

AGENDA
SPECIAL MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
515 CLARK AVENUE
JULY 17, 2018

CALL TO ORDER: 6:00 p.m.

WORKSHOP AGENDA:

1. Discussion of Campustown Vision

CONSENT AGENDA:

2. Resolution approving contract extension with Electronic Engineering Co., for 800 MHZ Trunked Radio Equipment, Pagers, and Related Equipment and Services for City Departments from July 1, 2018, through June 30, 2019
3. Resolution approving Plat of Survey for 329 SE 5th Street
4. Resolution approving Plat of Survey for 2335 and 2341-210th Street, Boone County

ORDINANCES:

5. First passage of ordinance revising *Municipal Code* Chapter 18.31 pertaining to overnight parking in the Campustown and Downtown Business Districts
6. First passage of ordinance revising the Rental Cap Ordinance regarding Letters of Compliance for duplexes
7. Second passage of ordinance pertaining to exceptions and hardships to Rental Concentration Cap (Tabled from July 10, 2018)

COUNCIL COMMENTS:

ADJOURNMENT:

Staff Report

**CAMPUSTOWN VISIONING
WORKSHOP**

July 17, 2018

BACKGROUND:

The July 17th Campustown Visioning Workshop has been scheduled in accordance with the following Goal, Objective, and Task 1 established by the Ames City Council back in February 2018. The staff is providing the following material as background information for the workshop.

Goal: TO STRENGTHEN DOWNTOWN & CAMPUSTOWN

Objective 1. Encourage vibrancy in Campustown

Task 1 – Review Report in Spring 2018 regarding a public plaza from Campus and Community Commission.

Task 2 – Building on the Commission's report, hold a workshop in spring 2018 with the Campustown Action Association, Campustown property owners, business owners, Campustown residents, ISU Student Government, and other stakeholders to discuss their vision for Campustown.

Task 3 – In fall 2018, direction will be provided by the City Council regarding the development of the plans and specifications for the Welch Avenue Improvements project to ensure it supports the Council's vision for Campustown.

LAND USE POLICY PLAN:

The Land Use Policy Plan addresses Campustown and the University Impacted Area and in the New Lands section of the LUPP. It calls for this area to be have the highest densities in the city and have a lively commercial environment at the street level. The LUPP does show a Community Commercial Node (Page 62) in the general location of Campustown reflecting the intent for high levels of commercial use.

The LUPP does not provide in depth discussion of the Campustown Commercial Area. The current language discussing the University Impact Area was the result of a Sub-Area planning effort completed in 2005. Attachment 1 contains an excerpt from the Land Use Policy Plan regarding the University Impacted Area reflecting the policies of the Sub Area planning effort.

CITY ACCOMPLISHMENTS SINCE 2005:

The City Council has invested time, money, and resources over the years in the Campustown area. The City completed a University Impact Area Sub-Area Plan in 2005 for the commercial area of Campustown and the residential areas adjacent to Campustown. Below are examples of initiatives that the City has undertaken since 2005 within the Campustown commercial area.

- The City worked with other organizations to construct the Multi-Modal Transportation Facility located on Hayward Avenue that opened in 2012. The Multi-Modal Transportation Facility provides connections for all modes of transportation and provides public parking to commuters and the immediate area. The facility is operated in partnership with ISU.
- The City renovated the Campustown Court Park located on the southeast corner of the intersection at Chamberlain Avenue and Welch Avenue in 2009. The project was funded through a joint effort between the City and the Iowa State University Government of the Student Body.
- The City completed a Lincoln Way Multimodal Safety and Operations Study in the winter of 2018. The safety of pedestrian and auto interactions were evaluated along Lincoln Way between University Boulevard and S. Sheldon Avenue. The City committed to making safety improvements for crossings for specified intersections, including a new crossing at Stanton Avenue and Lincoln Way.
- City Council held a workshop on parking and public space in March 2017. The workshop focused on input on possible development of a public gathering place in Campustown for Parking Lot X.
- City Council directed the Campus and Community Commission to take on the task of researching and gathering input on a public gathering space. The Commission reported back to City Council in March of 2018 that the southeast corner of the intersection at Chamberlain and Welch Avenue (Parking Lot Y) seemed the most feasible location to meet the multiple interest for public space identified in the process. See Attachment 4.
- The City worked with CAA and sought public input regarding methods to reduce pedestrian/bicycle and bicycle/car collisions near Welch Avenue and Lincoln starting in 2014. In 2016, City Council approved a temporary pilot project along the 100 and 200 blocks of Welch Avenue to find a design that would provide a safer corridor for bicyclists along Welch Avenue. This Multi-modal transportation improvements pilot project will be wrapping up in the Spring of 2019 with redesign of Welch Avenue.

- The City Council established a Campustown façade assistance program in 2015 to encourage the diverse culture and uniqueness of Campustown. The City has funded this annually with \$50,000.
- The City has promoted the installation of street furniture, art, and other fixed amenities in portions of the Campustown.
- The City adopted an urban revitalization plan in 2001, amended most recently in 2016, with eligibility criteria for partial property tax abatement. The Plan prioritizes redevelopment with mixed use and structured parking, in addition to enhanced design requirements for public safety.
- The City updated its sidewalk café ordinance to more readily allow installation of outdoor tables and chairs.
- The City updated its sign regulations to more readily allow sidewalk signs in Campustown.
- The City has, upon request, closed portions of Campustown streets and waived certain fees for Campustown events. Examples of events include Summerfest and Craft & Draughts.

ZONING:

Zoning for Campustown was established in 2006 as a result of the University Impact Area Sub-Area planning study. The Campustown Service Center (CSC) zoning district was created in 2006 when the Downtown/Campustown Service Center zoning district was split from Downtown zoning. At that time, the emphasis was on design standards for intensification within the core of Campustown. Standards were amended in 2016 in conjunction with the 2700 Block of Lincoln Way project.

The zoning standards reinforce the LUPP goals for intensification of uses and aesthetics with standards reinforcing minimum height and FAR, brick building material requirements, window transparency at ground level, public safety standards restrict balconies, encouraging mixed used above commercial, no parking requirements for trade and office uses, and reduced parking for residential dwellings. Although similar to Downtown Service Center zoning, the CSC standards are more detailed and address more design requirements.

CAMPUSTOWN ACTION ASSOCIATION:

The Campustown Action Association (CAA) is an affiliate of the Ames Chamber of Commerce. In 2010, CAA was created as a partnership between the Ames Chamber of Commerce, Iowa State University, and the City of Ames. CAA is made up of members from Ames and Iowa State University communities. (promotions, organization, economic vitality, design). It serves as a catalyst for private and public partnerships in Ames Campustown area

The City of Ames, as part of its annual budgeting process, reviews the request of CAA for funding. If approved, the City and CAA enter into a contract to provide certain services for reimbursement. For the upcoming fiscal year, the City has earmarked \$30,650 to CAA.

CAMPUSTOWN URBAN REVITALIZATION PLAN:

The Campustown Urban Revitalization Area and Plan address unique interests of revitalization for Campustown. The City has a district wide URA with predefined criteria for eligibility for partial property tax abatement. Additionally, in 2016 the City Council created a site specific URA for the 2700 Block of Lincoln Way project, now known as the Union.

