

ITEM #: 40
DATE: 06-27-23
DEPT: P&H

Staff Report

REQUEST TO ALLOW SPORTS PRACTICE FACILITIES, INCLUDING GYMNASTICS, IN THE GENERAL INDUSTRIAL ZONING DISTRICT

June 27, 2023

BACKGROUND:

The Savage Gymnastics Academy recently contacted City Council about identifying a site to reestablish their gymnastics facility(see attached letter). Savage was recently asked to leave the facility it had been using on the Iowa State University campus (Attachment A). The Academy has been searching for a new location and found a vacant building for lease in the General Industrial “GI” Zoning District at 1914 E. Lincoln Way. However ,GI zoning does not allow for either “Entertainment, Restaurant and Recreation – General”, a category which includes “Health clubs and gyms” (in addition to other sports uses), or “Sports Practice Facilities”.

After discussing the proposed use with the applicant, staff determined that the gymnastics academy could be considered either a Recreation use or specific use of a “Sports Practice Facility”. These use categories are allowed within various commercial zoning districts. The request of the applicant is to allow for either category within GI zoning.

Sports Practice Facilities are defined as:

An indoor facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice. The facility may also include ancillary offices.

Gymnastics does have unique requirements for a space, primarily the height of the ceiling. The Academy also needs an open floorplan of sufficient size. In looking around Ames, the Academy found few available buildings that meet their physical requirements. The applicant has stated that no appropriate commercial or retail were available. **The requested text amendment has general applicability to all GI zoned properties, but the applicant is specifically interest in one site one Lincoln Way more so that generally finding a site within a GI zoned area.**

The building at 1914 E. Lincoln Way, most recently housed McDonald Supply, a distributor of plumbing and HVAC supplies (McDonald moved to a new, larger location in

Ames). The size of the structure, 5,400 square feet, meets the needs of the gymnastics academy.

OPTIONS:

The request is location specific but has broader implications to zoning and use for other industrial properties across the city. Industrial zoning currently limits recreation uses to preserve industrial lands for employment opportunities and to target commercial uses within specific corridors. The limitations of uses are also intended to support compatibility of uses in terms of industrial operations related to sensitive populations.

Option 1: Allow for the Use of a Sports Practice Facility as a Permitted Use in GI

This option would allow the applicant to apply for a text amendment to allow for Sports Practice Facilities within GI. The use would be a permitted use allowed by-right subject to administrative review of site development plan requirements. Reuse of an existing building would not require any other permitting other than Building Permits. The use would still need to meet all development requirements such as minimum parking and requirements of the Building Code. (The minimum parking for a Sports Practice Facility is 2 spaces per 1,000 square feet of gross floor area.) This option would accomplish the goal of the applicant.

This option allows for no site-specific assessment of general conditions in an area and would open large swaths of eastern Ames to sports practice facilities. The definition of this use is narrow in scope, but there could be a small handful of other sports facilities that may be interested in industrial buildings for the same reasons as Savage.

Option 2: Allow for the Use of a Sports Practice Facility in GI through a Special Use Permit

This option would allow the applicant to apply for a text amendment to amend the code to allow for Sports Practice Facilities within GI through the Special Use Permit (SUP) process. SUPs are reviewed by the Zoning Board of Adjustment. Requiring an SUP process would add a level of scrutiny concerning compatibility of uses and could help to prevent too many industrial properties from being converted to non-industrial uses.

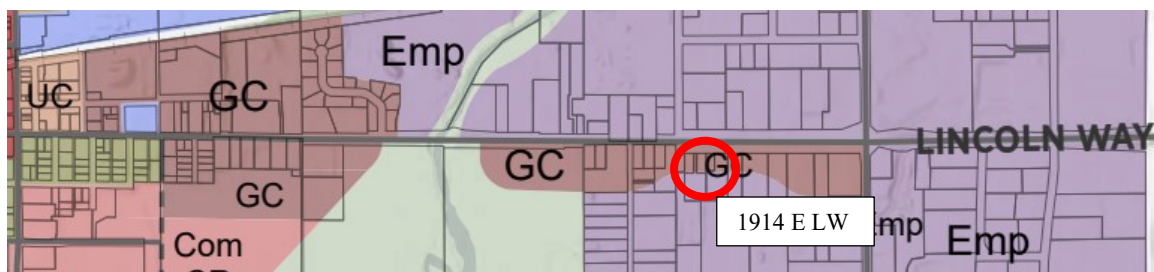
The use would still need to meet all development requirements such as minimum parking and requirements of the Building Code. (The minimum parking for a Sports Practice Facility is 2 spaces per 1,000 square feet of gross floor area.)

