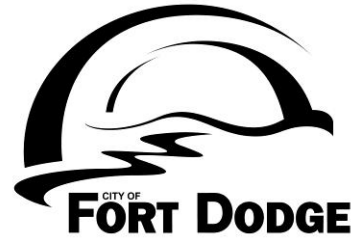


**November 3, 2014**

**To: Mayor Bemrich and City Council**

**From: David Fierke, City Manager**

**Subject: Downtown Text Amendments**



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**ACTION: Hold Public Hearing and 1<sup>st</sup> Reading on November 10th**

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**Brief History**

In 2010 the City updated the Zoning Map and District Regulations for the Downtown. The Zoning Map update changed portions of the downtown from a mixture of Zoning Districts ranging from Multiple Family Residential (2RM) to Light Industrial (LI) to two Downtown Subdistricts (D-1 & D-2). In order to provide continuance for downtown manufacturing, assembly and repair shops, the Downtown District allowed for the addition, expansion or reconstruction of said businesses through a Special Exception, as noted above. Since this time no Special Exception has been sought, and it has been brought to the City's attention that the parameters of the Special Exception may be not be clear. Staff reviewed the ordinance, and is recommending an amendment to the text for the review of additions, expansions or reconstructions for existing manufacturing, assembly and repair structures in the downtown.

**Analysis of Issue**

Currently, if an existing manufacturing, assembly or repair structure in the downtown would like to complete an addition, expansion or reconstruction, it must go to the Board of Adjustment to request a Special Exception. Within the Special Exception request, the following conditions must be met:

- a. Any new areas of the building on or easily visible from a public right-of-way (excluding alleys) must meet the Downtown Design Guidelines, to the extent possible.
- b. Any new areas shall avoid exterior materials prohibited by the Downtown District, unless a majority of the existing building utilizes such materials and the new areas are designed to match the architecture and materials of the existing building.
- c. Granting the special exception promotes, to the extent possible, views of the Des Moines River and/or other public/private open spaces/plazas.
- d. Granting the special exception does not significantly reduce neighborhood parking availability.
- e. Said change may improve existing operations and economic conditions for the existing primary sector use.
- f. Said change may significantly increase the taxable value of the property.

- g. Any new temporary or permanent outdoor storage is either fully screened or located within a fully enclosed structure. Screening shall meet the same standards as the O-CC Corridor Commercial Overlay District.

Each of the parameters established above was reviewed and considered by City staff, as elaborated below:

**a. Any new areas of the building on or easily visible from a public right-of-way (excluding alleys) must meet the Downtown Design Guidelines, to the extent possible.**

Requiring new areas of a building that face, or are easily viewable from the street to adhere to the Downtown Design Guidelines “to the extent possible” provides some uncertainty within the Ordinance. By establishing a minimum set of guidelines within the Ordinance, we are able to establish expectations for adhering to the Downtown Design Guidelines. To establish a secure and practical minimum for design, staff is recommending four sections of the Downtown Design Guidelines be required for newly created façades. Note that while the sections are the same, the guidelines within the Downtown Design Guidelines for the Core District and Corridor District (Gateway) are different.

1. Overall Building Scale: Requires horizontal and vertical façade elements to create interest and establish an appropriate pedestrian scale. Also requires knee walls, cornices, and/or trim elements, which may be incorporated within a building base (knee wall), middle (façade) and top (decorative cornice or roofline). Further, this will require a minimum front façade height, which should not be required where the expansion or addition is not in line with the existing building(s).
2. Major Massing Elements: These elements require buildings to be oriented towards the primary street, with flat or varying rooflines. This section has additional requirements for corner buildings, which encourages the incorporation of architectural massing (elements used to highlight the general shape and size of the building) to create interesting corners.
3. Building Materials: The building materials encouraged include brick, natural stone masonry, decorative wood, non-reflective glass, etc. The building materials discouraged include concrete masonry units, jumbo or large-sized brick, faux-brick veneer, etc. The discouraged building materials should not be incorporated into the addition, expansion or reconstruction, except where a majority of the existing building uses such materials and the new areas are designed to match the architecture and materials of the existing building.
4. Parking Lot Landscaping: This requires that parking lots must be screened with landscaping and decorative fencing (typically along the public ROW or where next to a residential lot). While landscaping islands would also be required by this section, said islands can create some barriers in small lots, especially if used for industrial purposes. To ensure maintenance of landscaping islands may be accommodated staff established that, unless required by Site Plan, landscape islands would not be required.