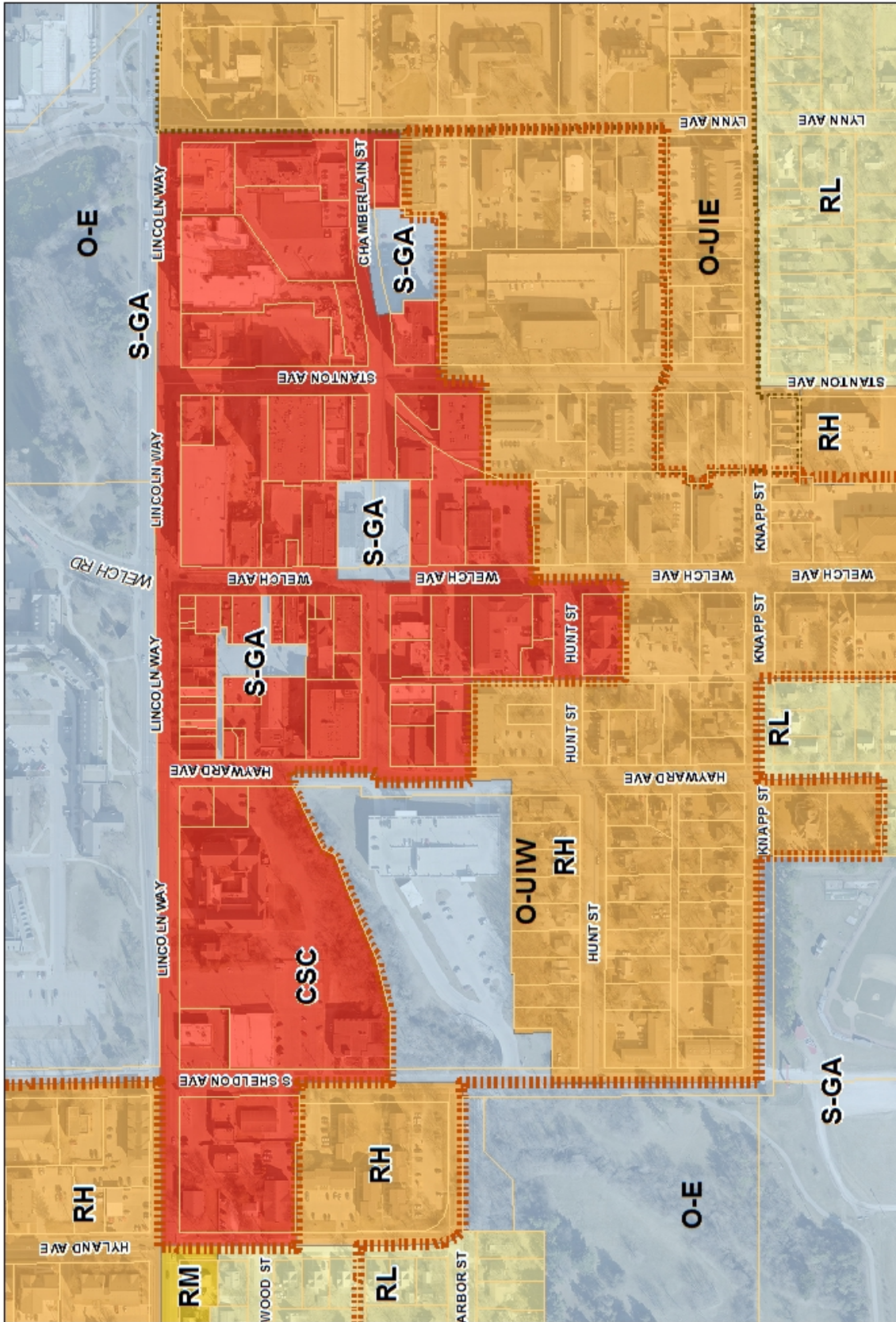
The criteria for partial property tax abatement incent intense redevelopment with requirements for mixed use development, structured parking, enhanced public safety standards, and building design requirements. The Campustown URA boundaries and criteria are included with Attachment 3.

Attachment 1: Chapter 2 Land Use [LUPP excerpt p 53.]

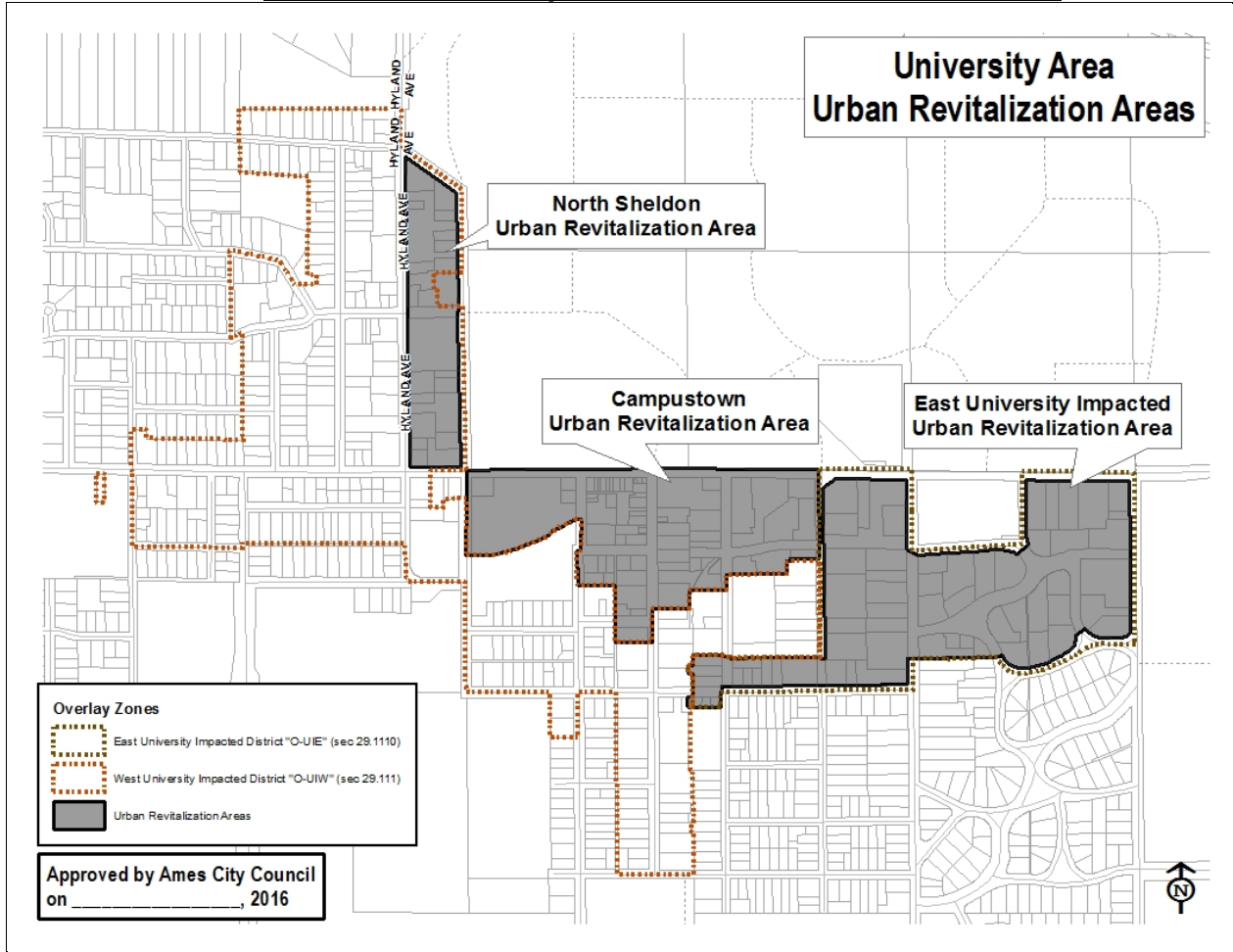
Uses. The University Impacted Area will be a distinct, unique area within the community with a great deal of variety in activities and appearance. It will be made up of districts, each with a distinct character, well defined by building use, type, scale, setting, intended activity level, and other characteristics. Compatibility will characterize transitions among these districts.

At the core, in the Campustown Service Center, buildings will be the largest and residential densities will be the highest, supporting lively commercial activity at the street level. Building placement, design, and materials reinforce a dynamic, pedestrian-friendly neighborhood character. (emphasis added) In the surrounding areas, uses will be multi-family residential, with densities in the lower end of the density range for high density residential uses, and building heights will be limited.

Attachment 2: Campustown Zoning



Attachment 3: Campustown Urban Revitalization Area



CAMPUSTOWN URBAN REVITALIZATION PLAN - Criteria for Renovation or New Construction

(A)

Project must meet one criterion of three options from Column (A).

(1) Slum and Blighted

Properties where a majority of the assessed valuation has been determined to be substantially unsafe or to have an unsafe use by the City Council.

-OR-

(2) Parking & Mixed Use

- A minimum of 70% of the total required parking is provided in a structure. If utilizing a parking deck, the restrictions in Chapter 29.406(12) of the Municipal Code must be adhered to.

and

- The first floor must be used for permitted commercial and retail uses as shown in Table 29.809 (2) of the Municipal Code or for a small production facility. The second floor must be used for either commercial or retail uses as shown in Table 29.809 (2) or for household living. All floors above the second floor must be used for household living.

-OR-

(3) Adaptive Reuse

- The building on the site is at least 50 years or older .

and

- 70% of the area of existing walls of the structure will remain.

and

- Historic materials and designs are preserved and/or restored.

(B)

Project must meet one criterion of two options from Column (B).

(1) Underrepresented

Properties that are to include a business use where that actual sales of the business use is below the expected sales for the business use as determined by the City Council to be of benefit to the City.

-OR-

(2) Design Standards

- Retail and office uses on the first floor adjacent to a public sidewalk must have direct access to the public sidewalk.

and

- Buildings greater than 3-stories shall include architectural features that create visual interest and variation in building design by differentiating building façade elements and include visual relief for long facades.

and

- Approval of master sign program by the Planning and Housing Director with signage designs that are complimentary to the building design and supports business identity

and

- Limit driveways along Lincoln Way and Welch Avenue if alternative means of access are available. No drive-troughs are allowed along the Lincoln Way and Welch Avenue.

and

- 100% of the front facades and 80% of the remaining sides of the structure shall be faced with clay brick for the first four stories. On stories five through seven any other building materials except vinyl will be allowed.

-OR-

An adaptive reuse project (A3) may use siding materials that are historically significant for all stories of a building.

(C)

All projects with residential uses shall also meet the following criteria or equivalent as approved by City Council.

