Other - Existing DSC, HOC

Attachment 4 cont'd:
Nonconforming Maps

Attachment 5: Comparison Tables

Summary Comparison of Allowed Uses

USE CATEGORY	Proposed DGC Status/Approval	DSC Zoning Status/Approval	HOC Zoning Status/Approval
RESIDENTIAL USES			
Group Living	N	N	Y, ZBA
Household Living, Mixed Use Development	Y, CITY COUNCIL	Y, STAFF	N
Short-term Lodging (stand alone or mixed use)	Y, STAFF	Y, STAFF	Y, STAFF
OFFICE USES	Y, STAFF	Y, STAFF	Y, STAFF
TRADE USES			
Retail Sales and Services - General	Y, STAFF	Y, STAFF	Y, STAFF
Retail Trade - Automotive, etc.	N	N	Y, STAFF
Entertainment, Restaurant and Recreation Trade	Y, STAFF	Y, STAFF	Y, STAFF
Catering Establishments	N	Y, STAFF	Y, STAFF
Lodge or Social Club	N	Y, STAFF	Y, STAFF
Wholesale Trade	N	N	Y, STAFF
INDUSTRIAL USES			
Industrial Service	N	N	N
Small Production Facility	Y, ZBA, if Mixed Use Development City Council	Y, ZBA	Y, ZBA
Warehouse, Mini-storage	N	N	Y, ZBA
INSTITUTIONAL USES			
Colleges and Universities	N	Y, ZBA	Y, ZBA
Community Facilities	Y, STAFF	Y, STAFF	Y, STAFF
Social Service Providers	N	Y, ZBA	Y, ZBA
Medical Centers	N	N	Y, ZBA
Parks and Open Areas	Y, STAFF	Y, STAFF	Y, ZBA
Religious Institutions	N	Y, ZBA	Y, ZBA
Schools	N	N	N
Funeral Homes	N	Y, ZBA	Y, ZBA
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
Passenger Terminals	N	Y, STAFF	Y, STAFF
Basic Utilities	Y, CITY COUNCIL	Y, CITY COUNCIL	Y, CITY COUNCIL
Commercial Parking	Y, STAFF	Y, STAFF	Y, STAFF
Radio and TV Broadcast Facilities	Y, ZBA	Y, ZBA	Y, STAFF
Rail Line and Utility Corridors	N	Y, ZBA	Y, ZBA
Railroad Yards	N	N	Y, ZBA
MISCELLANEOUS USES			
Commercial Outdoor Recreation	N	N	Y, STAFF
Child Day Care Facilities	Y, ZBA	Y, ZBA	Y, STAFF
Detention Facilities	N	N	Y, STAFF
Major Event Entertainment	Y, ZBA	Y, ZBA	Y, STAFF
Vehicle Service Facilities (includes carwash, gas station, auto repair, etc.)	N	N	Y, STAFF
Adult Entertainment Business	Y, STAFF, SUBJECT TO ARTICLE XIII	Y, STAFF, SUBJECT TO ARTICLE XIII	Y, STAFF, SUBJECT TO ARTICLE XIII
Sports Practice Facility	N	N	Y, STAFF

Notes- Staff is a Minor Site Development Plan, ZBA is a Special Use Permit for Zoning Board of Adjustment, City Council is a Major Site Development Plan.

Attachment 5 cont'd: Comparison Tables

Summary of Base Zoning District Development Standards

BASE ZONE DEVELOPMENT STANDARDS <i>(Additional citywide standard, such as landscaping and parking, are part of Article IV of the Zoning Ordinance)</i>	Proposed Downtown Gateway Commercial Zoning	Current DSC Zoning	Current HOC Zoning
Parking Required	Yes, modified standards for Redevelopment Site for household living and retail/entertainment	None for commercial, 1 per bedroom for residential	Yes
Standard Site, Minimum Lot Area	0.25 net acres	None, 250 sq. ft. per dwelling unit	None
Standard Site, Minimum Lot Frontage	50 feet	None, mixed use 25 feet	50 feet
Redevelopment Intensification Site (optional standard)	One (1.0) net acres	Not Applicable	Not Applicable
Redevelopment Intensification Site, Minimum Lot Frontage along at least one of the following streets: Lincoln Way, Clark Avenue, Kellogg Avenue, South Kellogg Avenue, Duff Avenue.	100 feet	Not Applicable	Not Applicable
Building Design(materials, window percentages, entryways)	Building design and material standards described below.	None	None
Minimum Front and Street Building Setbacks*: (exceptions permitted by design approval in certain circumstances) Lincoln Way/Duff Kellogg/ S Kellogg Other Streets	15 feet ground floor/10 feet above ground floor 5 feet 5 feet to 10 feet	0 feet	20 feet
Minimum Side and Rear Setbacks	No minimum setbacks (Provide utility access, typical 10 feet)	10 feet, rear only	5 feet side/ 10 feet rear
Landscaping in Setbacks Abutting a residential zoned lot or South Lincoln Mixed Use District Zoned Lot with an existing residential use.	High Screen. See Section 29.403	High Screen. See Section 29.403	High Screen. See Section 29.403
Minimum Floor Area Ratio (FAR)	None	1.0 FAR	None
Maximum Floor Area Ratio (FAR)	None	None	0.5 FAR
Maximum Building Coverage	100%	100%	50%
Minimum Landscaped Area Percentage	No minimum	None	15%
Maximum Height	Ten (10) stories	7 stories	7 stories
Minimum Height	Kellogg Avenue- two (2) stories. No minimum other streets	2 stories	None
Parking Allowed Between Buildings and Streets	No, Except Gilchrist, Commerce, Market, Grand Avenue	No	Yes
Drive-Through Facilities Permitted	Yes, Major Site Development Plan approval required. Maximum of one facility per Lincoln Way Block Face. No Drive-Through Facilities are permitted for any property with frontage along Kellogg Avenue or S Kellogg Avenue. (see also 29.1303)	Yes (see also 29.1303)	Yes (see also 29.1303)
Outdoor Display Permitted	Yes	Yes	Yes
Outdoor Storage Permitted	No	No	Yes
Trucks and Equipment Permitted	No	Yes	Yes

