

COMMISSION ACTION FORM

SUBJECT: AMENDMENT TO MUNICIPAL CODE SECTION 29.401(5) TO REMOVE THE EXCEPTION FOR MORE THAN ONE SINGLE-FAMILY OR TWO-FAMILY RESIDENTIAL STRUCTURE ON A LOT LARGER THAN ONE ACRE.

BACKGROUND:

The Planning and Zoning Commission considered the proposed Zoning Text Amendment (ZTA) at its August 21, 2013 meeting. After a discussion of the issue, the Commission directed staff to return with additional information concerning background on the issue, research on potential nonconformities, implications of nonconforming status, and alternative approaches.

At the time the Breckenridge Land Acquisition group requested City Council initiate a rezoning request for 321 State Avenue and 601 State Avenue (Old Middle School site) in March of 2013, the City Council discussed the master plan requirements for the Old Middle School sites and what the implications were of the City's development standards for large site developments. City staff prepared a staff report for the July 9, 2013 City Council meeting regarding, among other things, building types, occupancy definitions for different building types and related zoning districts, and development standards. City Council also discussed neighborhood integration and what development requirements may be required of large site developments that did not subdivide. City Council was concerned about adequate provision of public facilities and safeguarding against potential long term obsolescence of a unique large site development of small detached structures that may have limited options for future alternative reuse. City Council then directed staff to consider options for requiring subdivision improvement standards within low and medium-density zoning districts.

At the August 13, 2013 City Council meeting, staff presented potential changes to the Zoning Code regarding the currently allowed development of multiple detached homes on a lot greater than one acre. The discussion was a review of the existing zoning and subdivision regulations focusing on large residential development sites compared to traditional low-density subdivisions. The focus of the discussion was the current code provision that allows for multiple single and two-family structures on lots larger than one acre and what would be typical subdivision improvement requirements to develop multiple homes on individual lots. **At the August 13th City Council meeting, staff was directed to draft a text amendment to eliminate the provision for more than one single-family or two-family structure on a lot greater than one acre for all zoning districts.**

PROPOSED AMENDMENT:

A text amendment has been prepared for consideration by the Planning and Zoning Commission and the City Council. Subsection (c) of Section 29.401(5) would be modified as shown below:

(5) Multiple Buildings on Single Lots.

- (a) More than one commercial, industrial, hospital, institutional or public principal building may be erected on a lot, where such uses are permitted, provided that all setbacks from the property line otherwise required for a single principal building are observed. The distances between substructures shall be determined by the provisions of the City Building Code.
- (b) More than one apartment dwelling is permitted on a single lot, provided that all area and setback requirements are calculated as if each structure were on its own individual lot.
- ~~(c) More than one Single Family or Two-Family residential structure on the same lot of one acre or less is prohibited.~~

Zoning Analysis:

In looking at low-density zoning regulations (RL and FS-RL), the intended design/character is embodied in the purpose statement of the RL zone which reads, "This zone is intended to accommodate primarily single-family dwellings, while accommodating certain existing two-family dwellings and other uses customarily found in low-density residential areas." In the FS zones, the design principles establish a desire for, "economic and efficient subdivision design with respect to the provision of streets, utilities and community facilities; development patterns that ensure compatibility in the design of buildings with respect to placement along the street; and spacing and height of buildings and provides for spaciousness, and effective vehicular and pedestrian circulation." The principles of the FS zone go on to ensure "a development pattern that is compatible with surrounding neighborhoods and is consistent with the Goals and Objectives of the Land Use Policy Plan." See Section 29.1202(1) for the complete list of Development Principles for the Suburban Residential Zones.

Traditional low-density development results in a pattern whereby a structure is situated upon an individual lot with a minimum amount of land area and frontage upon a public street. Two parking spaces are required for a home and are provided upon the same lot as the home. Creation of individual lots for each home triggers subdivision requirements and improvements, e.g. street improvements, sidewalks, street trees, and utility services for each lot. A Low-density development pattern or a subdivision does not control the type of household occupant, as both renter and owners are allowed, as well as related and unrelated persons.

Currently, the general Development Standards found in Section 29.401(5)(c) of the Municipal Code allows for development with an unlimited number of single and two-family buildings on a lot that is greater than one acre, provided it is within the required density range. This exception applies to all zoning districts where the use is allowed.

While recognizing that large lots may have space to accommodate more than one structure, at best this provision allows for flexibility in home design but also has potential to cause design integration issues with neighbors. At its worst level on a larger scale, it has the ability to thwart the purpose of the underlying low-density zoning district due to the non-traditional layout and scale of development. This type of development pattern on a large scale is not customarily found in low-density residential areas and does not fit with the purpose and principles identified for the low-density developments.

Alternatives to requiring subdivision for individual lots of detached single and two-family structures include adding development standards to each zone, limit the number of structures on a lot, or create a different development review process for multiple buildings.

