

To: Mayor Campbell and Ames City Council members

From: Mark Lambert, Interim City Attorney

Date: October 6, 2017

Re: Amendments to moratorium ordinance.

At the September 26, 2017 Council meeting, the Council considered, on first reading, an ordinance to establish a moratorium on the issuance of new rental occupancy letters of compliance for single-family and two-family homes within the City.

At that meeting, two amendments were adopted by the Council:

1. To change the moratorium area from the entire City of Ames to only certain residential neighborhoods near the university (SCAN, West Side, Oakwood Forest, Old Edwards, College Creek/Old Ames Middle School and Oak Riverside); and,
2. To add language prohibiting the issuance of building permits in the moratorium area that would enlarge the building by adding additional bedrooms, similar to the Iowa City language.

The revised ordinance is attached.

**Territory subject to the moratorium:**

Regarding the neighborhoods where the moratorium would be in effect, defining the boundaries with words turned out to be a daunting task. Placing a map in the Ames Municipal Code was also problematic. Staff decided the best route was to establish a unique Internet URL ([www.cityofames.org/moratorium](http://www.cityofames.org/moratorium)) and place maps of the neighborhoods subject to the moratorium on a unique website URL, and reference the URL in the ordinance. (There is precedent for doing this on the state level). The website has been created but will not be active until the ordinance is adopted and effective.

There are two sets of maps attached. The Colonial Village neighborhood was not included in the original motion. Apparently the Council has received communications from citizens asking that this neighborhood be included.

If the Council decides to include the Colonial Village neighborhood in the moratorium, then Council should adopt a motion to amend the ordinance to include Colonial Village, and the maps in Attachment #2 will be published on the website referred to in the ordinance. If Council does not amend the ordinance to include the Colonial Village neighborhood, then the maps in Attachment #1 will be used.

**Proposed Motion wording:** “I move to add the Colonial Village neighborhood as part of the moratorium area.”

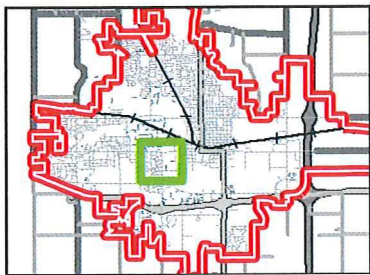
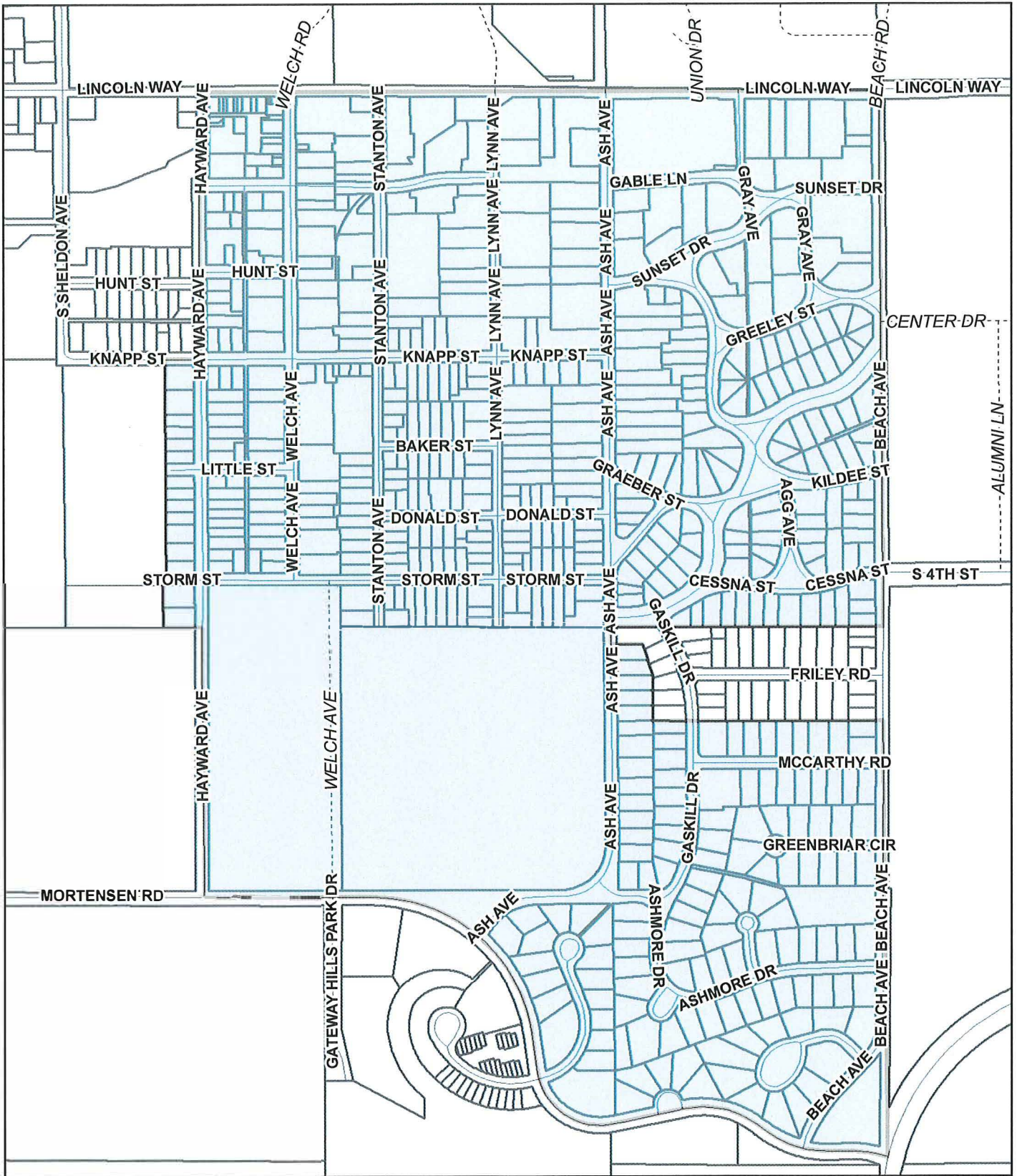
**Length of moratorium:**

