

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENT TO TEMPORARY DEFERRAL ON DEMOLITION AND DEVELOPMENT OVERLAY SECTION 29.1108 OF THE AMES MUNICIPAL CODE

BACKGROUND:

The City enacted in 2004 a zoning overlay for the purpose of creating a temporary moratorium. Section 29.1108, Temporary Deferral on Demolition and Development Overlay, was created at the time the City was reviewing zoning standards for University Impacted neighborhoods. When the Overlay was written it was structured to restrict the issuance of building permits for additions and construction of new structures with an end date of January 2005. Minor text amendments are needed to the language of the overlay to apply it to properties at this time.

Staff proposes the following edits to the language of the Overlay. Strikeout and underline notation is used for deletions and additions to the language.

Sec. 29.1108 TEMPORARY DEFERRAL ON DEMOLITION AND DEVELOPMENT

(1) The purpose of this section is to provide a temporary means to preserve principal buildings in an area that currently lacks zoning standards that ensures new development is compatible with existing and planned ~~surrounding~~ development.

(2) The provisions of this section may be made applicable to an area by amending the Official Zoning Map to show the applicability of this section as an overlay to other applicable zoning regulations.

(3) In any area to which this section has been made applicable as aforesaid, the demolition or removal of a principal building, or any part of a principal building, is prohibited except when done with respect to a building that has been found and declared to be a "dangerous building" by the City Building Official under the standards and provisions of the City Building Code.

(4) In any area to which the section is applicable, the approval of a Site Development Plan or a Building/Zoning Permit for the following is prohibited:

- (a) construction of a new building,
- (b) construction of an addition that extends the exterior dimensions of a building,
- (c) the addition of one or more stories to an existing building.

(5) The provisions of this section shall be in effect with respect to an area designated as aforesaid until the specified expiration date in the ordinance establishing the Overlay ~~first day of January, 2005,~~ at which date this section shall become null, void and of no future effect regarding the specific Overlay area.

The Planning and Zoning Commission reviewed the proposed text amendment on March 21st and voted 7-0 to recommend approval of the proposed changes.

ALTERNATIVES:

1. The City Council can adopt the proposed amendments to the Temporary Deferral on Demolition and Development Overlay.

Staff requests second and third reading of the ordinance.

2. The City Council can provide alternative language for the proposed amendment.

CITY MANAGER'S RECOMMENDED ACTION:

The intent of the Overlay is to ensure that changes to properties for either the demolition of principal buildings or the development of principal buildings are temporarily deferred. The language of the Overlay would permit remodeling of existing buildings and for use of properties consistent with the underlying base zone.

The proposed text amendments are needed to allow for the Overlay to be applied to property at this time. **The proposed language allows for the date of the Overlay's expiration to be set by rezoning ordinance rather than by future Zoning Ordinance text amendments.**

Staff requests the City Council proceed with the third reading of the ordinance on March 27th. This will allow for the ordinance to be published and effective by April 1, 2018 making the tool available for use within the proposed Downtown Gateway Commercial zoning district area as soon as possible.

Therefore, it is the recommendation of the City Manager that the City Council support Alternative #1 thereby amending the Zoning Ordinance as attached and approving on third reading of the ordinance.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.1108 AND ENACTING A NEW SECTION 29.1108 THEREOF, FOR THE PURPOSE OF A TEMPORARY DEFERRAL ON DEMOLITION AND DEVELOPMENT MORATORIUM 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 repealing Section 29.1108 and enacting a new Section 29.1108 as follows:

“Sec. 29.1108 TEMPORARY DEFERRAL ON DEMOLITION AND DEVELOPMENT

(1) The purpose of this section is to provide a temporary means to preserve principal buildings in an area that currently lacks zoning standards that ensures new development is compatible with existing and planned development.

(2) The provisions of this section may be made applicable to an area by amending the Official Zoning Map to show the applicability of this section as an overlay to other applicable zoning regulations.

(3) In any area to which this section has been made applicable as aforesaid, the demolition or removal of a principal building, or any part of a principal building, is prohibited except when done with respect to a building that has been found and declared to be a “dangerous building” by the City Building Official under the standards and provisions of the City Building Code.

(4) In any area to which the section is applicable, the approval of a Site Development Plan or a Building/Zoning Permit for the following is prohibited:

- (a) construction of a new building,
- (b) construction of an addition that extends the exterior dimensions of a building,
- (c) the addition of one or more stories to an existing building.

(5) The provisions of this section shall be in effect with respect to an area designated as aforesaid until the specified expiration date in the ordinance establishing the Overlay, at which date this section shall become null, void and of no future effect regarding the specific Overlay area.”

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

John A. Haila, Mayor