Attachment 6: Nonconformity FAQ's

Nonconformity Frequently Asked Questions

1. What is a Nonconformity? A Nonconformity is a situation where a use, structure, lot dimension, or site improvement that was lawfully established previously does not conform to the City's current zoning standards. The Zoning Ordinance (Chapter 29 of the Ames Municipal Code) includes definitions for each situation and standards that attempt to balance allowing for property owners to continue using their property within reasonable limits and ensuring compatibility with the intended zoning standards.

A more in-depth explanation of the types of nonconformities and standards that apply to each type of nonconformity is included within **Section. 29.307. NONCONFORMITIES** of the Ames Municipal Code.

2. Am I allowed to continue my Nonconforming Use? (Section 29.307.1 and 29.307.2)

A nonconforming use is allowed to continue as long as it remains otherwise lawful and in accordance with the requirements of the Nonconformities section of the Zoning Ordinance. The use may continue upon sale or transfer of the property or business to another owner. If the use ends, changes, or is abandoned and the property is used for a more conforming use then the Nonconformity cannot be reestablished. If the use is abandoned for one year it may not be reestablished; however, an owner can appeal to the Zoning Board of Adjustment to demonstrate the use has not been abandoned.

3. Am I allowed to expand my Nonconforming Use? (Section 29.307.2(a))

In most situations the nonconforming use cannot be expanded. The nonconforming use cannot increase in intensity, but under certain conditions it may be modified. A nonconforming use may not be increased in intensity and may not be enlarged, expanded or extended to occupy parts of another structure or portions of a lot that it did not occupy on the effective date of this Ordinance, unless the expansion is approved by a Special Use Permit and the expansion meets all standards of the Zoning Ordinance. Any expansion is limited to an increase of 125% of the floor area.

4. Am I allowed to change to another Nonconforming Use? (Section 29.307.2(b))

A nonconforming use may be changed to another use in the same category of use with the approval of a Special Use Permit. For example, a Trade Use may be approved to change from retail to an entertainment use with approval of a Special Use Permit and conformance to the relevant standards of the Zoning Ordinance for the proposed new use.

5. Am I allowed to expand my Nonconforming Structure? (Section 29.307.3 (d))

Yes, if the structure includes a conforming use and the expansion meets the requirements of the Zoning Ordinance. For example, an addition to a structure for a conforming use would need to meet standards such as setbacks, lot coverage, floor area ratio (minimum and maximum), height (minimum and maximum), quantity of parking spaces, and open space and landscape requirements. The existing nonconforming elements of a structure would not need to be brought into conformance with the addition.

6. Am I allowed to remodel my existing Nonconforming Structure? (Section 29.301.3(b))

Yes, maintenance, remodeling and repair of a nonconforming structure shall be permitted without a variance or a Special Use Permit, provided that such maintenance, remodeling or repair does not increase the degree of nonconformity. In some situations remodeling allows for partial demolition and reconstruction of a structure, for example removing a front façade to install a new storefront window and entry.

7. Am I allowed to rebuild if my building is damaged by a fire or other natural causes? (Section 29.301.3(c))

Yes, a structure may be rebuilt without conforming to the current standards if the damage to the overall structure is less than 70% of its assessed value. Construction must be complete within 18 months from the time of the damage.

Additionally, a structure that is damaged in excess of 70% of its assessed value may be rebuilt if a Special Use Permit is approved by the Zoning Board of Adjustment and that the proposed restoration conforms to the fullest extent possible with the current zoning standards.

8. Am I allowed to reconstruct my parking lot and replace landscaping without complying with zoning? (Section 29.301.5)

Site improvements are categorized as “Other Nonconformities” and distinguished from Nonconforming Uses and Nonconforming Structures, even though they are often related to the other situations. Other Nonconformities are required to be improved as practicable based upon the scope of a project. For example, if a parking lot is reconstructed it must either comply with the current zoning standards for dimensions, landscaping, etc. or, if there is a lack of space to meet all the standards, the project must remedy as many of the nonconformities as can be accomplished without causing a new nonconformity.

10. What does the term Pre-existing Use mean compared to Nonconforming Use?

The term Pre-existing distinguishes a use from Nonconforming by allowing for a continuously operated Pre-existing use to continue its operations and have no predefined limitations on the expansion or other modifications of the use, other than complying with zoning development standards. Pre-existing also prohibits establishment of any new uses of that type. A Pre-existing designation is subject to a 12 month discontinued use standard similar to the 12-month abandoned use nonconforming standard. There is no allowance to change to another Pre-existing use as is permissible for certain nonconforming uses.