1. Limit commercial space in the same building to the ground floor.
2. Provide separate entrances for commercial and residential uses.
3. Residential entrances are visible from the street and provide secure access.
4. Prevent access from the exterior to the interior through doors that serve only as fire exits.
5. Prohibit public access to structured parking, using overhead door and secure access control.
6. Provide transparent glass windows into all stairwells.
7. Provide camera monitoring of all pedestrian and vehicle entrances and areas.
8. Minimum widths of all exit routes: 48” for halls, 42” for doors, 60” between rails for stairs.
9. No balconies are permitted.
10. Provide for natural daylight requirements of applicable codes with exterior windows.
11. On facades facing any street use only fixed windows, note modified tamper resistant windows do not comply.
12. Design of all other windows to prevent passing of sphere larger than 4” diameter.
13. Prevent by physical means access to all roofs.
14. Where access is not required, provide security fencing controlling access to all areas between new or existing buildings.
15. Provide a minimum of four 100w metal halide or LED 6,500 lumens light fixtures on each building façade: two at elevation between first and second floors and two at elevation between third and fourth floor.

Campustown URA Criteria Appendix

1. All Projects must comply with an option from both column A and column B. Additionally, projects with residential uses must also comply with all requirements of column C.
2. Projects requesting final tax abatement approval must be compliant with an approved Site Development Plan and have received a certificate of building occupancy from the City of Ames Inspection Division.
3. All features incorporated into a project to meet URA criteria must be maintained for the life of the tax abatement.
4. Applications for final tax abatement approval must include supporting documentation for each of the relevant criteria.

5. **Architectural Design Guidelines:**

The intent of this criterion is to promote building variation appearance within Campustown. The relative scale of new buildings can lead to similar building appearances due to construction techniques, uniform roof lines, and long building lengths; whereas, Campustown historically had diversity in building appearance and scale.

Visual interest of a building means incorporating architectural features that define buildings elements, such as the base, middle, and top of a building. Appropriate architectural features can include window details, brick and material color variations that highlight building elements and support building identity, parapets, or expressive storefront glazing systems.

Variation and Relief means building offsets that affect the apparent massing of the building at the ground level or for upper stories. For example, a uniform storefront at the base of building may have upper floor relief with a courtyard or changes in façade planes, alternatively, the lower levels of the building may have the appearance of multiple facades with a building offset that differentiates the façades and has a minimum depth of 6 inches. Recessed storefronts creating outdoor usable space at the ground floor can also provide variation and relief. The degree of needed facade relief will correspond to the scale of the building and length of the facade to achieve the desired effect of the URA criteria. Long facades are generally in excess of 60 feet, substantially longer façades may necessitate additional elements of relief.

6. **Master Sign Program**

Sign program details in the plan shall include the style of signs (blade, channel letters, etc.) location of signs, size and scale, lighting details, method of attachment to buildings.

Signage shall be orientated to the pedestrian level, internal illuminated cabinet signs with white or light color backgrounds are prohibited, channel letters should be affixed directly to the building without a visible raceway or have a backing panel that covers a creating the appearance of an overall sign face. Preferred signage would be decorative in appearance through its use of sign face materials, design, lighting, and style of signage.

In consideration of approval of the Sign Program, the Planning Director will review the Campustown Idea Book signage guidelines, scale of signage and location in relation to the building features, and lighting type. Once a sign program is approved, individual sign permits must be consistent with the sign program.

**Campus and Community Commission
Report to Ames City Council: Campustown Plaza
March 27, 2018**

Direction from City Council:

At the September 12, 2017, City Council meeting, the City Council met with the Campus and Community Commission to discuss potential projects for the Commission to address. The Council directed that the Commission should initially work to investigate a prospective Campustown plaza or gathering space. The City Council specifically mentioned the following components for the Commission to address:

1. Prepare a list of things that the City Council could consider accomplishing in a Campustown Plaza
2. Come back to the Council with the interests of various parties. Include discussion of how people, traffic, building services would get through the area
3. What is the dream for the space?
4. What are the critical features, particularly from students, to make this space useful (e.g., gathering space for music events)?
5. If this space was a gift to students, what should it have so they like the gift?

Recommendation:

After a number of meetings to discuss and gather input, the membership of the Campus and Community Commission recommends:

1. Securing a consultant to develop a program plan to create a gathering space at 204 Welch Avenue located on the southeast corner of Lincoln Way and Chamberlain Street (City Parking Lot Y and Campustown Court). This would expand east of the existing Cyclone Plaza and reallocate the parking area to the north of the former T-Galaxy Building.
2. It is also recommended, since this location is relatively small (55'x190', including the Cyclone Plaza), that the acquisition of the former T-Galaxy Building and lot receive consideration.
3. Two primary stakeholder groups were identified that should receive additional opportunity to inform the consultant:
 - a. Iowa State University students
 - b. Campustown business owners

Rationale:

The Commission investigated a variety of potential locations for a Campustown gathering space and has proposed locating it in the area at the corner of Welch Avenue and Chamberlain Street for the following reasons:

1. Most central to Campustown activities
2. Visibility issues are minimal, which improves safety of users of the space
3. Minimal impacts on adjacent properties by users
4. Lower cost for making improvements to the space (few infrastructure complications)
5. Larger, one-off and well-managed events have been held on and adjacent to this location with success
6. Loss of parking spaces is recognized but the value added by this gathering space and adjacency of the under-utilized short-term parking at the Intermodal facility compensates for the loss of spaces

Space Utilization:

Through stakeholder discussions, the Commission has identified that the following are key characteristics of a gathering space to be considered:

1. General Activity/Flexible use space
2. Food Truck/Vendor space
3. Incorporate art, that as possible includes existing mural on T-Galaxy building (only if building retained)
4. Good lighting
5. Refuse/Trash solutions
6. Restrooms, if space allows. Noticeable signage to Intermodal Facility public restrooms may suffice
7. Greenscape components that soften the experience (e.g., hardy plantings, trees).
8. Suggest having a pick-up and drop off location on or adjacent to this space (to accommodate taxi, Lyft or Uber)

The Commission also received feedback regarding attributes that would be incompatible or less desired in a gathering space. These include:

1. 24-Hour operation. Close at certain times to reduce post-bar closing loitering.
2. Targeted activities for young children
3. Garden or high maintenance green space
4. Large night events
5. Limited amplified music events
6. Kegs/uncontrolled alcohol consumption

Process to Reach Recommendation:

All City-owned properties in the Campustown boundaries were evaluated for feasibility. The Commission also consulted with members of City staff to identify opportunities and challenges with potential sites. Alternatives evaluated and comments regarding each are indicated below:

1. 115 Welch Avenue (City Parking Lot X) (located west of the storefronts along the 100 block of Welch Avenue)
 - a. Significant utility infrastructure exists in the space, making modifications expensive
 - b. Access and egress for business purposes (currently and into the future) conflict with pedestrian usage in this area
 - c. Poor lines of sight and visibility for safety and security
 - d. Noise concerns for adjacent properties
2. 134 Welch Avenue (Fire Station #2)
 - a. Will be operated as a fire station for the foreseeable future
3. 2320 Chamberlain Street (City Parking Lot Z)
 - a. Located east of Campustown core
 - b. Lot tucked between 3 buildings
 - c. Only open on street side
 - d. Limited lines of sight creates safety issues
 - e. Noise concerns for adjacent properties
4. 204 Welch Avenue (City Parking Lot Y) – Recommended site. See above.

Supporting Materials:

Focus Group Meeting Minutes Excerpt (January 22, 2018):

Campustown Plaza Focus Group:

The Commissioners, staff members, and invitees introduced themselves. Invitees in attendance included: Chad Watkins, Sarah Huffman, Marsha Miller, Tim Hoekstra, Katie Holmes, George Micalone, Anthony LoCerto, Marilyn McNamara, and Bridget Williams.

Tom provided some background information regarding the concept of the Campustown Plaza. He outlined the process the group would use to discuss the potential ideas for the use of the space. In addition to what the group thought the space should be, the group would be asked in a second round of idea-generation what they think the space should not be.

The group's suggestions for what the space should be were:

- Event pre-space to see what works and what people suggest for the space
- Public hammocks
- Flexible space
- Space to serve for communication between City and students
- Shade
- Something that can't be destroyed
- Tables/game tables
- Art space/music space
- Reservable space
- Information center
- Campustown map
- Ice rink
- Dog poop bags
- Rain barrels
- Study space
- Community garden
- Workshop gatherings
- Benches, flowers, and trees
- Bike tire fill-ups
- Skateboard rink
- Art
- Music stage with a shell
- Moveable planters
- Restroom facilities
- Food area
- Adjustable lighting
- Make the space bigger (acquire T-Galaxy Building)
- Lighting to safety and aesthetics
- Green space for Campustown events
- Green space for everyday use (studying, sitting, etc)
- Electricity
- Public restrooms
- Food carts

- Public restrooms
- Information center
- Lighting
- Security
- Parking
- Art area
- Small market
- Reservable shelter/pavilion
- Stage and electricity
- Food vendor area with seating
- Public garden (not a shared community garden)
- Benches
- Public park with benches/picnic tables
- Interactive art space
- Food truck or food cart space
- Community garden space or green space
- Amphitheater with permanent seating
- Table seating
- Small shelter
- Public art display
- Designated food truck space
- Parking
- Maker space
- Police outreach center
- Food trucks
- Seasonal space (ice arena in winter, beach in summer)
- Parking

These ideas were grouped into similar themes. These themes were:

1. Utility Infrastructure
2. Information
3. Amenities
4. Music
5. Art Area
6. Study Space
7. Environmental Design/Green Space
8. Mobile Vendor Area
9. Reservable

The attendees then voted for the ideas and themes they supported.