The initial Council direction for the moratorium was for it to be a six-month moratorium. The date of March 31, 2018 was chosen as that date was approximately six months from the first reading of the ordinance. (This date was chosen assuming all three readings would happen on Sept. 26). Assuming the ordinance passes second reading on October 10, and third reading on October 24, the ordinance as written would expire on March 31, 2018 -- which will be approximately five months from when it goes into effect.

**The Council may be comfortable with this being a five-month moratorium, or may wish to return to the six-month moratorium, per the original Council direction. If the Council wishes this to be a six month moratorium, the Council may choose to amend the ordinance so that the moratorium expires on a later date. April 30, 2018 would be approximately six months. To accomplish this, the Council would need to vote on a motion to change the expiration date in subsection (7) of the ordinance to a new date.**

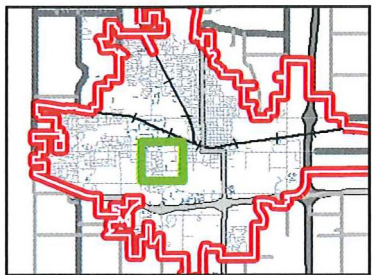
**Attachments:**

- 1. Maps without Colonial Village**
- 2. Maps including Colonial Village**
- 3. Amended ordinance.**



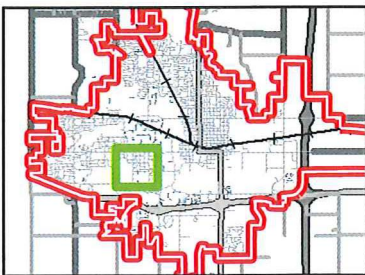
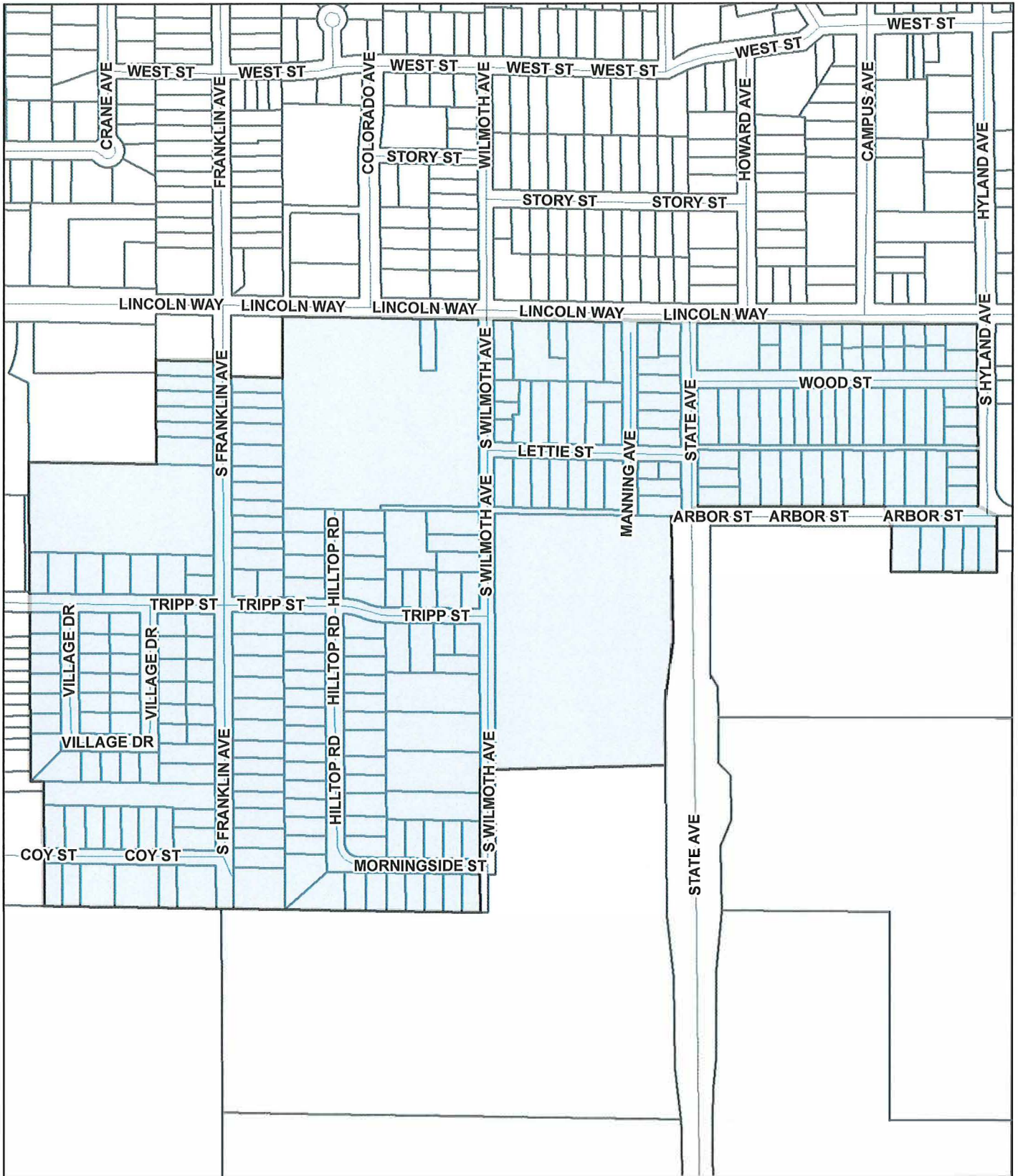
# Moratorium Area SCAN



