

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENT TO ADD FUNERAL HOMES AS AN INSTITUTIONAL USE IN THE DOWNTOWN SERVICE CENTER (DSC) ZONING DISTRICT

BACKGROUND:

City Council referred to the Planning and Housing Department a text amendment request from Adams Funeral Home to add funeral homes to the list of permitted uses in Downtown Service Center (DSC). Adams Funeral Home has been located at 502 Douglas Avenue for several decades; in fact the structure itself appears to date back to the 1920s. The funeral home use at this location predates the current zoning designation that has been in place since 2000.

Adams Funeral Home has requested this text amendment referral to address issues related to their use as non-conforming and how being non-conforming limits their ability to use their site. Given their long standing history and current existence in the DSC district, Adams believes it makes sense to include funeral homes as an allowed institutional use in the District. By making the use permitted, it would allow for the business to potentially expand or modify their site improvements with approval of a Special Use Permit. Staff also notes the business would benefit from the separately proposed text amendment that exempts Institutional Uses from floor area ratio and height standards with approval of a Special Use Permit.

The proposed text amendment adds ‘Funeral Homes’ to the allowed institutional uses and requires that a Special Use Permit be obtained to operate a funeral home within the DSC district as found in the development standards table in section 29.808(2). The special use permit process will then control how such a use would look and operate. Given that funeral homes operate differently than most commercial businesses, the institutional categorization and Special Use Permit criteria would be a natural application for this type of facility. Categorizing a funeral home as a special use permit is also consistent with how such a use is treated in Highway Oriented Commercial zoning districts.

In the Ames Municipal Code a ‘Funeral Home’ is listed within the definition of a Funeral Facility and also carries a separate listed definition itself. This is noteworthy as the definition of ‘Funeral Home’ only allows for and includes certain key functions, of which are performing funeral services, preparing the dead for burial and storing funeral supplies and vehicles. A crematory, by contrast, is a distinct and separate use type listed under the broader use category of Funeral Facilities. The addition of the term Funeral Home to DSC does not permit the broader Funeral Facilities category of use to occur.

At its February 17th meeting the Planning & Zoning Commission recommended to the City Council adoption of the following proposed new language to 29.808(2) in Attachment A. Much of the discussion focused on clarifying the funeral home and funeral facility terminology.

ALTERNATIVES:

1. The City Council can on first reading approve the ordinance to add 'Funeral Home' to the list of institutional uses allowed in the DSC district with approval of a special use permit.
2. The City Council can decline to adopt the proposed amendment adding 'Funeral Home' to the list of institutional uses allowed in the DSC district and requiring a special use permit to operate a funeral home therein.
3. The City Council can recommend alternative language for the proposed amendments.

CITY MANAGER RECOMENDATION:

The proposed change adds 'Funeral Homes' to Institutional Use category of the DSC Zoning District regulations. This text amendment adds an allowable use that is not currently allowed in the DSC district. Additionally, it requires approval of Special Use Permit to operate such a facility. The Special Use Permit process provides for oversight of the funeral home use in an otherwise commercial district, which is important due to the unique attributes of such a use.

Staff believes that the introduction of this newly allowed use as an institutional use would not adversely affect the DSC zone or the intended use and nature of the zone. In this instance it would help to sustain an existing business in the downtown area. **Therefore, it is recommendation of the City Manager that the City Council act in accordance with Alternative #1.**