The SUP criteria are shown in Attachment B.

This option would accomplish the goal of the applicant, but it would require two steps of approvals of changing zoning standards and then apply for a permit.

Option 3: Rezone the Property at 1914 E. Lincoln Way to a Zoning District to Commercial

The south side of E. Lincoln Way in this area is designated **General Commercial (GC)** in *Ames Plan 2040*. This land use designation is a new concept within Plan 2040 to create a hybrid area of commercial and compatible light industrial uses to meet a need for a mix of uses that do not fit the traditional zoning categories of Ames. GC is intended to accommodate a “wide variety of commercial uses, including non-retail commercial such as trade services and automotives sales and services”. Current Applicable zoning districts for GC include Highway-Oriented Commercial (HOC).



Ideally, staff would like to see a new zoning district created to cater to this specific land use category where more of a mix of uses than is allowed by HOC. City Council has not prioritized commercial zoning updates within the Planning Division Work Plan and it is not currently available to be applied to this site. Staff believes writing a zoning district and reaching out to property owners in this area for a rezoning will likely require many months. This is likely longer than the applicant is willing to wait. Although rezoning to HOC is not the long-term intent of Plan 2040, rezoning to HOC would accomplish the goal of the applicant.

HOC allows for “Sports Practice Facilities”. This option would accomplish the goal of the applicant. **The property owner would apply for a rezoning to HOC, not text amendment would be needed.**

Option 4: Decline the Waiver Request

The City Council can decline the request and maintain the allowable uses in GI, which do not permit “Entertainment, Restaurant and Recreation – General” or “Sports Practice Facilities”.

STAFF COMMENTS:

The City does have an interest in maintaining industrial land. By opening up industrial property to other uses, there is the potential to erode the land set aside for this important economic function.

Due to the unique requirements for a gymnastics academy, industrial buildings are well-suited to host such uses. Industrial buildings typically have high ceilings and open floorplans, either for manufacturing or storage. It is unlikely that any changes will be made to an industrial building by a gymnastics academy that will prevent a return to an industrial function. While special equipment will need to be installed (uneven bars, balance beams, etc.), these do not require physical alterations to the structure. Staff believes it is not uncommon for older industrial buildings to be used for sports facilities because of building configurations, depending on the City's building stock and zoning.

Larger new commercial facilities have also been built to suit sports needs, such as All Iowa Attach in West Ames. Another example is 515 Sports of Des Moines which has a facility within an industrial building in north Des Moines and a brand new facility within a commercial zone of Grimes.

Sec. 29.901. states the following about the purpose of the General Industrial Zone:

(1) **Purpose.** This Zone is intended to provide a limited development review procedure, involving only developer- and staff-coordinated efforts to satisfy the planning and permitting requirements. This District applies to those areas where there is a need to provide a desirable industrial environment and to promote economic viability of a type generally not appropriate for or compatible with retail sales areas. A site plan review process is required in order to assure such development and intensity of use in a way that assures safe, functional, efficient and environmentally sound operations.

The GI zoning district is the most common industrial district. The properties zoned GI tend to have older, smaller buildings that would suit the needs of a gymnastics academy. While an industrial zone is not an ideal location for a sports use, the applicant's goals could be accomplished with minimal impact to the City's industrial base.

Unique to this request, staff believes the preferred site works well for the intended use based upon the Plan 2040 General Commercial designation and businesses that exist in this area, but has concerns about broader implications of changes to GI zoning. Staff's preference is to approach this area from a comprehensive rezoning strategy as describe in Option #3.

If Council prefers to consider allowing for the use in GI as requested by Savage, staff supports that allowing "Sports Practice Facilities" in GI with a Special Use Permit as the best choice. Having an SUP process will allow for a greater degree of scrutiny for compatibility with industrial neighbors.

**Attachment A
Letter to Council**



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May 26, 2023

Ames City Mayor
John Haila

Ames City Council
Tim Gartin
Rachel Junck
Amber Corrieri
Gloria Betcher
Anita Rollins
Bronwyn Beatty-Hansen
Tabitha Etten
VIA EMAIL: MayorCouncil@cityofames.org

RE: Zoning Ordinance Assistance for Relocation of Savage Gymnastics Academy

Dear Honorable Mayor and City Council Members:

I am writing on behalf of Savage Gymnastics Academy (“the Academy”). *See Ex. 1, <https://www.savagegymnastics.com/>*. The Academy was formerly Cardinal Gymnastics Academy which operated for more than 30 years on the Iowa State University campus in the Beyer Hall university gymnastics team facility. The Academy provides year-round education and training to preschool, elementary and secondary school-aged children through gymnastics disciplines. This past year, the Academy served over 150 children from Ames and surrounding communities. There are a wide range classes including: Tiger Tots, Tumble Tigers, Beginner, Intermediate, Advanced, Acro, Ninja, Advanced Acro/Tumbling, competitive Pre-Team and Junior Olympic Team as well as Adaptive. *See Ex. 2, Class Enrollments*. We are aware of no other facility providing Adaptive gymnastics classes for children in the State of Iowa.

The Academy is operated by Ames resident Crystal Savage. Crystal Savage is a former First-Team All-American, All-Big Eight, and Academic All-Big Eight gymnast from University of Nebraska. *See Ex. 3, <https://huskers.com/sports/womens-gymnastics/roster/crystal-savage/7579>*. She is also a physical therapist with her education from Washington University in

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St. Louis. The coaches for the Academy are current and former, competitive and university gymnasts residing in Ames and attending Iowa State University.

The Academy held the end of season Spring Showcase recently on April 29, 2023. The day before, the children, their adults and coaches were informed the Academy was required to vacate the facility by May 1, 2023. There were lot of tears and sadness for the children, parents and coaches on the day of the Spring Showcase. Iowa State University early terminated the lease with the Academy to move forward with construction on Beyer Hall. *See Ex. 4*, <https://www.constructionjournal.com/projects/details/60a6eb5a1d0e43bba47b3a304da031dc.html>.

The Academy is urgently seeking another facility in which to reopen within the city of Ames. There are 150 children, their families and the university student coaches anxiously waiting for the re-opening. No other gymnastic facility can instantly absorb 150 students. Some parents are taking their children outside the city of Ames. The competitive Pre-team and Junior Olympic team require on-going consistent training in order to safely learn and perform flight skills. The children in the Adaptive classes do not have other alternatives to receive this programming. They cannot wait months to begin classes again.

We are informed by City of Ames Zoning staff the Academy would fall under Use Category: Miscellaneous: Sports Practice Facilities. *See Ex. 5, Chapter 29, Article 5-1, Table 29-501(4)-7.* Sports Practice Facilities appears to be defined by the adoption of Table 29-501(4)-7 in (Ord. No. 3993, 06-22-10). The definition is as follows:

Sports Practice Facilities

Definition. An indoor facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice. The facility may also include ancillary offices.

See Ex. 5, Chapter 29, Article 5-1, Table 29-501(4)-7.

The shortage of available buildings in Ames is a significant obstacle for re-opening. Gymnastics education and training centers require high ceilings for flight skills. *See Ex. 6*, <https://gymnasticszone.com/gym-ceiling-height/>. There must be enough adequate square-footage to accommodate the equipment. There is a 42' x 54' power tumbling spring floor and at least one vaulting table with 80' runway. To accommodate group classes there are multiple



balance beams, multiples of uneven bars, various sized trampolines, climbing ropes and mats of various sizes. Sports Practice Facilities are limited the zoned areas of Community Commercial Node (CCN) and Highway-Oriented Commercial (HOC) Zone uses. **See Ex. 7, Chapter 29, Article 8.**

The Ames Economic Development Commission website shows 30 total available facilities located within the city of Ames. **See Ex. 8, <https://amesedc.com/>.** A summary of the available facilities shows there are no affordable available spaces with adequate ceiling height and adequate square footage within the CCN or HOC zones in the City of Ames. **See Ex. 9, Summary of Available Facilities.** There is an immediately available commercial class facility located in the General Industrial zone at 1914 East Lincoln Way, Ames, Iowa that meets the needs for the Academy. The legal description is:

Lot 2 in EAST LINCOLNWAY DEVELOPMENT SUBDIVISION, an Official Plat, now included in and forming a part of the City of Ames, Story County, Iowa

The facility is owned by Prime Properties of Iowa, LC, Chris and Kendra Mosman. They are willing to lease the facility to the Academy. The facility is a vacant, open span truss, steel building with parking located off a frontage road that runs parallel to East Lincoln Way. The frontage road along East Lincoln Way assists with preventing traffic congestion for safer pick-up and drop-off. The facility provides for employee parking to the south of the building, parent parking for drop off in the front and side, adequate HVAC/AC and restroom facilities. The use of electricity, gas will be the same usage, sewer and water is expected to be commensurate with a facility that operates year round during the afternoon into early evening. The facility is near to a U.S. postal box pick-up site, the neighborhood mailboxes and a fire hydrant.

The Academy is currently prevented from re-opening at 1914 East Lincoln Way because the parcel is located within Primary Zoning: GI – General Industrial Zone. **See, Ex. 10, Ames City Assessor Report.** According to the City of Ames Zoning Code, Section 29.901:

Sec. 29.901. “GI” GENERAL INDUSTRIAL ZONE.

(1) **Purpose.** This Zone is intended to provide only a limited development review procedure, involving only developer- and staff-coordinated efforts to satisfy the planning and permitting requirements. This District applies to those areas where there is a need to provide a desirable industrial environment and to promote economic viability of a type generally not appropriate for or compatible with retail sales areas.

See Ex. 11, Sec. 29.901.



We are informed that General Industrial Zone Uses Table 29.901(2) includes “Child Day Care Facilities and Vocational / Technical High Schools.” *See Ex. 12, Table 29.901(2)*. Upon a cursory review, use by the Academy matches Institutional Use by providing education and training to children, building their social, emotional, intellectual and physical development through gymnastics disciplines. *USA Gymnastics*, <https://usagym.org>. Classes for the preschool and school-aged children will be held during the day until early evening with children attending 1 – 3 times weekly. Dr. Kariss Niehoff, the Executive Director of the National Federation of State High School Association states:

“Similar to teachers who influence learning in the classroom, coaches of sports or debate teams can influence learning through sports and activities. In cocurricular activities, students have one overall learning experience. And perhaps most importantly, what students do not learn in the classroom, they learn on stage or in gymnasiums. Completing the educational process through activities, students learn teamwork, fair play, self-discipline, self confidence and how to handle competitive situations.”

<https://www.nfhs.org/articles/high-school-athletics-performing-arts-don-t-call-them-extracurricular-activities/>.

However, as Zoning Staff point out Child Day Care Facilities are specifically and separately defined in Table 29.501(4)-5 Institutional Use Categories. The definition of Child Day Care Facilities is as follows:

Child Day Care Facilities

Definition. Uses where a program of supplementary care, protection, and supervision is regularly provided to children at least twice a week. The service is provided outside the home of the care recipients and covers only a portion of the day. Child Care Facilities uses include "group child care homes", "child care centers" and "registered family child care homes" as those terms are defined in the Iowa Code. Commercial Day Care uses permitted under this Ordinance do not include any unlicensed facilities for which licensure is required by law. Exception: Home Day Care, which includes "family child care homes" as defined by the Iowa Code. Commercial Day Care uses permitted under this Ordinance do not include an unlicensed facilities for which licensure is required by law.

See Ex. 12, Table 29.501(4)-5 Institutional Use Categories.

Initially the Academy looked at applying for a Special Use Permit. However, the Zoning staff pointed out a Special Use Permit does not apply to this situation. The building located at 1914 East Lincoln Way has been vacant since McDonald Supply, a distributor of plumbing, HVAC



and industrial supplies moved. The Zoning staff inform McDonald Supply was a conforming use. The Special Use Permit only allows change from one non-conforming use to another or same non-conforming use, not from a conforming use to a non-conforming use. **See Ex. 13, Chapter 29, Article 307.2(f) NONCONFORMITIES.**

In order to allow the Academy to continue to provide this preschool and school-age children programming in the City of Ames, the Academy requests City Council's assistance as there does not appear to be a way forward.

One suggestion is for the City Council to amend the General Industrial Zone Uses Table set forth in Table 29.901(2) to include the Miscellaneous Use of Sports Practice Facilities for Preschool and School-age Children. The Academy suggests the City Council amend the definition of Sports Practice Facilities in Table 29-501(4)-7 to add a sub-category for Preschool and School-age Children. This would be in our estimation the most expedient as it does not require re-zoning the parcel, just an addition to the two tables. The suggested sub-category is listed below.

Sports Practice Facilities

Definition. An indoor facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice. The facility may also include ancillary offices.

For Preschool and School-Aged Children – *The definition of Sports Practice Facilities includes a sub-category For Preschool and School-Aged Children defined as a use dedicated solely to the training and development of sports teams and individual sports for preschool, elementary, middle school, and secondary aged children.*

[Emphasis Added]

There are several reasons that support this suggestion. The City Council already contemplated children's programming in the General Industrial zone as acceptable by including Day Care Facilities uses that closely parallel the Academy's proposed use of providing education and training to children through gymnastics disciplines. Meeting the public policy goal of providing for children's health is a significant benefit to the children within the City of Ames. The CDC recommends children ages 3 - 5 years be physically active throughout the day and children ages 6 - 17 years engage in 60 minutes or more daily of moderate to vigorous intensity activity that is aerobic, muscle-strengthening and bone-strengthening. **See Ex. 14, How much physical activity**



do children need?, Center for Disease Control and Prevention. Further, with the limiting subcategory of "Pre-school and School-age Children" the floodgates for all Sports Practice Facilities are not opened within the General Industrial zone.

Our contact information is below.

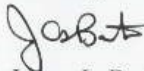
Property Owner PRIME PROPERTIES OF IOWA LC, 127 S Bell Avenue, Ames, IA 50010
Attn Chris Mosman
Phone: 515-209-5769
Email: primepropertiesiowa@gmail.com

Applicant: Crystal Savage
Business: Classic Events USA, LLC dba Savage Gymnastics Academy
Address: 2804 Pinehurst Circle, Ames, IA 50010
Phone: 405-822-7412 Email: savagegymnasticsacademy@gmail.com

Contact Person: JoAnn Barten
Business: Barten Law, P.C.
Address: 1212 McCormick Avenue, Ames, Iowa 50010
Phone Number: 515-233-4388 Email: jbarten@bartenlawoffice.com

Thank you in advance for considering the Academy's request for assistance so they can continue to provide this important child programming within the City of Ames. We look hearing from you at your earliest convenience and appreciate your understanding as to the urgency of re-opening as quickly as possible.

Sincerely,



JoAnn L. Barten
Attorney

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1212 McCormick Avenue, Suite 100
Ames, Iowa 50010



Attachment B

Special Use Permit Requirements and Criteria

Sec. 29.1503. SPECIAL USE PERMIT.

- (1) **Purpose.** This Section is intended to provide a set of procedures and standards for specified uses of land or structures that will allow practical latitude for the investor or developer, but that will, at the same time, maintain sound provisions for the protection of the health, safety, convenience, and general welfare. This Section permits detailed review of certain types of land use activities that, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structural uses possessing these characteristics may be authorized within designated Zones by the issuance of a Special Use Permit. This Section also provides for the use of Single Family Dwellings, Two Family Dwellings, and Single Family Attached Dwellings by a Functional Family.
- (2) **Submittal Requirements.** In accordance with Section 29.1503, Applicants must submit an Application for a Special Use Permit to the Planning and Housing Department for consideration by the Zoning Board of Adjustment. The Application for a Special Use Permit shall be accompanied by:
 - (a) A statement of supporting evidence that the general and specific standards as delineated in this Article will be fulfilled;
 - (b) A Site Plan meeting all the submittal requirements stated in Section 29.1502(2), unless no site improvements are required; and
 - (c) Preliminary plans and specifications for all construction, as applicable.
- (3) If a proposed Special Use is within an existing building and improved site, plans for use of the site and building must be submitted in lieu of the Site Plan requirements.
- (4) **Procedure for Special Use Permits.**
 - (a) Zoning Board of Adjustment. The Zoning Board of Adjustment shall consider the application at a public hearing conducted as part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail, posting, and publication, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above. The Zoning Board of Adjustment must approve, deny, or modify the Special Use Permit application within 60 days of the public hearing.
- (5) **Review Criteria.** Before a Special Use Permit application can be approved, the Zoning Board of Adjustment shall establish that the following general standards, as well as the specific standards outlined in subsections (b), (c), and (d) below, where applicable, have been or shall be satisfied. The Board's action shall be based on stated findings of fact. The conditions imposed shall be construed as limitations on the power of the Board to act. A mere finding that a use conforms to those conditions or a recitation of those conditions, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Ordinance.
 - (a) General Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use in its proposed location will:
 - (i) Be harmonious with and in accordance with the general principles and proposals of the Land Use Policy Plan of the City;
 - (ii) Be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
 - (iii) Not be hazardous or disturbing to existing or future uses in the same general vicinity;

- (iv) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water, and sewage facilities, and/or schools;
 - (v) Not create excessive additional requirements at public cost for public facilities and services;
 - (vi) Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and
 - (vii) Be consistent with the intent and purpose of the Zone in which it is proposed to locate such use.
- (b) Residential Zone Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use in a residential zone meets the following standards, as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:
- (i) Not create excessively higher levels of traffic than the predominant pattern in the area and not create additional traffic from the proposed use that would change the street classification and such traffic shall not lower the level of service at area intersections;
 - (ii) Not create a noticeably different travel pattern than the predominant pattern in the area. Special attention must be shown to deliveries or service trips in a residential zone that are different than the normal to and from work travel pattern in the residential area;
 - (iii) Not generate truck trips by trucks over 26,000 pounds g.v.w (gross vehicular weight) to and from site except for food delivery vehicles, waste collection vehicles and moving vans;
 - (iv) Not have noticeably different and disruptive hours of operation;
 - (v) Be sufficiently desirable for the entire community that the loss of residential land is justifiable in relation to the benefit;
 - (vi) Be compatible in terms of structure placement, height, orientation, or scale with the predominate building pattern in the area;
 - (vii) Be located on the lot with a greater setback or with landscape buffering to minimize the impact of the use on adjacent property; and
 - (viii) Be consistent with all other applicable standards in the zone.
- (c) Commercial Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use located in a commercial zone meets the following standards as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:
- (i) Be compatible with the potential commercial development and use of property planned to occur in area;
 - (ii) Represent the sufficiently desirable need for the entire community that the loss of commercial land is justifiable in relation to the benefit; and
 - (iii) Be consistent with all other applicable standards in the zone.
- (d) Special Use Permits for Functional Families.
- (i) Purpose. This Section is to provide for the regulation of Functional Families that may request to reside in a Single Family Dwelling, Two Family Dwelling or Single Family Attached Dwelling. The regulations are also intended to prohibit larger groups of unrelated persons from residing in Single Family Dwellings, Two Family Dwellings, or Single Family Attached Dwellings. Larger groups of unrelated persons have frequently shown to have a detrimental affect on Single Family neighborhoods since larger groups of unrelated persons do not live as a

family unit and do not have significant economic or emotional ties to a neighborhood.

- (ii) Standards of Functional Families. The Zoning Board of Adjustment shall review each application for a Special Use Permit for a functional family as provided for in this section after having determined that the application meets the following standards:
 - a. The functional family shares a strong bond or commitment to a single purpose (e.g., religious orders);
 - b. Members of the functional family are not legally dependent on others not part of the functional family;
 - c. Can establish legal domicile as defined by Iowa law;
 - d. Share a single household budget;
 - e. Prepare food and eat together regularly;
 - f. Share in the work to maintain the premises; and
 - g. Legally share in the ownership or possession of the premises.”
- (e) Conditions. The Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.
- (6) **Lapse of Approval.** All Special Use Permits shall lapse 12 months after the date of issuance unless the use is undertaken, or a building permit has been issued and actual construction started. Where unusual circumstances may prevent compliance with this time requirement, the Zoning Board of Adjustment may, upon written request by the affected permittee, extend the time for required start of construction an additional 60 days. Excavation shall not be considered construction for the purpose of enforcing this Section.
- (7) **Successive Applications.** In the event that the Board denies an application for a Special Use Permit, a similar application shall not be refiled for 12 months from the advertised public hearing date. The Board, on petition by the applicant, may permit a refiling of this application after 6 months from the original hearing date when it determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning ordinance text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a detailed statement setting out those changes that he or she deems significant or upon which he or she relies for refiling the original application.
- (8) **Site Plans approved as part of a Special Use Permit.** All site plans approved as part of an approved Special Use permit may only be amended pursuant to the same procedures for approving Minor Changes to a Major Site Development Plan as provided in Section 29.1502(6).