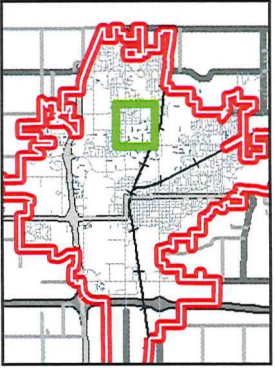


## Moratorium Area Oak-Riverside

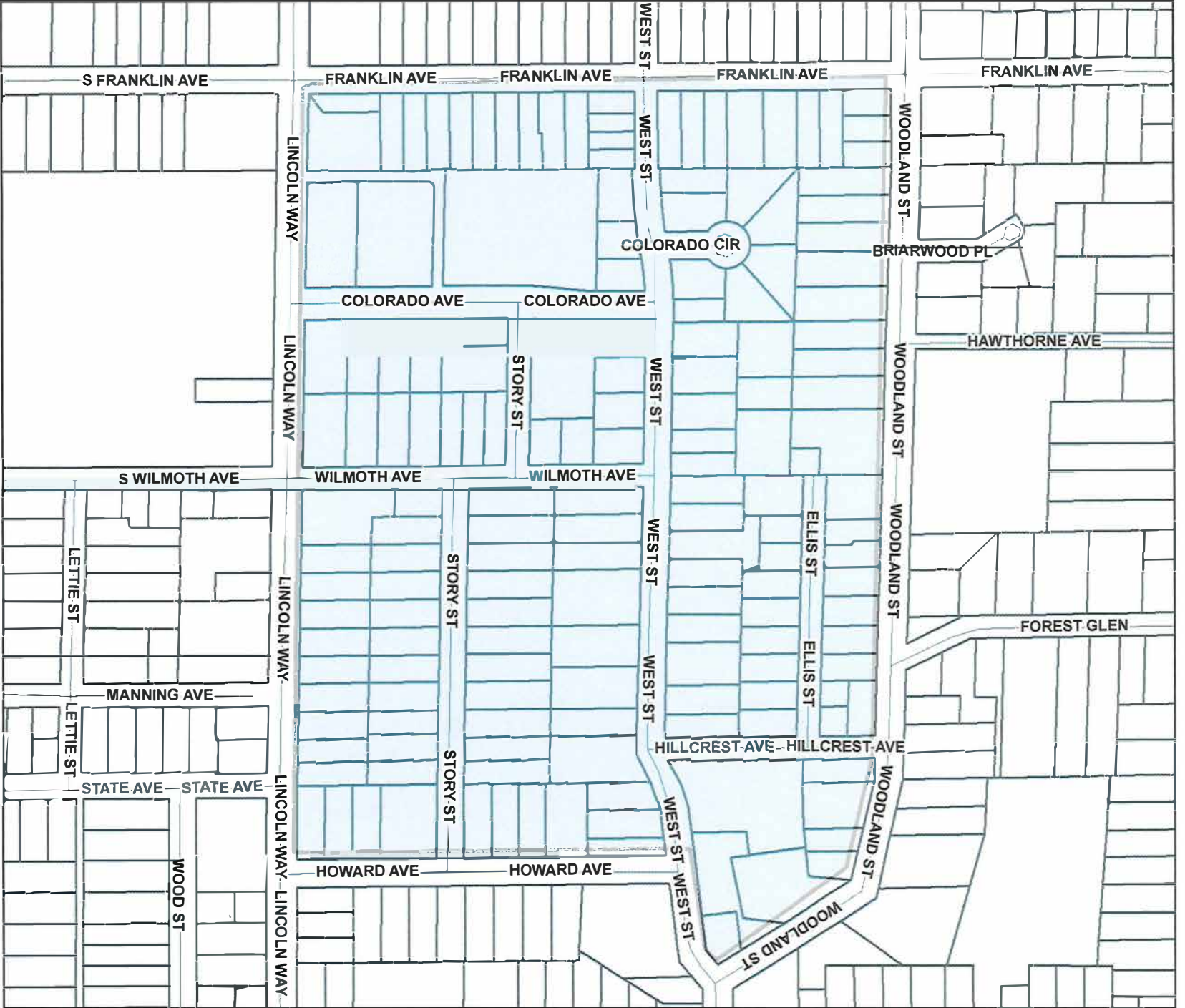




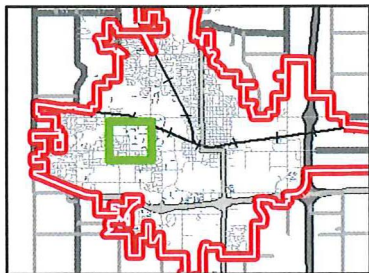
**Moratorium Area  
College Creek/  
Old Ames Middle School**