**b. Any new areas shall avoid exterior materials prohibited by the Downtown District, unless a majority of the existing building utilizes such materials and the**

**new areas are designed to match the architecture and materials of the existing building.**

Building materials are covered under the Design Guidelines. To ensure logical placement and uniformity with existing buildings, this deviation from the Design Guidelines should remain.

- c. Granting the special exception promotes, to the extent possible, views of the Des Moines River and/or other public/private open spaces/plazas.**

The majority of lots located within the Downtown Zoning District that are adjacent to the river are owned by the City of Fort Dodge, which has not determined how those lots will be used. Those lots not adjacent to the riverfront, but which are situated between the Core Downtown and the river have a topography that typically do not promote views of the Des Moines River. This requirement is only practical for those lots that provide for a view of the riverfront, and should not be applied to those that do not.

- d. Granting the special exception does not significantly reduce neighborhood parking availability.**

Off-street parking is required based on the established use for all property in the downtown. For light industrial uses the required off-street parking equals 1 space per 2,500 square feet of building area; therefore, parking is already taken into account.

- e. Said change may improve existing operations and economic conditions for the existing primary sector use.**

To expand in the downtown, the operation should be improving its existing operations. This section should remain, but could be integrated into the requirements in a different way.

- f. Said change may significantly increase the taxable value of the property.**

Generally any improvement in the form of an addition, expansion or reconstruction will increase the taxable value of a property. This section should remain, but could be integrated into the requirements in a different way.

- g. Any new temporary or permanent outdoor storage is either fully screened or located within a fully enclosed structure. Screening shall meet the same standards as the O-CC Corridor Commercial Overlay District.**

Outdoor Storage is not permitted in the Core Downtown District and would only be allowed in the Corridor Downtown District if a Special Exception were obtained from the Board of Adjustment. This parameter was established to allow Outdoor Storage, where determined necessary, for an existing manufacturing, assembly or repair operation. Rather than stating "screening" shall meet the same standards as the O-CC District, this should state that it should meet all standards of Outdoor Storage established in the O-CC District, which include the following:

- a. Must not be located closer to a street than the main building, or in an off-street parking space; and should not cover more than 40% of the floor area of the main building. Further it must have a setback of five feet.
- b. Outdoor storage must be enclosed in a fenced yard with opaque screening (no chain link

with slats).

- c. A landscaped area five feet (5') deep must be provided along all street lot lines.
- d. No storage of junk, explosives, flammable materials or other noxious or dangerous material are allowed.

Beyond the requirements of the Special Exception, staff is recommending that, with the above established requirements, the addition, expansion or reconstruction of existing manufacturing, assembly and repair shops should be permitted in the downtown without having to request such from the Board of Adjustment. It is found that the above regulations, setback requirements, parking requirements and site plan requirements are in place to reduce the negative impacts to neighbors; therefore the following is proposed:

***Remove Section 17.07.11.E.2. (Special Exceptions)***

***Amend Section 17.07.11.C.1. (Permitted Uses) to read:***

1. An existing manufacturing, assembly or repair structure as of January 31, 2011, is permitted to change to another such use or as a use established as a permitted use in Section 17.07.13 (Light Industrial District), without being subject to Section 17.04 (Nonconformities), provided the use of a structure, or structure and premises in combination, has not been discontinued or abandoned for 12 consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises).

***Add Section 17.07.11.C.2. (Permitted Uses), which should state:***

2. An existing manufacturing, assembly or repair use as of October 31, 2014 is permitted to expand its operations within the Downtown District on existing and adjacent owned lots to the existing operation, via reconstruction, building addition(s) and/or construction of new building(s), provided said expansion may significantly increase the taxable value of the property, may improve existing operations and may improve economic conditions for the operation; and subject to compliance with all of the following conditions:
  - a. Any new or reconstructed areas of the building easily visible from a public right-of-way (excluding alleys) shall meet the guidelines established in the following sections of the City's Downtown Design Guidelines per the applicable District:
    - i. Overall Building Scale;
      1. Excluding building height requirements where not in line with existing buildings.
    - ii. Major Massing Elements;
    - iii. Building Materials:
      1. Including provisions on prohibited or discouraged materials (also established in Section 17.07.11.F.3), unless a majority of the existing building uses such materials and the new areas are designed to match the architecture and materials of the existing building.
    - iv. Parking Lot Landscaping

1. Excluding the requirement for landscaping islands, unless required by section 17.08.03.G.9.
- b. Any new temporary or permanent outdoor storage must be fully screened. Screening shall meet the same standards as the O-CC Corridor Commercial Overlay District, as identified in section 17.07.19.E.2.