Tom led the group through an idea generation session regarding what the group thought should not be involved in the potential space.

The group's suggestions for what the space should **not** be were:

- Foam or paint parties
- Kids' sandbox
- Water feature
- Open all hours

- Kegs
- Inadequate trash receptacles
- Garden
- Poor stormwater system/plan
- Large night events
- Kid stuff
- Paved space
- Copycat space
- Parking
- Fencing
- Space intended for small children
- Things that can be easily destroyed/stolen
- Music-making things
- Things that need people to coordinate (e.g., stage)
- Parking
- Apartments
- VEISHEA 2014
- Poor lighting
- Small kids
- Events that cause traffic clogging
- Loud music at night
- Taking down the mural

Tom asked for further discussion regarding these ideas for things the space should not be. There was clarification that the comments regarding children were meant that there should not be playground equipment. It was noted that the existing space could generate negative loitering and gathering, which was a concern of some regarding a re-developed space.

The attendees then voted for the ideas and themes they felt should not be part of the project.

COUNCIL ACTION FORM

SUBJECT: CONTRACT EXTENSION FOR 800 MEGAHERTZ TRUNKED RADIO EQUIPMENT, PAGERS, AND RELATED EQUIPMENT AND SERVICES

BACKGROUND:

The 800 megahertz (MHz) trunked radio system provides for interactive communication between many City work groups and departments, as well as with the Story County Sheriff's Office, Iowa State University, Mary Greeley Medical Center, and all of Story County's other emergency responders.

On July 11, 2017, City Council awarded a one year contract extension to Electronic Engineering Co. for 800 MHz trunked radio equipment, pagers, and related equipment and services for City departments. The contract provided for lease of general radio equipment, law enforcement equipment, equipment installation and maintenance, and paging equipment and services through June 30, 2018. That agreement allowed City departments to continue to receive radio services provided locally by Electronic Engineering Company.

Radio equipment furnished under the contract includes portable and vehicle radios, base station radios, and specialized law enforcement communication equipment. The City currently has approximately 381 radios leased and 21 radios with only a tower fee previously purchased under this contract. The City also has two pagers for Information Services, and will continue to maintain the pricing and availability of pagers on this contract for unexpected needs. At this time the Police and Fire Departments are the largest users of the City radio contract. Interactive communication with public safety agencies throughout Story County also occurs on this radio system. The total annual cost for radio equipment and related services is approximately \$205,000 per year.

The Story County 911 Board completed a study of the current radio system in the Fall of 2010. The Board's consultant recommended that the County begin planning for a new radio system due to the aging equipment and limitations of the current radio technology. Since that time, the radio consoles have been replaced in the Ames, ISU and Story County Communication Centers. In addition, some of the handheld and mobile radios have been updated. These changes allowed the City to extend the life of the current equipment, but have not eliminated concerns about reliability of the core system.

In response to these concerns, under the direction of the Story County 911 Board a radio consulting firm was retained. They provided a review of the existing radio system and a series of recommendations to address the concerns. In February of 2018 the City joined with Story County, Iowa State University and the Story County 911 Board to extend the agreement with the radio consulting firm. The second phase of the firm's

work will present the City and its partners with specific alternatives for a new radio system, including quality coverage, high reliability and new equipment and services pricing. The second phase is currently underway.

It should be emphasized that it will take some time to develop alternatives, negotiate contracts, acquire equipment, and implement a new system. **Until a new radio system can be established and implemented, continuation of the current radio contract is in the best interest of the City.**

The proposed contract extension with Electronic Engineering is for one year beginning July 1, 2018, and ending June 30, 2019. Prices under the proposed contract reflect a \$1.50 per month per radio increase in the tower fee. With 402 radios on the system, the total annual cost increase in the tower fee will be \$7,236 across all City departments. All other equipment prices will remain unchanged from the current contract.

Historically, the Story County 911 Board paid one half of the tower fees of the Police and Fire Departments, the two largest users under this contract. The 911 Board also paid the tower fees for other emergency response agencies in Story County. In the current fiscal year the 911 Board paid approximately \$14,355 as its 50% share of tower fees.

ALTERNATIVES:

1. Approve the contract extension with Electronic Engineering Co. to provide 800 MHz trunked radio equipment, pagers, and related equipment and services for City departments from July 1, 2018, through June 30, 2019.
2. Reject the contract with Electronic Engineering Co. and attempt to purchase radio and pager services on an as-needed basis until the County-wide radio system study is completed and the Story County 911 board acts on the resulting recommendations.

MANAGER'S RECOMMENDED ACTION:

The proposed one year contract extension for radio and pager equipment and services will ensure continuation of critical interactive communication between City work groups and departments, as well as with the Story County Sheriff's Office, Iowa State University, Mary Greeley Medical Center, and all Story County emergency responders. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 329 SE 5TH STREET

BACKGROUND:

The City's subdivision regulations are found in Chapter 23 of the Ames Municipal Code. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or adjusting the boundary lines of existing tracts. Section 23.308 allows the use of a plat of survey for a boundary line adjustment and to replat a parcel due to an error.

This plat of survey is a replat of an existing pre-platted parcel. The subject parcel (Parcel AG) was originally platted by plat of survey recorded in 2006. At that time, a notation was placed on the plat indicating that Parcel AG was a "non-buildable lot." Parcel AG was created in 2006 as part of a lot split of a Parcel "L" in coordination with a subdivision to create the current Super Walmart site to the south. It is unclear from City records and for the applicant why the non-buildable lot notation was placed on the parcel at the time the plat was recorded.

Recently, a developer has expressed interest in developing this lot and wishes to replat the parcel to remove the non-buildable notation. This plat of survey removes the non-buildable lot notation and retains the designation of Parcel AG.

Approval of a Plat of Survey requires conformance to all standards of the Zoning Ordinance and the Subdivision Code. Parcel AG meets all standards with the exception of installation of a sidewalk along SE 5th street frontage. However, as a pre-platted parcel the Subdivision Code allows for the proposed replat to be exempt from installing or securing the installation of a sidewalk with approval of the replat. Any future construction on the site of a principal building will require the installation of the sidewalk at that time as a condition of receiving a building permit.

Approval of this plat of survey (Attachment B) will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can approve the proposed plat of survey consistent with the standards of Chapter 23 for approval of replat of a pre-platted parcel.

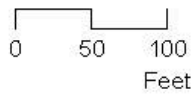
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey for design and improvements as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

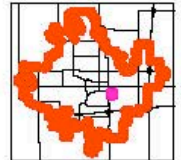
The proposed plat of survey is a unique situation of replatting an existing parcel created as part of a lot split in 2006 with a restriction on its development. Staff has determined that the proposed plat of survey satisfies all Code requirements for the replat of a pre-platted parcel and has made a preliminary decision of approval. Staff has also determined that the proposed plat of survey does not trigger City infrastructure requirements as defined within the Subdivision Code. The missing sidewalks will be built at the time the property is developed.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