# Moratorium Area Westside

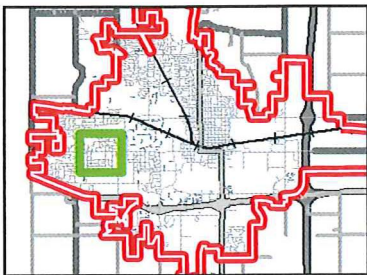
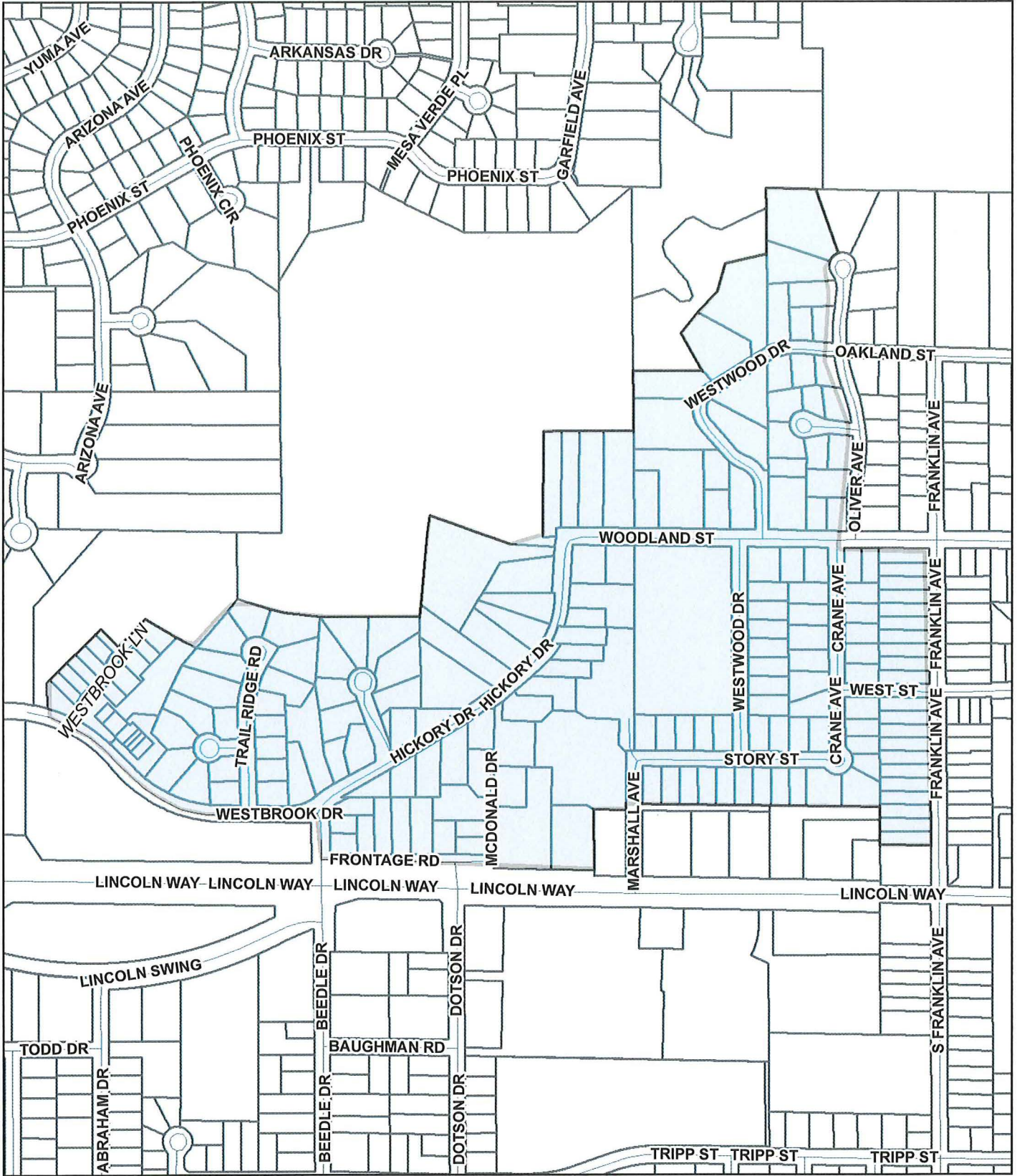






