

COMMISSION ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO ALLOW LIMITED RESIDENTIAL USE ON THE FIRST FLOOR IN THE DOWNTOWN SERVICE CENTER (DSC) ZONE

BACKGROUND:

On July 24, 2012, the City Council referred to staff a request from Mr. William Talbot, Newbrough Law Firm, LLP, on behalf of the property owners, Mr. and Mrs. Craig and Beth Marrs, to amend the Zoning Ordinance to allow limited residential use on the first floor in the Downtown Service Center (DSC) Zone.

This request was prompted by a recent application for a building permit to renovate the original McFarland Clinic building most recently used as the Ames Tribune Business Offices. The submitted floor plans for the renovation indicated four residential units that would be accessed from the second floor via a staircase on the back of the building, but with portions of the two units being located on the first floor of the building.

Staff notified the applicant that the residential portion of the first floor was not allowed under the Downtown development standards. Specifically, Table 29.808(2) does not allow household living in the Downtown Service Center Zone “except in combination with permitted non-residential use or uses, in which case Household Living shall be located above the first floor”. The purpose of the Downtown Services Zone is to encourage a strong pedestrian activity along the downtown street frontage by allowing uses that emphasize safe, vital and attractive streets.

Table 29.808(2)
Downtown Service Center (DSC) Zone Uses

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	N, except in combination with permitted non-residential use or uses, in which case Household Living shall be located above the first floor.	SDP Minor	Staff
Short-term Lodgings	Y	SDP Minor	Staff

The applicant is requesting a text amendment to revise the allowance for residential household living in Table 29.808(2) to read as follows, “No, except in combination with permitted non-residential use or used, in which case 75% to 100% household living

shall be located above the first floor, and the façade of the building retains a commercial appearance.” While the request does maintain the majority of the residential use above the first floor and attempts to maintain a commercial frontage appearance, staff suggests that the applicant’s language be modified to ensure that the front of downtown buildings are actually useable for non-residential purposes. Staff believes this is important for facilitating commercial synergies in the downtown.

Accordingly, staff has proposed language (included in the attached draft ordinance) that allows household living in combination with a permitted non-residential use or uses, provided that 75% of the household living use is located above the first story (the same as the applicant’s language), but also provided that at least the front 50% of the first story be maintained for non-residential use. This differs from the applicant’s proposed language that only requires a commercial “*appearance*” along the street-facing façade; this would require that space be actually maintained for non-residential use on the first floor street frontage.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the attached draft ordinance amending Table 29.808(2) to allow limited residential use on the first floor in the Downtown Service Center (DSC) Zone.
2. The Planning and Zoning Commission can recommend that the City Council not adopt the proposed text amendments.
3. The Planning and Zoning Commission can refer this issue back to staff for further information.

RECOMMENDED ACTION:

Staff believes that the proposed amendment address the stated essential needs of the property owner in the revitalization of the structure in the downtown, while also reflecting the purpose statement of the current Downtown Service Center Zone. Staff therefore recommends that the Commission act in accordance with Alternative 1, which is to recommend that the City Council approve the attached draft ordinance amending Table 29.808(2) to allow limited residential use on the first floor in the Downtown Service Center (DSC) Zone.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING TABLES 29.808(2), AND ADOPTING NEW TABLE 29.808(2) TO ALLOW LIMITED RESIDENTIAL USE ON THE FIRST FLOOR IN DOWNTOWN; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council received a request from Newbrough Law Firm, LLP to amend the Zoning Ordinance to allow limited residential use on the first floor in the Downtown Service Center (DSC) Zone; and

WHEREAS, the Council referred said request on July 24, 2012, directing staff to initiate the text amendment process; and

WHEREAS, one of the stated purposes of the Downtown Service Center is to encourage pedestrian activity with a strong emphasis on safe, vital and attractive streets, and

WHEREAS, a continuous street face of commercial or non-residential uses can support the synergy needed to ensure a vibrant commercial economy and create visual draw for pedestrians walking along downtown streets; and

WHEREAS, amending the code to allow some degree of residential use on the first floor will not hinder commercial clustering or visual draw along commercial streets, provided that residential uses are not located along the front, street side of the buildings at street level.

NOW THEREFORE, BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Table 29.808(2), and adopting a new Table 29.808(2), to read as follows:

Table 29.808(2)
Downtown Service Center (DSC) Zone Uses

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	N, except in combination with permitted non-residential use or uses, in which case 75% Household Living shall be located above the first story, and at least the front 50% of the first story must be maintained for non-residential use.	SDP Minor	Staff
Short-term Lodgings	Y	SDP MINOR	STAFF
OFFICE USES	Y	SDP MINOR	STAFF
TRADE USES		SDP MINOR	STAFF
Retail Sales and Services - General	Y		
Retail Trade - Automotive, etc.	N	SDP MINOR	STAFF
Entertainment, Restaurant and Recreation Trade	Y	--	--
Wholesale Trade	N	SDP MINOR	STAFF
INDUSTRIAL USES		--	--
Industrial Service	N		
INSTITUTIONAL USES		--	--
Colleges and Universities	Y		
Community Facilities	Y	SP	ZBA
Social Service Providers	Y	SDP MINOR	STAFF
Medical Centers	N	SP	ZBA
Parks and Open Areas	Y	--	--
Religious Institutions	Y	SDP MINOR	STAFF
Schools	N	SP	ZBA
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES		--	--
Passenger Terminals	Y		
Basic Utilities	Y	SDP MINOR	STAFF
Commercial Parking	Y	SDP MAJOR	CITY COUNCIL
Radio and TV Broadcast Facilities	Y	SDP MINOR	STAFF
Rail Line and Utility Corridors	Y	SP	ZBA
Railroad Yards	N	SP	ZBA
MISCELLANEOUS USES		--	--
Commercial Outdoor Recreation	N		

Child Day Care Facilities	Y	--	--
Detention Facilities	N	SP	ZBA
Major Event Entertainment	Y	--	--
Vehicle Service Facilities	N	SP	ZBA
Adult Entertainment Business	Y	SDP MINOR	STAFF

Y = Yes: permitted as indicated by required approval.
 N = No: prohibited
 SP = Special Use Permit required: See Section 29.1503
 SDP MINOR = Site Development Plan Minor: See Section 29.1502(3)
 SDP MAJOR = Site Development Plan Major: See Section 29.1502(4)
 ZBA = Zoning Board of Adjustment

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 _____, _____.

ATTEST:

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Approved as to form:

Digitally signed by Kristine Stone
 Date: 2012.08.24 16:26:54
 Kristine Stone, Assistant City Attorney