

ITEM #: 21  
DATE: 08-27-24  
DEPT: P&H

**COUNCIL ACTION FORM**

**SUBJECT: ZONING TEXT AMENDMENT TO AMEND THE EXCEPTION STANDARDS FOR THE DOWNTOWN SERVICE CENTER "DSC" ZONING DISTRICT**

**BACKGROUND:**

Ames Silversmithing, 220 Main Street, recently purchased the adjacent building to the east at 218 Main Street with the intent of expanding the jewelry store business (Attachment A). The owners would like to demolish the building at 218 Main Street to expand 220 Main Street for increased space. Both 220 and 218 Main Street are single-story buildings. The Downtown Service Center (DSC) Zoning District, however, contains regulations designed to achieve a minimum intensity of use; these requirements prohibited Ames Silversmithing from adding on as desired.

In a letter to Council (Attachment B), Michael Stott, architect with SB&A, stated that it is not feasible to expand the business into the existing building and that demolishing 218 Main Street and constructing an addition is the only possible alternative. The parcel containing 218 Main Street is 13.58 feet wide at the street, though this widens to 15.25 feet approximately 20 feet back from Main Street. The parcel has a piece carved out along the Main Street frontage that accommodates an interior staircase to the second floor of the adjacent building at 216 Main Street.

**City Council reviewed the request and options for changes to the standards at its May 14th meeting and allowed for the applicant to apply for a zoning text amendment that would create an expanded Exception to DSC for building additions. New construction of a building is not affected by the change.**

**DOWNTOWN SERVICE CENTER (DSC) ZONING:**

The DSC has several provisions that work to create density of use, a stated goal of the district. The first is a minimum floor-area-ratio (FAR) of 1.0. This means that if a parcel is 10,000 square feet, it must have a building of at least 10,000 square feet. The other requirement is a minimum height of two stories; most historic, commercial buildings on Main Street are two stories. These two requirements help to reinforce the historic character of the street and to increase the intensity of use of Downtown.

The DSC Zoning District does currently allow for limited departures from the minimum height and FAR (Attachment C). Deviations have evolved over time.

- In 2004, Council created a limited Exception to the two-story requirement with related criteria for new buildings (Ord. 3815). Exceptions are reviewed against stated criteria by the Zoning Board of Adjustment.
- In 2016, Council allowed for deviations from the minimum FAR and height (Ord. 4252) for a narrow range of institutional or "Special Use Permit" types of uses.
- In 2018, Council created an expanded Exception for minimum FAR and height for building additions but limited these to properties fronting 6th Street (Ord. 4373) believing the intent of regulations was to primarily reinforce "Main Street character."

The current limited types of Exceptions do not allow for buildings on Main Street, or for the type of

trade uses that include Ames Silversmithing, to request Exceptions to the standards. Due to statutory criteria for variances for hardship of use that could not be met for this site, the applicant requests a text amendment to pursue the proposed building project.

### **PROPOSED EXCEPTION:**

The proposed code change alters one line of text in the DSC regulations. Sec. 29.808(4)(b)(ii) currently contains the geographic restriction allowing only those properties on 6th Street to apply for an Exception to the minimum FAR and height. All other criteria are proposed to remain the same. The general expectation of design compatibility will remain for projects that are granted relief from the intensity standards with an Exception.

### **Current Code Section. 29.808(4)(b)**

Standards for Existing Structures. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed expansion or enlargement of a building not meeting the minimum number of stories or floor area ratio, meets each of the following standards:

1. The proposed project is an expansion or enlargement of an existing building and not for new construction,
2. The property has frontage on 6th Street. For properties on a through lot, existing buildings on the south half of the lot shall have a second story along the entire 5th Street frontage,
3. The proposed project retains or creates an active pedestrian street entrance,
4. The proposed project demonstrates a height and building placement that emphasizes an urban design of Main Street style development characterized by a height compatible with buildings in downtown and maintaining or creating a street edge with buildings,
5. The proposed project deemphasizes the quantity and visibility of surface parking spaces, and
6. The proposed project has a minimum floor area ration of 0.50.

Only Section 2 highlighted above is proposed to change:

2. The proposed project does not replace a two-story structure with a single-story structure (See Attachment C)

The proposed language differs slightly from the original request by adding a qualifier to the criteria related to existing two-story buildings. This is discussed in detail under the Planning and Zoning Commission section.

**If approved, these changes will allow property owners to apply for an Exception to enable them to construct a one-story addition on a property that will have less than an FAR of 1.0. The Exception permit allowance of the Zoning Ordinance allows for narrowly tailored deviations from the zoning requirements. This type of permit requires a ZBA public hearing and approval. Rather than apply general criteria, applications for an Exception apply the specific criteria accompanying the allowable Exceptions.**

### **PLANNING AND ZONING COMMISSION:**

The Planning and Zoning Commission met on August 7, 2024, to review the proposed text amendment. The proposal for the August 7th meeting requested by the applicant was to simply delete subsection 2 in its entirety to remove the geographic limitation (See Attachment D)

At the meeting, Commissioners discussed the character of Downtown and their support for the multi-story buildings related to both character and the general intensity of use Downtown. The Commission expressed concern that the proposed exception creates a loophole could be used to demolish a two-story building, which could then be replaced with a single-story structure by combining neighboring properties and considering the new structure an addition.

The Commission discussed how new construction could not take advantage of this proposed option and it would only apply to additions. Commissioners discussed their desire to maintain the goal of DSC in having two-story structures with 1.0 FAR. To that end, the Commission voted 7-0-0 to recommend approval of the text amendment with the added change that instead of deleting Sec. 29.808(4)(b)(ii), it be replaced with the following standard:

- The proposed project does not replace a two-story structure with a single-story structure.

The Commission believed that adding this qualifier would discourage demolition of existing building for the sake of doing one story additions and thereby preserving the character of existing two-story buildings while allowing existing one-story buildings some flexibility to do additions.

### **ALTERNATIVES:**

1. Approve on first reading the Downtown Service Center (DSC) Zoning District text amendment to Sec. 29.808(4) as recommended by the Planning and Zoning Commission as shown in Attachment C.
2. Modify the proposed ordinance amending Sec. 29.808(4) as originally requested with no two-story building qualifier as shown in Attachment D.
3. Deny the requested text amendment.

### **CITY MANAGER'S RECOMMENDED ACTION:**

The proposed changes to the Exceptions requirements create an avenue for Ames Silversmithing to apply for a building addition that is one story. If the changes are approved, the Exception for one story and for an FAR of less than 1.0 will be available to all properties within the DSC. Any property seeking to apply for the Exception, however, would need to meet the criteria as laid forth in Sec. 29.808(4).

As currently written, the Code only allows additions to an existing building that will bring the property into full compliance or maintain compliance with the FAR and height requirements; incremental improvements are not otherwise allowed. **The proposed changes will allow any property in the DSC Zoning District to make gradual improvements that will bring the properties towards compliance. The change would not apply to new construction of a wholly new building.** Staff does not foresee that allowing single-story additions with reduced FAR will erode the stated goals of the DSC Zoning District to increase density and intensity of use with the expected design criteria and limitation to additions.

The original request for an amendment did not have qualifier related to two-story buildings. **After the Planning and Zoning Commission meeting, staff considered their recommended changes and found they would help to preserve the height and density goals of the DSC district while still meeting the interest of the applicant, Ames Silversmithing.**

**Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.**

**ATTACHMENT(S):**

[Attachment A.pdf](#)

[Attachment B.pdf](#)

[Attachment C.pdf](#)

[Attachment D.pdf](#)

[Zoning Text Amendment for Downtown Service Center.PDF](#)