## Moratorium Area Oak-Wood-Forest

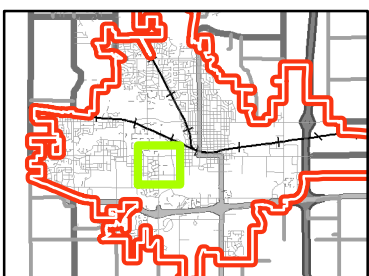
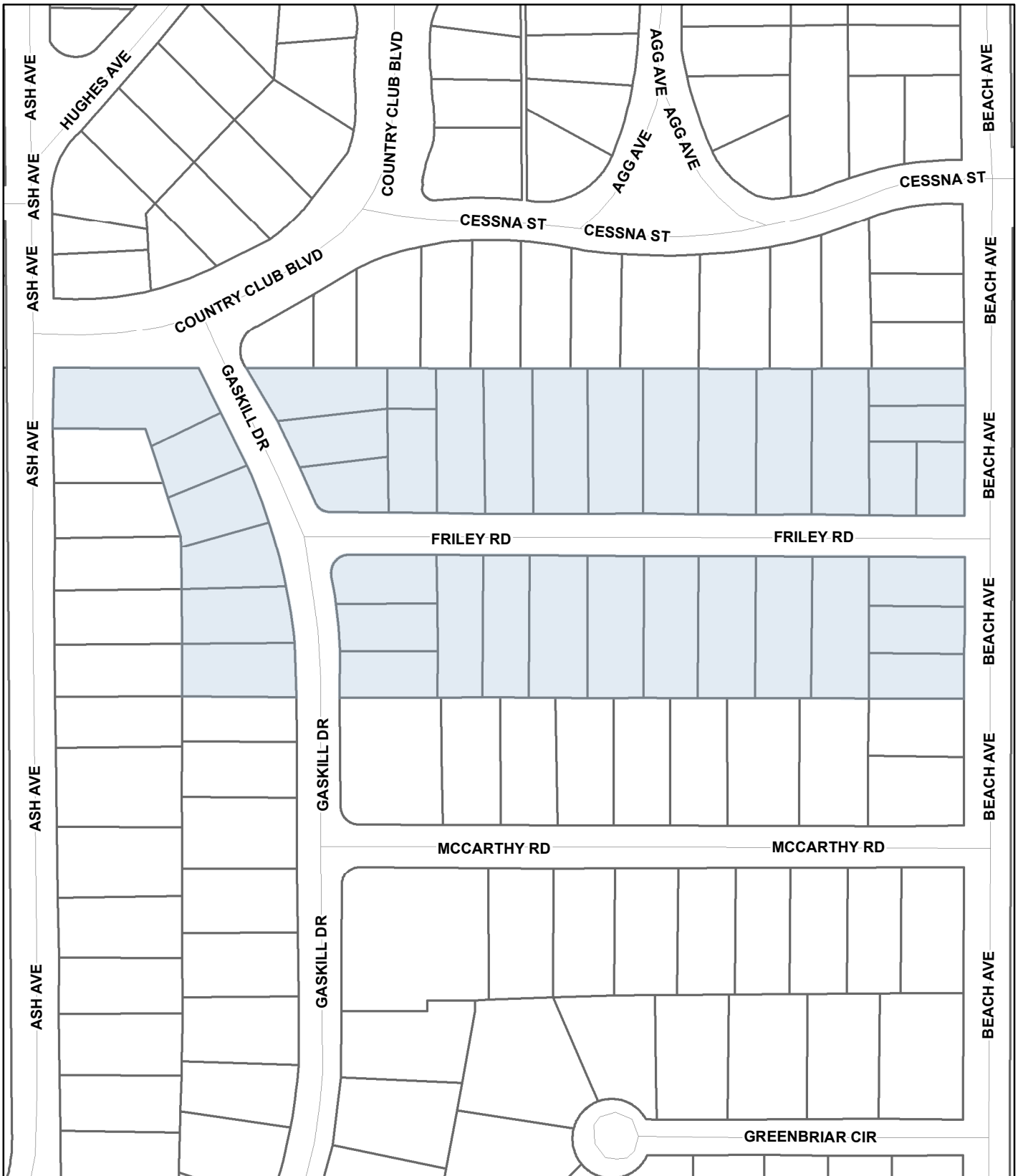




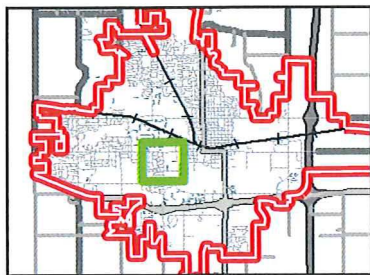
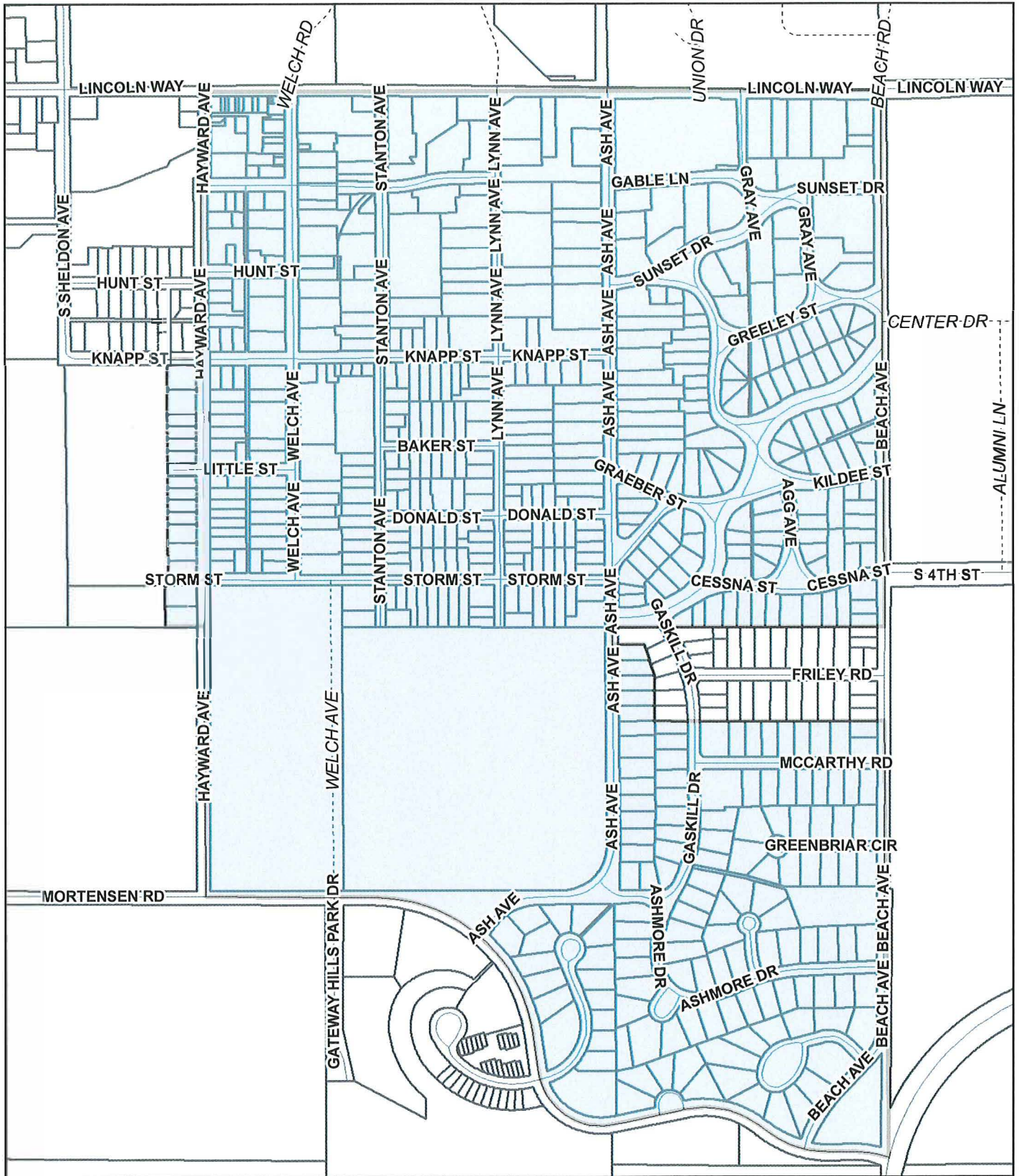
**Moratorium Area  
Edwards**