ATTACHMENT A: LOCATION MAP



Legend

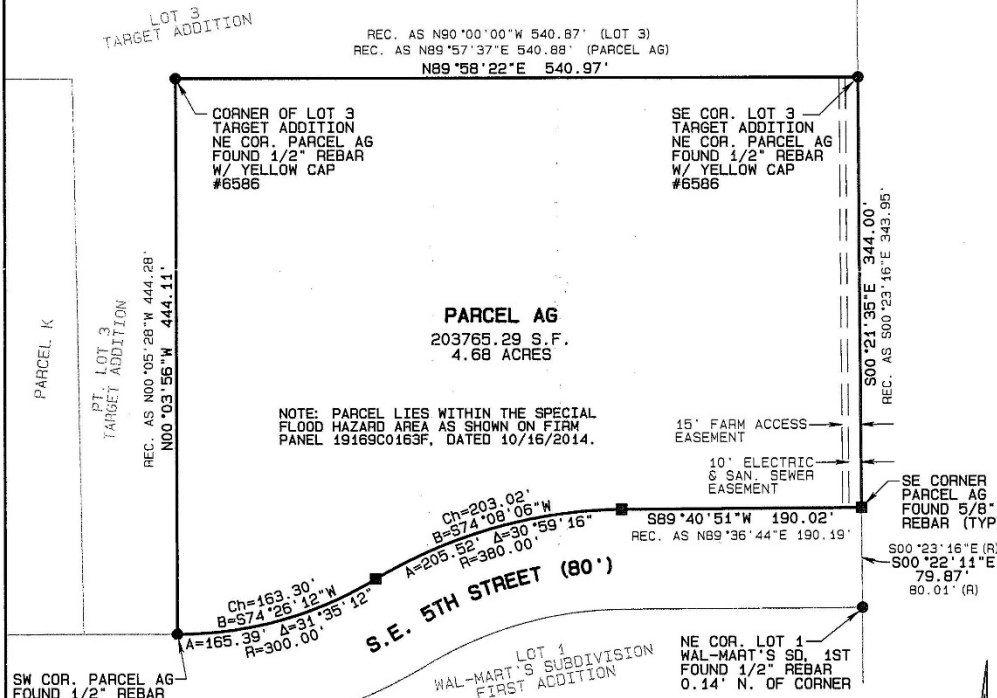


ATTACHMENT B: PLAT OF SURVEY

R. BRADLEY STUMBO P.O. BOX 1664 AMES, IOWA 50010 515-233-3689

PLAT OF SURVEY

Survey Description-Parcel 'AG':
 Parcel AG in the South Half of the Northeast Quarter of Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, as shown on the Plat of Survey filed on January 27, 2006 in Slide 269, Page 5, and being more currently described as follows: Beginning at the Northeast Corner of said Parcel AG; thence S00°21'35"E, 344.00 feet to the Southeast Corner thereof; thence following the South line thereof S89°40'51"W, 190.02 feet to the beginning of a curve; thence westerly and southwesterly, 205.52 feet along said curve having a radius of 380.00 feet, concave to the south, a central angle of 30°59'16" and being subtended by a chord which bears S74°08'06"W, 203.02 feet to a point of reverse curvature; thence southwesterly and westerly 165.39 feet along said curve concave to the north having a radius of 300.00 feet, a central angle of 31°35'12" and being subtended by a chord which bears S74°26'12"W, 163.30 feet to the Southwest Corner of said Parcel AG; thence N00°03'56"W, 444.11 feet to the Northwest Corner thereof; thence N89°58'22"E, 540.97 feet to the point of beginning, containing 4.68 acres.

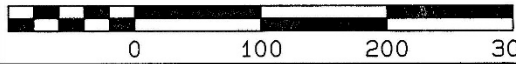


NOTE: PARCEL LIES WITHIN THE SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 19169C0163F, DATED 10/16/2014.

The Ames City Council approved this Plat of Survey on _____, 2015, with Resolution No. _____
 I certify that it conforms to all conditions for approval.

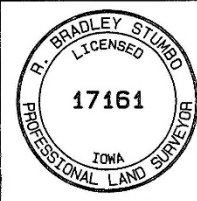
 Planning and Housing Director

GRAPHIC SCALE 1"=100'



PROPRIETOR: PEPPERMINT HILL LLC
 SURVEY REQUESTED BY: SCOTT RENAUD

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.



R. Bradley Stumbo License #17161 Date: _____
 My license renewal date is December 31, 2015
 Job #16867 Date: 12/14/15 Page 1 of 1
 Fieldwork Completed: 11/13/15

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 2335 AND 2341 210TH STREET, BOONE COUNTY

BACKGROUND:

The City's subdivision regulations are found in Chapter 23 of the Ames Municipal Code. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or adjusting the boundary lines of existing tracts. Section 23.308 allows the use of a plat of survey for a boundary line adjustment. The City's Subdivision Regulations apply, also, to unincorporated Boone County lying within two miles of the Ames city limits.

This plat of survey is a boundary line adjustment between two parcels located within unincorporated Boone County. The owner of the smaller parcel (see Attachment A) is seeking to acquire a portion of the larger parcel lying to the north. This is boundary line adjustment and there is no new developable parcel created with the Plat of Survey. As a Boundary Line Adjustment, no infrastructure improvements are required. No Subdivision Code waivers are proposed and no covenants are required for approval of the Plat of Survey.

Approval of this plat of survey (Attachment B) will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can approve the proposed plat of survey consistent with the standards of Chapter 23.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed plat of survey satisfies all Code requirements for a boundary line adjustment existing parcels and has made a preliminary decision of approval. Staff has also determined that the proposed plat of survey does not trigger City infrastructure requirements as defined within the Subdivision Code so no waiver of subdivision design and improvements is sought.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

**ADDENDUM
PLAT OF SURVEY FOR 2335 AND 2341 210TH STREET, BOONE COUNTY**

Application for a proposed plat of survey has been submitted for:

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

Owner: James H. Reynolds, Chrystine H. Reynolds
Parcel ID: 088425253400009

Owner: Steve R. Decker
Parcel ID: 088425253400007

Legal Description:

EXISTING REYNOLDS PROPERTY - LEGAL DESCRIPTION:

That part of the Southeast Quarter (SE¹/₄) of the Southwest Quarter (SW¹/₄) of Section 25 Township 84 North, Range 25 West of the 5th P.M., Boone County, Iowa, including Parcel B and Parcel C

EXISTING DECKER PROPERTY - LEGAL DESCRIPTION:

That part of the Southeast Quarter (SE¹/₄) of the Southwest Quarter (SW¹/₄) of Section 25 Township 84 North, Range 25 West of the 5th P.M., Boone County, Iowa, including the South 620.00 feet of the West 596.97 feet of the SE¹/₄ of the SW¹/₄.

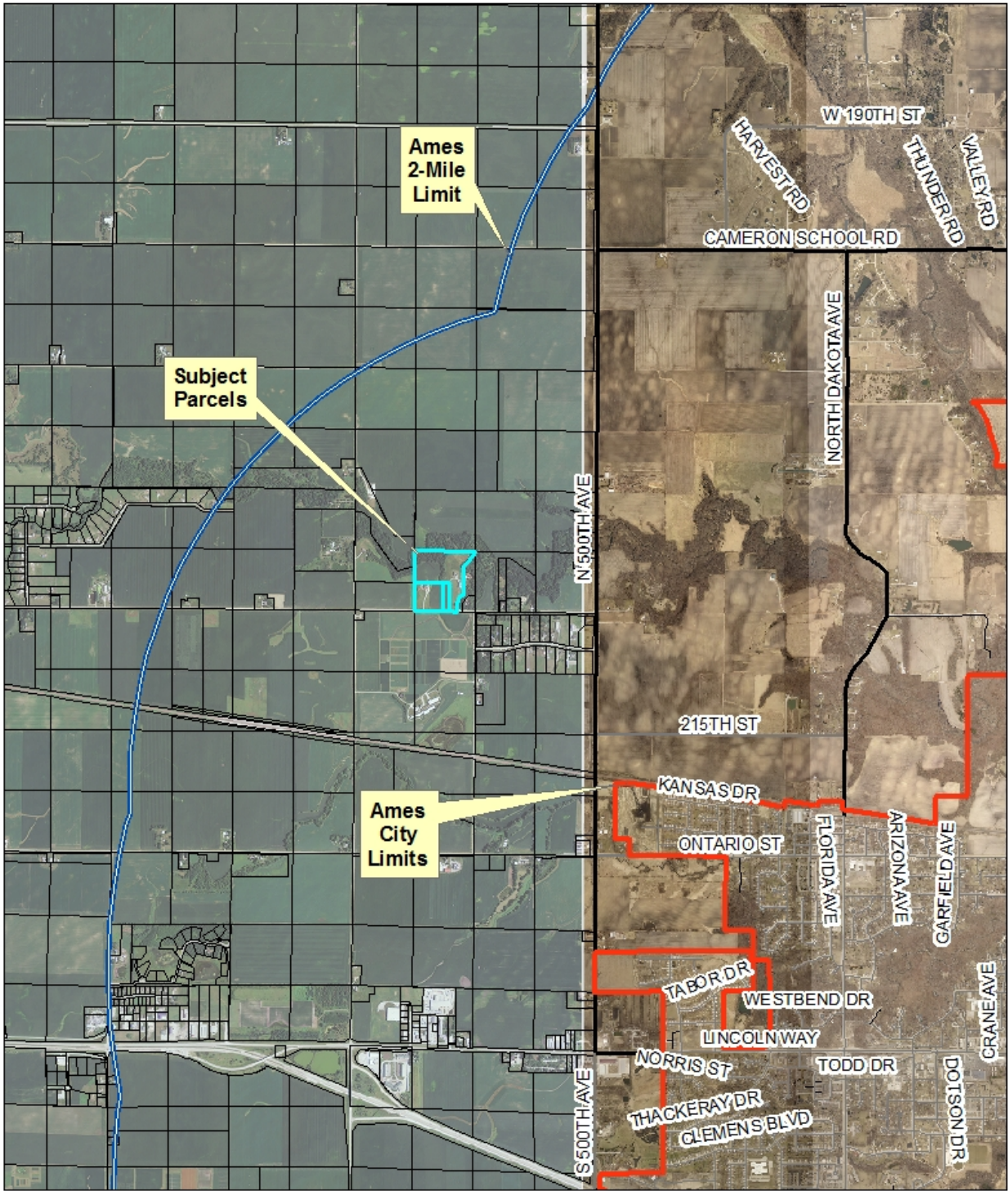
Public Improvements:

The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:



- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

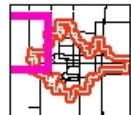
Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

