

PKts. 6-11-21

May 26, 2021

Mayor John Haila and City Council
PO Box 811
Ames, IA 50010
mayorcouncil@cityofames.org

Planning and Zoning Commission
PO Box 811
Ames, IA 50010

Re: Definition of Temporary in City Zoning Code

Dear Fellow Public Servants,

We, as members of the Zoning Board of Adjustment (the "ZBA"), have recently encountered an omission in the City Zoning Code of Ames (the "Code") that we believe needs to be addressed.

In a recent appeal of a Minor Site Development Plan as part of the request for a renewal of a Special Use Permit ("SUP"), we were tasked with determining whether the prior SUP that was issued to the applicant was temporary or permanent. The city planner had determined that the SUP was permanent despite the facts that the term is not defined by the Code and that no term had been placed on the original SUP. See enclosed minutes from our April 14, 2021, meeting for more details regarding the issue and discussion.

Based upon our discussion of the issue, we as a board feel it would be helpful if a definition of temporary were added to the Code. This would not only clarify the nature and duration of future SUPs for city staff and the ZBA, but more importantly, it would do so for future applicants. We believe it is important for applicants, who are subject to the restriction and requirements of the Code, to clearly know and understand their rights and obligations when applying for an SUP.

Therefore, we suggest that "temporary" in the Code should be defined as "no more than one year from the date of approval, unless defined otherwise." This would, by default, create a one-year duration for any SUP, with the option by the ZBA to assign a shorter or longer term as the circumstances require. It would also clearly put an applicant on notice as to the nature and duration of their SUP and any future obligation that will be required upon extension of said SUP.

Thank you for your attention to this matter,

Ames Zoning Board of Adjustment:

by Amelia Schoeneman
Amelia Schoeneman, Chair

June 9, 2021
Date