# Attachment 2

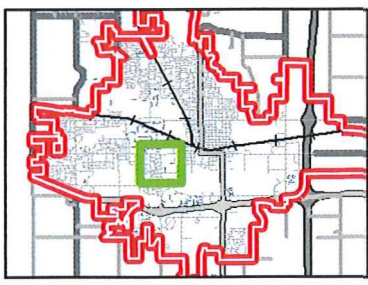


## Moratorium Area Colonial Village



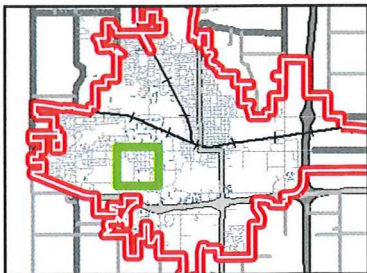
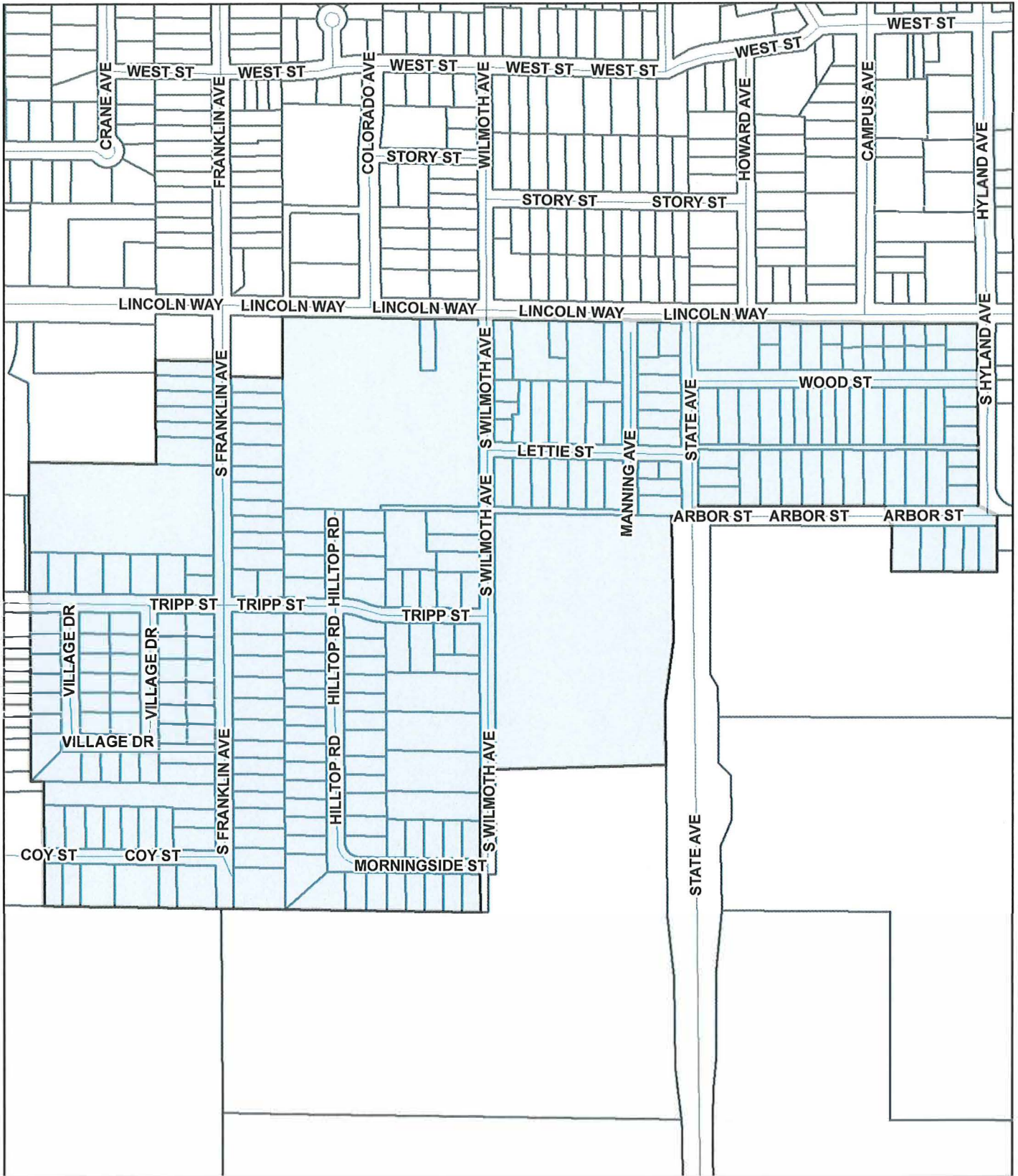
# Moratorium Area SCAN