ATTACHMENT A: LOCATION MAP



Legend

-  Ames City Limits
-  Ames 2 Miles Limit



PLAT OF SURVEY	
LOCATION:	In the SE¼ of the SW¼ of Section 25, T84N, R25W, Boone County, Iowa
PROPRIETOR:	James H. & Chrystine H. Reynolds (Parcel B and Parcel C, except Lot 1 of Parcel B); Steve R. Decker (Lot 1 of Parcel B and the South 620.00' of the West 596.97' of the SE¼ of the SW¼)
REQUESTED BY:	James H. Reynolds
SURVEYOR:	Marlee Walton, PLS #11590 M.J. Walton & Associates, Inc. 456 Rookwood Drive; Ames, IA 50010 515-232-5768

DECKER PROPERTY - LEGAL DESCRIPTION:

That part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 25 Township 84 North, Range 25 West of the 5th P.M., Boone County, Iowa, including Lot 1 of Parcel B and the South 620.00 feet of the West 596.97 feet of the SE¼ of the SW¼. The property is more particularly described as follows:

Beginning at the Northwest (NW) Corner of the SE¼ of the SW¼ of said Section 25; thence S00°01'08"E 696.69 feet along the West line of the SE¼ of the SW¼ of said Section 25; thence continuing S00°01'08"E 620.00 feet along the West line of the SE¼ of the SW¼ of said Section 25; thence S89°28'25"E 596.97 feet along the South line of the SE¼ of the SW¼ of said Section 25; thence N00°01'08"W 620.00 feet; thence N01°47'38"E 696.15 feet; thence N89°24'37"W 619.00 feet along the North line of the SE¼ of the SW¼ of said Section 25 back to the Point of Beginning. The Decker Property contains 18.22 acres of which 0.62 acre is Boone County Road Right of Way.

REYNOLDS PROPERTY - LEGAL DESCRIPTION:

That part of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 25 Township 84 North, Range 25 West of the 5th P.M., Boone County, Iowa, including Parcel B and Parcel C except Lot 1 of Parcel B. The property is more particularly described as follows:

Commencing at the Northwest (NW) Corner of the SE¼ of the SW¼ of said Section 25; thence S89°24'37"E 619.00 feet along the North line of the SE¼ of the SW¼ of said Section 25 to the Point of Beginning; thence continuing S89°24'37"E 687.99 feet along the North line of the SE¼ of the SW¼ of said Section 25; thence S31°18'26"W 203.60 feet; thence S40°47'07"W 236.56 feet; thence S00°04'20"W 619.07 feet; thence S83°24'38"W 70.85 feet; thence S21°00'17"W 170.96 feet; thence S05°46'35"W 127.26 feet; thence S05°46'25"W 45.19 feet; thence N89°28'25"W 299.44 feet along the South line of the SE¼ of the SW¼ of said Section 25; thence N00°01'08"W 620.00 feet; thence N01°47'38"E 696.15 feet back to the Point of Beginning. The Reynolds Property contains 13.61 acres of which 0.31 acre is Boone County Road Right of Way.

Notes:

- Boundaries were originally established through surveys recorded in:
 - o Book 28, Page 246 (Document #061069)
 - o Book 27, Page 13 (Instrument #043579)
 - o Book 25, Pages 139-141 (Instrument #033337)
 - o Book 24, Page 155 (Instrument #022192)
- All in the Boone County Recorder's Office
- The new survey was for boundary line adjustments.
- The basis of the bearings was set to match the West Line of the SE¼ of the SW¼ of Section 25, T84N, R25W of the 5th PM, Boone County on the Parcel B survey (Book 25, Pages 139-141; Instrument #033337)

	I hereby certify that this land survey document was prepared and the related survey work was performed by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa. _____ Marlee A. Walton, PE, PLS Date License Number #11590 My license renewal date is December 31, 2018	Date of field survey: 6/12/18 Project Number: 8065 PAGE 2/2	The Ames City Council approved this plat of survey on _____, 20____, with Resolution Number _____ I certify that it conforms to all conditions of approval. _____ Planning and Housing Director
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COUNCIL ACTION FORM

SUBJECT: UPDATES TO MUNICIPAL CODE SECTION 18.31 (PARKING REGULATIONS)

BACKGROUND:

On November 28, 2017, staff presented a report on parking system improvements. The report covered several topics related to potential parking changes, one of which was to make overnight parking consistent across the business districts in Ames, thereby restricting (prohibiting) parking Monday to Sunday from 4 AM to 6 PM. The timeframe was requested through survey results taken from Campustown and Downtown businesses conducted in the Fall of 2017.

Staff has conducted a review of the existing parking ordinances in Section 18.31 of the *Municipal Code* and identified a list of corrections. The City Attorney's office drafted an ordinance that makes all the necessary updates per City Council direction. The final draft ordinance is attached to this Council Action Form. This ordinance also includes some minor housekeeping corrections to the listing of Municipal Parking Lots.

A thorough inventory of parking regulation signs were taken in the business areas of Ames, and staff determined that approximately 235 signs will need to be either modified or replaced to reflect the new overnight restrictions. This effort is expected to take several weeks depending on other work priorities of staff. Public Works has already begun coordination with the Police Department regarding enforcement during this transition period to minimize any potential confusion to our customers.

ALTERNATIVES:

1. Approve first passage of the ordinance to update Section 18.31 of the Municipal Code and waive the requirement for three readings, thereby approving second and third readings, and adopting the ordinance.
2. Approve first passage of the ordinance to update Section 18.31 of the Municipal Code only.
3. Reject the ordinance.

MANAGER'S RECOMMENDED ACTION:

To be as responsive to request by our customers and businesses it will be important to implement this parking change. It should be noted that this change appears to have broad support by our business district parking users. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.**

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 18, SECTION 18.31 (91) AND ENACT A NEW CHAPTER 18, SECTION 18.31(91) AND BY AMENDING CHAPTER 18, SECTION 18.31(38)(a), (50),(55)(a),(73)(b),(117)(b)(c),(137)(a),(147)(b),(153),(167)(c)(d)(e)(f)(g)(h)(i)(j)(k)(l)(m)(n)(n),(178)(b),(251)(a)(b)(c)(d)(e),(252)(a)(b)(c)(d)(e), (293)(a)(b)(d), THEREOF, FOR THE PURPOSE OF RESTRICTION OF OVERNIGHT PARKING FROM 4:00 AM AND ENDING AT 6:00 AM, SEVEN DAYS A WEEK, AND APPLY THE SNOW ORDINANCE TO THE DOWNTOWN BUSINESS DISTRICT AND THE CAMPUSTOWN BUSINESS DISTRICT 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 amending Chapter 18, Section 18.31 as follows:

“Sec. 18.31. REGULATIONS FOR SPECIFIC STREETS OR LOCATIONS.

...

(38) BURNETT AVENUE.

(a) Parking is prohibited between 4:00 a.m. and 6:00 a.m. from Main Street to Seventh Street.

...

(50) CHAMBERLAIN STREET. Parking is prohibited between 4:00 a.m. and 6:00 a.m. from Lynn Avenue to Hayward Avenue.

...

(55) CLARK AVENUE.

(a) Parking is prohibited on both sides between 4:00 a.m. and 6:00 a.m. from Main Street to Seventh Street.

...

(73) DOUGLAS AVENUE.

(b) Parking is prohibited between 4:00 a.m. and 6:00 a.m. from Main Street to Seventh Street.

...

(91) FIFTH STREET.

(a) Parking is prohibited at all times on both sides from the east line of Grand Avenue to the west line of Pearle Avenue;

(b) Parking is prohibited on everyday between 4:00 a.m. and 6:00 a.m. from Duff Avenue to Grand Avenue;

(c) Angle parking is permitted on the both sides from Carroll Avenue to Duff Avenue.

(d) Parking is limited to two hours on the north side of 5th Street from 40 feet west of Allen Drive west 140 feet to the Pyle Office Park entry drive.

Also see Sec. 18.25, Reserved for Official Cars.

(Ord. No. 2017, Sec. 2, 1-21-64; Ord. No. 2078, Sec. 2, 7-20-65; Ord. No. 2228, Sec. 2, 3-19-68; Ord. No. 2449, Sec. 2, 7-24-73; Ord. No. 2980, Sec. 1, 6-30-87; Ord. No. 2988, Sec. 1, 10-6-87, Ord. No. 3650, 2-26-02)

See also South Fifth Street.

(117) **HAYWARD AVENUE.**

...

(b) Parking is prohibited at all times on the west side from the south line of Lincoln Way (extended) to Mortensen Road.

(c) Parking is prohibited between the hours of 4:00 a.m. and 6:00 a.m. from Lincoln Way to Hunt Street; and on the east side between the hours of 2:00 a.m. and 6:00 a.m. from Hunt Street to Mortensen Road.

...

(137) **KELLOGG AVENUE.**

(a) Parking is prohibited everyday between 4:00 a.m. and 6:00 a.m. from Lincoln Way to Seventh Street.

...

(147) **LINCOLN WAY.**

...

(b) Parking is prohibited between 4:00 a.m. and 6:00 a.m. from Lynn Avenue to Sheldon Avenue.

...