Nonconforming Properties:

In an attempt to provide an order of magnitude of potential nonconformities related to the ZTA, staff researched residentially zoned parcels greater than one acre in size for multiple one and two-family structures. Staff reviewed aerial photography against zoning to identify the number of buildings on a property. When considering the base zones of Residential Low, Medium, and High Density and Floating Zone Suburban Residential Low and Medium Density, staff was only able to identify one property greater than one acre that was developed with multiple two-family (duplex) structures. There were no identified single-family home nonconformities identified in the research. This research demonstrated that larger properties and higher density properties were developed with apartment buildings (3 or more attached units) and not smaller detached buildings. Apartment buildings are not affected by the proposed ZTA.

Staff did not review Planned Residential Development (PRD) zoning districts due to their custom layouts and zoning that is established on a case-by-case basis or an approved integrated plan. In addition, by the nature of PRD zoning, the project design does not conform to all base zoning development standards at the time of its approval and a change to general standards would not create a nonconformity in this instance.

Ames Municipal Code Chapter 29 Section 29.307 describes the types of nonconformities that may exist in the City and the restrictions on use or expansion of a nonconformity. The City has four classifications of nonconformities that include:

1. Nonconforming Use
2. Nonconforming Lots
3. Nonconforming Structure
4. Other Nonconformities (design and site improvements)

The general provisions for nonconformities are to allow for their continued use and maintenance, but to limit its expansion or recreating the nonconformity if it is discontinued or destroyed beyond 70% of its assessed value. Use of a nonconforming lot consistent with the underlying zoning is also allowed. The proposed ZTA relates

most directly to use of a property. A use would have to be abandoned for 12 months under the definitions and procedures of the Code for it to not be allowed to continue. Other provisions allow considerations of changes to a nonconforming use by the Zoning Board of Adjustments.

Land Use Policy Plan:

Goal No. 2 identifies the need to assure there are adequate lands available to meet population and employment growth projections and to consider new development compatibility. This is further articulated within the Objectives as a combination of considerations about providing for new lands to be annexed, limited intensification of existing areas, sufficient land supply to alleviate market constraints, and a development review process that achieves greater compatibility among new and existing uses. (See Attachment 1) The proposed ZTA relates to the development review process in an attempt to balance the Objectives of Goal 2.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the proposed draft amendment to eliminate the provision for more than one single-family or two-family structure on a lot greater than one acre for all zoning districts.
2. The Planning and Zoning Commission can recommend that the City Council approve the proposed draft amendment language with modifications.
3. The Planning and Zoning Commission can recommend that the City Council not adopt the proposed text amendments.
4. The Planning and Zoning Commission can recommend that the City Council not adopt the proposed text amendments and direct staff to prepare new development standards or review process for large sites that address issues such as, number of buildings, principal public street access, street improvements, limits of alley design and block lengths, individual parking to serve a unit, minimum building setback and spacing requirements, minimum usable yard areas, individual utility meter services, and other related site improvement requirements typical of traditional neighborhood developments.

RECOMMENDED ACTION:

Based upon the stated interests of Council in preserving traditional development patterns with clear and uniform standards and as the simplest approach, **Alternative 1 is the most direct means of limiting large lot development.** This alternative would eliminate the opportunity for large site development of one and two-family homes in all zoning districts. This would require residential properties larger than one acre to be

subdivided into individual lots prior to development or to develop other allowed uses such as attached single family or apartment buildings. The proposed ZTA would provide a process that has each home on its own lot with frontage on a street, public utilities, yard area, and off-street parking. It would also allow the integration of development into the fabric of the adjoining neighborhoods and the community through the subdivision process.

Staff therefore recommends that the Commission act in accordance with Alternative 1, which is to recommend that the City Council approve the proposed draft amendment to eliminate the provision for more than one single-family or two-family structure on a lot greater than one acre for all zoning districts.

Attachment 1

Land Use Policy Plan Excerpt

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Ames Industrial Park near I-35

Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.

Objectives. In assuring and guiding areas for growth, Ames seeks the following objectives.

- 2.A. Ames seeks to provide at least 600 to 2,500 acres of additional developable land within the present City and Planning Area by the year 2030. Since the potential demand exceeds the supply within the current corporate limits, alternate sources shall be sought by the community through limited intensification of existing areas while concentrating on the annexation and development of new areas. The use of existing and new areas should be selective rather than general.
- 2.B. Ames seeks to assure the availability of sufficient suitable land resources to accommodate the range of land uses that are planned to meet growth. Sufficient land resources shall be sought to eliminate market constraints.
- 2.C. Ames seeks a development process that achieves greater compatibility among new and existing development.
- 2.D. Ames seeks a development process that achieves greater conservation of natural resources and compatibility between development and the environment.
- 2.E. Ames seeks to integrate its planning with that of Story County and surrounding counties in assuring an efficient and compatible development pattern, and in assuring that there are adequate agricultural resources to serve the region.