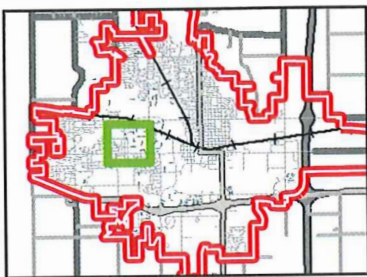
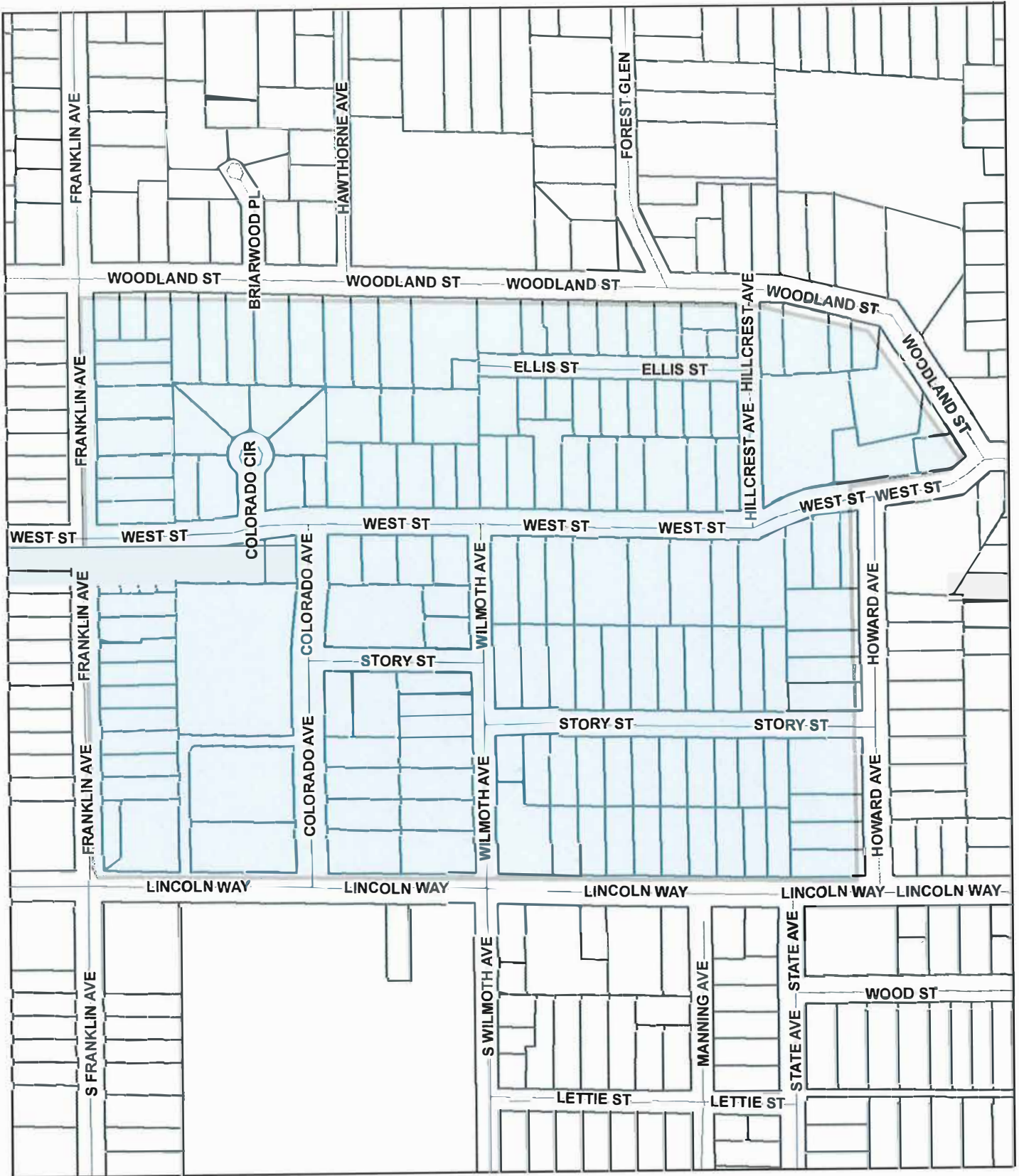
## Moratorium Area Oak-Riverside