(153) **MAIN STREET.** Parking is prohibited at all times on both sides from the west line of Duff Avenue to the west for a distance of one hundred and fifty-one feet (151'); and on the north side from the west line of Pearle Avenue to Grand Avenue; and on the south side thereof from the west line of Clark Avenue west sixty-eight (68) feet and from a point one hundred and seventy-nine (179) feet east of the west line of Pearle Avenue west to Grand Avenue.

Parking is prohibited between 4:00 a.m. and 6:00 a.m. everyday from Duff Avenue to Allan Drive.

...

(167) **MUNICIPAL PARKING LOTS.**

...

(c) Lot P (Gilchrist), east parking district: Parking is limited to metered spaces only.

(d) Lot Q, east parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. every day, except for those vehicles lawfully parked in spaces reserved pursuant to Section 18.5.

(e) Lot S, east parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. except for those vehicles lawfully parked in spaces re-served pursuant to Section 18.5

(f) Lot T, west parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. every day, except for those vehicles lawfully parked in spaces reserved pursuant to Section 18.5.

(Ord. No. 3779, 07-13-04)

(g) Lot V, east parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. every day, except for those vehicles lawfully parked in spaces reserved pursuant to Section 18.5.

(h) Lot W, east parking district: Parking is limited to permit parking only in stalls 1-16, otherwise, Parking is not prohibited.

- (i) Lot X, west parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. except for those vehicles lawfully parked in spaces re-served pursuant to Section 18.5
(Ord. No. 3779, 07-13-04)
- (j) Lot X, east parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. except for those vehicles lawfully parked in spaces reserved pursuant to Section 18.5.
(Ord. No. 3750, 12-16-03)
- (k) Lot Y, west parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. except for those vehicles lawfully parked in spaces reserved pursuant to Section 18.5
(Ord. No. 3779, 07-13-04)
- (l) Lot Y, east parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. except for those vehicles lawfully parked in spaces reserved pursuant to Section 18.5
(Ord. No. 3750, 12-16-03)
- (m) Lot Z, west parking district: Parking is limited to permit parking only.
- (n) Lot Z, east parking district: Parking is prohibited between 4:00 a.m. and 6:00 a.m. everyday, except for those vehicles lawfully parked in spaces reserved pursuant to Section 18.5;

...

(178) **NORTHRIDGE PARKWAY.**

...

- (b) Parking is prohibited on both sides of Northridge Parkway from 4:00 a.m. to 6:00 a.m. from Kent Avenue to Stange Road, and on the north side from 4:00 a.m. to 6:00 a.m. from Stange Road to a point 300 feet west of Stange Road.

...

(251) **STANGE ROAD.**

- (a) Parking is prohibited at all times on the west side from 24th Street to Camden Drive.
- (b) Parking is prohibited at all times on the east side from 24th Street to Bristol Drive.
- (c) Parking is prohibited at all times on both sides from Clayton Drive to the north end of Stange Road.
- (d) Parking is prohibited from 4:00 am to 6:00 am on the east side from a point 330 feet north of Northridge Parkway to a point 360 feet south of Northridge Parkway.
- (e) Parking is prohibited from 4:00 am to 6:00 am on the west side from Northridge Parkway to Aspen Road.

(252) **STANTON AVENUE.**

- (a) Parking is prohibited on Monday, Wednesday and Friday on the west side and on Tuesday, Thursday, Saturday and Sunday on the east side from midnight to 9:00 p.m. from Baker Street to the south end of Stanton Avenue.
- (b) Parking is prohibited at all times on both sides from Lincoln Way to Knapp Street except at the location of designated parking meter spaces.
- (c) Parking is prohibited at all times on the west side from Knapp Street to the south line of the intersection of Stanton Avenue and Baker Street.
- (d) Parking is prohibited for more than four hours, between 7:00 a.m. and 7:00 p.m. on the side on which it is lawful to park south of Baker Street.
- (e) Parking is prohibited for more than fifteen minutes in the southern most 2 parking stalls located on the west side of Stanton Avenue in front of 119 Stanton Avenue.

...

(293) **WELCH AVENUE.**

(a) Parking is prohibited at all times on the west side between 4:00 a.m. and 6:00 a.m. from Lincoln Way to Storm Street.

(b) Parking is prohibited at all times on the east side between 4:00 a.m. and 6:00 a.m. from Lincoln Way to Hunt Street.

...

(d) Parking is prohibited for more than four (4) hours on the west side from Knapp Street to Storm Street.

...

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

MEMO

Legal Department

To: Mayor Haila and Ames City Council

From: Mark O. Lambert, City Attorney

Date: July 13, 2018

Subject: Eligibility of duplexes for a rental Letter of Compliance – Item No. 6

At the July 10, 2018 Council meeting, the Council approved a motion directing staff to draft an amendment to the Rental Cap Ordinance regarding the ability of duplexes to obtain Letters of Compliance despite the 25% rental cap. Attached is the ordinance.

For ease of seeing the proposed changes, I provide the paragraph below, which takes the original language adopted in May, and indicates the changes. (Deletions are indicated by strike-throughs, additions by underlining). The relevant paragraph is from Ames Municipal Code Sec. 13.300(9):

Rental dwellings in a Rental Concentration Cap Neighborhood with a rental registration or Letter of Compliance in place as of the date of establishment of a Rental Concentration Cap Neighborhood will be allowed to remain as registered rental properties and may renew their Letters of Compliance even if the number of rental dwellings is above the 25% cap. Additionally, the owner of a dwelling constructed as a duplex ~~that has obtained a Letter of Compliance on one legally established unit of a duplex~~ may register and obtain a Letter of Compliance on one or both units ~~the other legally established unit~~ of the duplex, regardless of whether the 25% cap is exceeded in the neighborhood. If a registered rental dwelling that was not constructed as a duplex ceases to operate as a licensed rental dwelling, the owner cannot subsequently register the dwelling if the registration would cause the ratio of rental dwellings to other dwellings to exceed 25%. Transitional Letters of Compliance may be issued regardless of the 25% cap.

As staff discussed this matter, the issue came up of duplexes that were constructed as duplexes versus single-family dwellings that have been converted into duplexes. Although Council did not specify such, staff believed that the Council's intent was to ensure that duplexes that were constructed as duplexes would be eligible to obtain LOCs, because such buildings are primarily built to be rentals. Therefore, rather than saying that all duplexes could obtain an LOC for one or both sides, staff drafted the ordinance to say that duplexes "constructed as" duplexes were eligible to obtain LOCs despite the 25% rental cap. If Council would like the ordinance to apply to all duplexes, including former single-family homes that were converted to duplexes, Council can move to amend the ordinance.

For your information, the City's Zoning Ordinance allows existing two-family homes to be torn down and rebuilt, but does not allow new two-family homes to be established in the RL or UCRM zoning districts. Therefore, we do not face the issue of a single-family home in a Rental Cap Neighborhood being demolished and rebuilt as a duplex that wouldn't be subject to the rental cap.

#

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING CHAPTER 13, SECTION 13.300 (9) THEREOF, FOR THE PURPOSE OF LIMITATION ON NUMBER OF RENTAL PROPERTIES IN CERTAIN NEIGHBORHOODS 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 amending Section 13.900 as follows:

DIVISION III
RENTAL REGISTRATION AND INSPECTION PROGRAM

“Sec. 13.300. GENERAL

...

(9) Limitation on number of rental properties in certain neighborhoods.

...

Rental dwellings in a Rental Concentration Cap Neighborhood with a rental registration or Letter of Compliance in place as of the date of establishment of a Rental Concentration Cap Neighborhood will be allowed to remain as registered rental properties and may renew their Letters of Compliance even if the number of rental dwellings is above the 25% cap. Additionally, the owner of a dwelling constructed as a duplex may register and obtain a Letter of Compliance on one or both units of the duplex, regardless of whether the 25% cap is exceeded in the neighborhood. If a registered rental dwelling that was not constructed as a duplex ceases to operate as a licensed rental dwelling, the owner cannot subsequently register the dwelling if the registration would cause the ratio of rental dwellings to other dwellings to exceed 25%. Transitional Letters of Compliance may be issued regardless of the 25% cap.”

...

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

MEMO

Legal Department

To: Mayor Haila and Ames City Council

From: Mark O. Lambert, City Attorney

Date: July 13, 2018

Subject: Proposed revisions to Rental Cap/Hardship Exceptions ordinance – Item #7

On July 10, 2018, Council considered three possible amendments to the Rental Cap/Hardship Exceptions ordinance. Council tabled the second reading of the ordinance to the July 17 Council meeting to allow public input before voting on these proposed amendments and proceeding with its vote on the second reading.

Generally, the proposed changes are:

1. To establish that a Letter of Compliance obtained under the Rental Cap Exception could not be transferred to a new owner of the property.
2. To limit the “building/etc. permit” option under the Rental Cap Exception to those who obtained a permit “on or after October 28, 2016” and prior to October 27, 2017.
3. To adjust the wording of the sentence defining an “abutting side” under the Hardship Exception so that a more precise wording than “includes” was used.

There are two attachments: The proposed ordinance as it now stands, and the ordinance with the above changes incorporated.

Re: #1, the following changes were made (strike-throughs indicate deletions, underlining indicates new language):

(10) Rental Concentration Cap Exception

For properties within a Rental Concentration Cap Neighborhood, a property owner of record on October 27, 2017 may apply for an exception in order to

register their primary residence as a rental property and complete all requirements of the Rental Code to obtain a Letter of Compliance. The property owner is responsible for all application requirements for the exception, registering the property, and obtaining a Letter of Compliance. ~~Upon completion of the requirements for the Letter of Compliance, the property may be sold to another property owner for use as a rental property.~~ A Letter of Compliance obtained under this exception is not transferable to a new owner upon the sale or transfer of ownership of the property. Any property sold subsequent to October 27, 2017 without a valid Letter of Compliance in regards to this exception shall not be eligible for a Letter of Compliance.

Re: #2, the following changes were made:

(a) Exception Requirements

i. The property owner must have owned the property as of October 27, 2017 and either 1) the property must be the primary residence of the property owner as of the date of application, or 2) the property owner had obtained, on or after October 28, 2016 and prior to October 27, 2017, a building, electrical, plumbing or mechanical permit which would indicate an intent to convert the property to a rental property.

Re: #3, the following changes were made:

(a) Application Requirements. A property owner must submit documentation related to the following as part of the hardship application:

i. The property must abut registered rental properties on three sides, or the substantial equivalent of three sides. An abutting side includes any shared property line of the subject site and includes property lines with residential property located across the street or an alley. An abutting side ~~includes~~ is any length of a property line that is 20 feet in length or greater.

Staff will return with a new version of the ordinance for third reading reflecting the amendments adopted prior to the second reading.

#

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING NEW SECTIONS 13.201 TERMS DEFINED "PRIMARY RESIDENCE" AND SECTION 13.300 (10) AND (11) THEREOF, FOR THE PURPOSE OF RENTAL CONCENTRATION EXCEPTIONS 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 new Sections 13.201 Terms Defined "Primary Residence" and Section 13.300 (10) and (11) as follows:

"Sec. 13.201. TERMS DEFINED

...

PRIMARY RESIDENCE: A residence which is the only place where a person has a true, fixed, and permanent home, and to where, whenever the person is briefly and temporarily absent, the person intends to return. A property owner may have only one primary residence.

...

Sec. 13.300. GENERAL

...

(10) Rental Concentration Cap Exception

For properties within a Rental Concentration Cap Neighborhood, a property owner of record on October 27, 2017 may apply for an exception in order to register their primary residence as a rental property and complete all requirements of the Rental Code to obtain a Letter of Compliance. The property owner is responsible for all application requirements for the exception, registering the property, and obtaining a Letter of Compliance. Upon completion of the requirements for the Letter of Compliance, the property may be sold to another property owner for use as a rental property. Any property sold subsequent to October 27, 2017 without a valid Letter of Compliance in regards to this exception shall not be eligible for a Letter of Compliance.

The exception is subject to minimum application standards and performance requirements described below. The exception may be approved by the Building Official upon review of the application for consistency with the standards of this Chapter. The Building Official may forward the application to the City Council for review upon any finding of irregularity in documentation with the application. A property owner may appeal the decision of the Building Official to the City Council. Property owners determined to have been renting without a required Letter of Compliance are not eligible for the exception.

(a) Exception Requirements

i. The property owner must have owned the property as of October 27, 2017 and either 1) the property must be the primary residence of the property owner as of the date of application, or 2) the property owner had obtained, prior to October 27, 2017, a building, electrical, plumbing or mechanical permit which would indicate an intent to convert the property to a rental property.

- ii. An application to register the property must be received by September 1, 2018.
- iii. The property owner must obtain an initial inspection and complete all requirements for a Letter of Compliance within six (6) months of the inspection date.
- iv. If a property owner has not obtained a Letter of Compliance within six months, the property registration shall expire and may not be renewed or reapplied for under this exception.
- v. Upon receipt of a Letter of Compliance for the property, a Letter of Compliance may not be renewed after twelve months from the original approval if the property is not used as bonafide rental property. Each subsequent renewal of the Letter of Compliance after the initial twelve months is subject to the property's continued use as a bonafide rental property.

(11) Property Sale Hardship Exception.

For properties within a Rental Concentration Cap Neighborhood, a property owner may apply to the Building Official for a hardship exception to allow registration of the property for rental purposes in order to facilitate the sale of the property. The hardship exception is subject to minimum application standards described below and may be approved by the City Council upon review of the application.

Approval of the Property Sale Hardship by the City Council is for a six-month period to allow for sale of property to a new owner in an arms-length transaction to another party. The property owner may request a six month extension of the approval in order to complete work required to obtain a letter of compliance and/or to complete the sale and transfer of the property. An initial Letter of Compliance (LOC) will only be issued for one year for property registered under the hardship exception process. The LOC cannot be renewed by the property owner approved for a hardship, but can be renewed by the new property owner consistent with the standards of the Rental Code. Property owners determined to have been renting without a required Letter of Compliance are not eligible for a Property Sale Hardship Exception.

(a) **Application Requirements.** A property owner must submit documentation related to the following as part of the hardship application:

- i. The property must abut registered rental properties on three sides, or the substantial equivalent of three sides. An abutting side includes any shared property line of the subject site and includes property lines with residential property located across the street or an alley. An abutting side includes any length of a property line that is 20 feet in length or greater.
- ii. The property must have been purchased or under a purchase agreement by the current owner prior to October 27, 2017.
- iii. The property has been offered and advertised for a minimum nine (9) consecutive months with a licensed realtor prior to the application for hardship.
- iv. Disclosure of any offers to purchase the property which have been declined.
- v. The original purchase price and date of purchase.
- vi. An appraisal prepared by a licensed appraiser for the value of the dwelling that also includes comparable sales within the appraisal.
- vii. A home inspection report describing the condition of the property.
- viii. Rental Housing Code pre-inspection and cost estimate for compliance with the Rental Housing code.

Upon submittal of the application to the Building Official, staff will review for completeness and adequacy of documentation provided within 10 days. Staff may request additional documentation in relation to the application requirements to determine completeness. Upon a determination that the application is complete, the application will be forwarded to the City Council within 30 days for Council review. The City Council may approve a property sale hardship upon making both of the following findings:

1. The advantages to the neighborhood and the City of allowing for the property to be registered as a rental property to facilitate its sale outweigh the disadvantages to the neighborhood and City of exceeding the rental concentration cap.

2. The sale of the property would have been possible at a reasonable market value as a single family dwelling, but for the existence of the rental concentration cap.”

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

**Proposed revisions to Rental Cap
Hardship Exceptions**

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For properties within a Rental Concentration Cap Neighborhood, a property owner of record on October 27, 2017 may apply for an exception in order to register their primary residence as a rental property and complete all requirements of the Rental Code to obtain a Letter of Compliance. The property owner is responsible for all application requirements for the exception, registering the property, and obtaining a Letter of Compliance. A Letter of Compliance obtained under this exception is not transferable to a new owner upon the sale or transfer of ownership of the property. Any property sold subsequent to October 27, 2017 without a valid Letter of Compliance in regards to this exception shall not be eligible for a Letter of Compliance.

The exception is subject to minimum application standards and performance requirements described below. The exception may be approved by the Building Official upon review of the application for consistency with the standards of this Chapter. The Building Official may forward the application to the City Council for review upon any finding of irregularity in documentation with the application. A property owner may appeal the decision of the Building Official to the City Council. Property owners determined to have been renting without a required Letter of Compliance are not eligible for the exception.

(a) Exception Requirements

i. The property owner must have owned the property as of October 27, 2017 and either 1) the property must be the primary residence of the property owner as of the date of application, or 2) the property owner had obtained, on or after October 28, 2016 and prior to October 27, 2017, a building, electrical, plumbing or mechanical permit which would indicate an intent to convert the property to a rental property.

- September 1, 2018.
- ii. An application to register the property must be received by
- iii. The property owner must obtain an initial inspection and complete all requirements for a Letter of Compliance within six (6) months of the inspection date.
- iv. If a property owner has not obtained a Letter of Compliance within six months, the property registration shall expire and may not be renewed or reapplied for under this exception.
- v. Upon receipt of a Letter of Compliance for the property, a Letter of Compliance may not be renewed after twelve months from the original approval if the property is not used as bonafide rental property. Each subsequent renewal of the Letter of Compliance after the initial twelve months is subject to the property's continued use as a bonafide rental property.

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 - ii. The property must have been purchased or under a purchase agreement by the current owner prior to October 27, 2017.
 - iii. The property has been offered and advertised for a minimum nine (9) consecutive months with a licensed realtor prior to the application for hardship.
 - iv. Disclosure of any offers to purchase the property which have been declined.
 - v. The original purchase price and date of purchase.
 - vi. An appraisal prepared by a licensed appraiser for the value of the dwelling that also includes comparable sales within the appraisal.
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- 1. The advantages to the neighborhood and the City of allowing for the property to be registered as a rental property to facilitate its sale outweigh the disadvantages to the neighborhood and City of exceeding the rental concentration cap.

2. The sale of the property would have been possible at a reasonable market value as a single family dwelling, but for the existence of the rental concentration cap.”

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