**Budget Impact**

No City expenditures are anticipated.

**Strategic Plan Impact**

This action relates to the following policy:

- C.3.10: Development and redevelopment of downtown area properties shall support the architectural and historic context so important to the economic success of the area. The intent shall be to create a unique environment and identity not found in other places.

**Existing Plan Impact**

N/A

**Subcommittee or Commission Review / Recommendation**

The Plan and Zoning Commission unanimously approved this text amendment at their October 28th meeting.

**Staff Conclusions / Recommendations**

Subject to Council discussion and public comment, Staff recommends approval of the proposed text amendments to the Zoning Ordinance.


**Alternatives**

Delay the first reading, should amendments to the text be desired. Another option is to reject the proposed changes. No changes to the ordinance would then occur.

**Implementation and Accountability**

If the Council completes three readings of the ordinance, the City's ordinance will be amended to reflect the changes.

Signed



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Carissa Miller  
Senior Planner

Approved



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David R. Fierke  
City Manager

## ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 1489 OF THE ORDINANCES OF THE CITY OF FORT DODGE, IOWA: THE SAID ORDINANCE NO. 1489 BEING ENTITLED: "AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION AND USE OF BUILDINGS AND STRUCTURES, AND THE USE OF LAND IN THE CITY OF FORT DODGE, IOWA, AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS AND CREATING BOARD OF ADJUSTMENT, REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE REGULATIONS."

BE IT ORDAINED BY THE CITY COUNCIL OF FORT DODGE, IOWA:

### SECTION I

This Ordinance amends said Ordinance No. 1489 by directing the incorporation of language within the zoning regulations.

### SECTION II

That Ordinance No. 1489 of the City of Fort Dodge, Iowa, as adopted, enacted and passed on the 17th day of October, 1978, be the same is hereby amended by making the following changes upon the District Regulations.

***Remove Section 17.07.11.E.2. (Special Exceptions)***

***Amend Section 17.07.11.C.1. (Permitted Uses) to read:***

1. An existing manufacturing, assembly or repair structure as of January 31, 2011, is permitted to change to another such use or as a use established as a permitted use in Section 17.07.13 (Light Industrial District), without being subject to Section 17.04 (Nonconformities), provided the use of a structure, or structure and premises in combination, has not been discontinued or abandoned for 12 consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises).

***Add Section 17.07.11.C.2. (Permitted Uses), which should state:***

2. An existing manufacturing, assembly or repair use as of October 31, 2014 is permitted to expand its operations within the Downtown District on existing and adjacent owned lots to the existing operation, via reconstruction, building addition(s) and/or construction of new building(s), provided said expansion may significantly increase the taxable value of the property, may improve existing operations and may improve economic conditions for the operation; and subject to compliance with all of the following conditions:
  - a. Any new or reconstructed areas of the building easily visible from a public right-of-way (excluding alleys) shall meet the guidelines established in the following sections of the City's Downtown Design Guidelines per the applicable District:
    - i. Overall Building Scale;
      1. Excluding building height requirements where not in line with existing buildings.
    - ii. Major Massing Elements;
    - iii. Building Materials:
      1. Including provisions on prohibited or discouraged materials (also established in Section 17.07.11.F.3), unless a majority of the existing building uses such materials and the new areas are designed to match the architecture and materials of the existing building.
    - iv. Parking Lot Landscaping
      1. Excluding the requirement for landscaping islands, unless required by section 17.08.03.G.9.

- b. Any new temporary or permanent outdoor storage must be fully screened. Screening shall meet the same standards as the O-CC Corridor Commercial Overlay District, as identified in section 17.07.19.E.2.

SECTION III

That upon enactment of this Ordinance as by law provided that the City cause the change to be made upon the "District Regulations" adopted in Ordinance 1489 and make notation in ink thereon of reference to the passage and approval of this amendatory Ordinance.

SECTION IV

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION V

This Ordinance shall be in full force and effect from and after its publication as provided by law.

The above Ordinance passed and adopted by the City Council of the City of Fort Dodge, Iowa this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

First consideration \_\_\_\_\_ day of \_\_\_\_\_ 2014.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Other: \_\_\_\_\_

Second consideration \_\_\_\_\_ day of \_\_\_\_\_ 2014.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Other: \_\_\_\_\_

Third consideration \_\_\_\_\_ day of \_\_\_\_\_ 2014.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Other: \_\_\_\_\_

CITY OF FORT DODGE

BY: \_\_\_\_\_  
Matt Bemrich, Mayor

ATTEST:

\_\_\_\_\_  
Jeff Nemmers, City Clerk