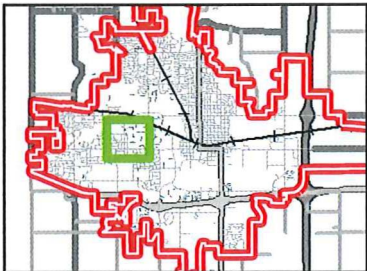


**Moratorium Area  
College Creek/  
Old Ames Middle School**



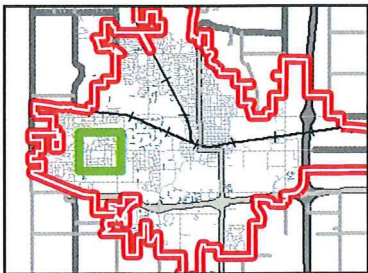
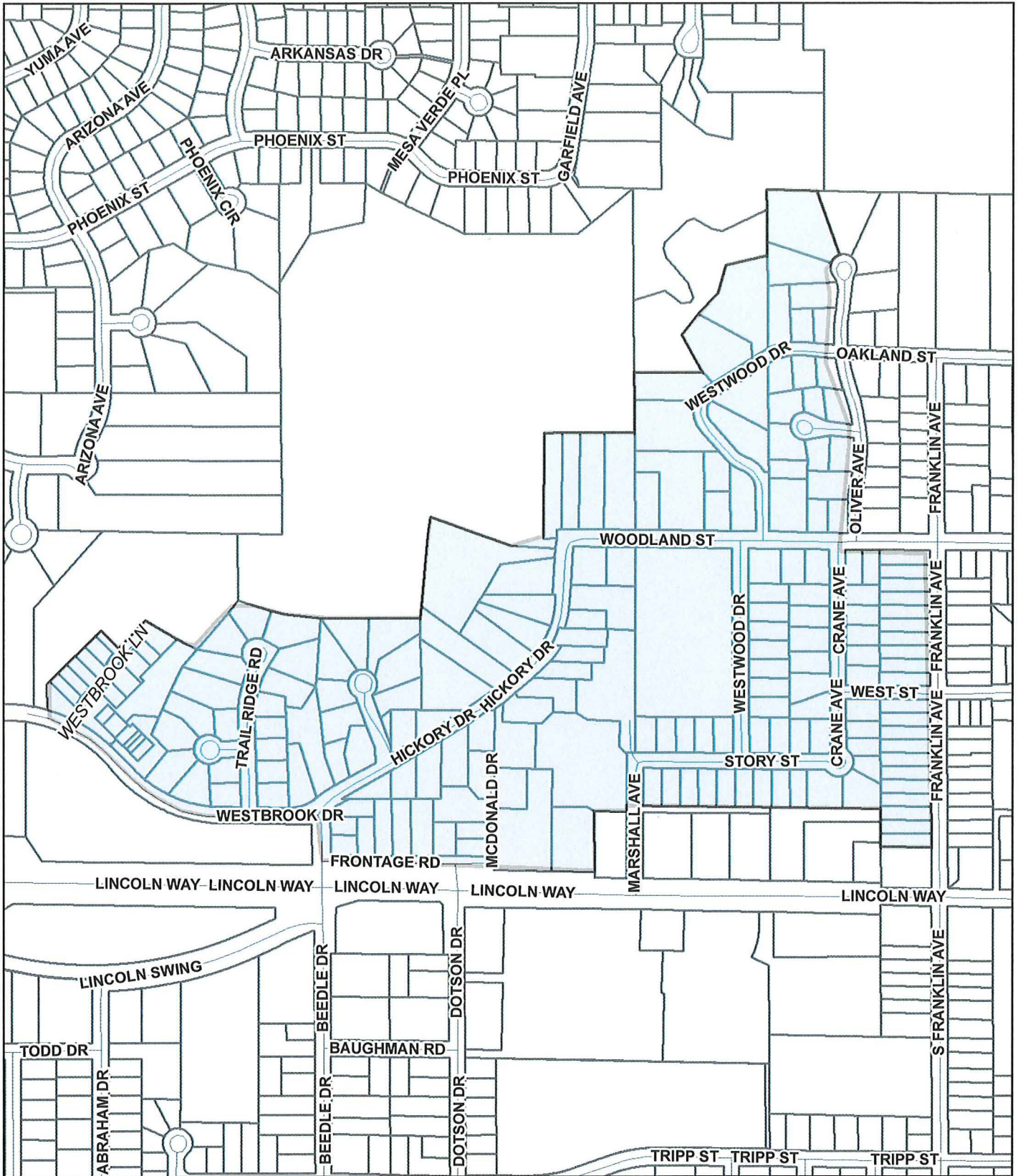


## Moratorium Area Westside



**Moratorium Area  
Oak-Wood-Forest**





**Moratorium Area  
Edwards**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW CHAPTER 13 SECTION 13.303 THEREOF, FOR THE PURPOSE OF TEMPORARY MORATORIUM ON ISSUANCE OF NEW RENTAL LETTERS OF COMPLIANCE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section as follows:

**DIVISION III  
RENTAL REGISTRATION AND INSPECTION PROGRAM**

**“13.303. TEMPORARY MORATORIUM ON ISSUANCE OF RENTAL LETTERS OF COMPLIANCE.**

(1) The purpose of this ordinance is to provide a temporary means to protect neighborhoods by preserving the current level of rental properties in certain neighborhoods in the City while the Council considers other options to address issues regarding increasing number of rental units in certain residential neighborhoods.

(2) A moratorium on the issuance of new rental Letters of Compliance for single-family and two-family homes is established and in effect within those areas of the City described in subsection (6). Except as noted in subsections (3) and (4) below, no new rental Letters of Compliance will be issued by the City during the moratorium period.

(3) Nothing in this section shall be construed to prohibit a property owner with a current rental Letter of Compliance from renewing the Letter of Compliance during the moratorium period. Nothing in this section shall be construed to prohibit a property owner with a current rental Letter of Compliance from transferring the Letter of Compliance to a new owner if the property is sold during the moratorium period.

(4) Property owners that have filed with the City a completed rental registration application or a pre-sale inspection form prior to the effective date of this section may continue with the process, and the City may issue a Letter of Compliance in such cases during the moratorium period.

(5) During the moratorium, the City shall not issue a building permit under Chapter 5, Ames Municipal Code, which would result in an enlargement of single-family or two-family dwellings located within the area described in subsection (6). For purposes of this ordinance, “enlargement” is defined as: An increase in the volume of a building, an increase in the area of land or building occupied by a use, an increase in the number of bedrooms within a dwelling unit or an increase in the number of dwelling units. For group living uses, any alteration that allows an increase in the number of residents is considered an enlargement of the use.

(6) The moratorium is effective within the areas of the City of Ames designated on the maps located on the following website: <http://www.cityofames.org/moratorium>.

(7) The moratorium is effective until March 31, 2018, at which point this section shall become null, void and of no future effect.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.



Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor