

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING BY REPEALING SECTIONS 13.100(5)(a), 13.201 OWNER-OCCUPIED DWELLING UNIT, 13.303, 13.406(5)(a)(b)(c), 13.503(5)(e)(iii)(iv) AND ENACTING NEW SECTIONS 13.100(5)(a) 13.201 TERMS DEFINED; ADULT, OWNER-OCCUPIED DWELLING UNIT, NEAR CAMPUS NEIGHBORHOODS, 13.303, 13.406(5)(a)(b)(c)(d)(e) AND 13.503(5)(e)(iii)(iv) THEREOF, FOR THE PURPOSE OF RENTAL HOUSING CODE MODIFICATIONS 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 Sections 13.100(5)(a), 13.201 Owner-Occupied Dwelling Unit, 13.303, 13.406(5)(a)(b)(c), 13.503(5)(e)(iii)(iv), and enacting new Sections 13.100(5)(a) 13.201 Terms Defined; Adult, Owner-Occupied Dwelling Unit, Near Campus Neighborhoods, 13.303, 13.406(5)(a)(b)(c)(d)(e) AND 13.503(5)(e)(iii)(iv) as follows:

“Sec. 13.100 GENERAL

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(5) Exceptions.

The following residential structures are exempt from these rules:

(a) owner-occupied single family dwellings (see definition of “Owner-Occupied Dwelling Unit” in Section 13.201);

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Sec. 13.201. TERMS DEFINED.

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ADULT. For purposes of determining occupancy, an “adult” is an individual 18 years of age or older; excluded from this definition is the dependent of an adult, both sharing as their primary residence the location of the registered rental property. Dependent status shall be demonstrated through a current tax return or court-ordered guardianship or court-ordered conservatorship.

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OWNER-OCCUPIED DWELLING UNIT: Any townhouse, condominium, or detached dwelling that is occupied as a dwelling by the owner or owner’s relative within the first degree of consanguinity (mother, father, daughter, son, sister, brother); and may include a live-in nanny; live-in nurse; one live-in exchange student; or one roomer. If there is more than one roomer, nanny, live-in nurse or live-in exchange student living in the unit, the unit will be considered a rental unit, and not an owner-occupied dwelling unit.

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NEAR CAMPUS NEIGHBORHOODS means certain neighborhoods near Iowa State University, as designated by a Resolution adopted by the City Council.

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 acceptance of new rental registrations and issuance of new Letters of Compliance for single-family and two family homes is established and in effect within the Near Campus Neighborhoods. Except as noted in subsections (3) and (4) below, no new rental registrations will be accepted by the City and no new 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 presale 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) The moratorium is effective until May 31, 2018, at which point this section shall become null, void and of no future effect.

Sec. 13.406. EXTERIOR PROPERTY AREAS

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(5) Computation of required off-street parking spaces.

(a) A parking space for each vehicle must be no less than 19 feet in length and 9 feet in width, and located upon an approved driveway that leads to the side or rear yard or to a garage. The area allocated for each vehicle must be available for parking at all times. Stacked parking for single family and two family dwellings is permitted for all required parking spaces.

(b) Garage parking spaces shall be counted as approved off-street parking spaces if the required area for each vehicle is available for parking at all times.

(c) Specific site conditions that may prevent compliance with these requirements shall be reviewed and may be approved on an individual case basis by the Building Official.

(d) Single family or two family dwelling units shall have at least two off-street parking spaces.

(e) Prior to May 1, 2018, off-street parking spaces in the Near Campus Neighborhoods shall be limited to a garage, driveway or other legal parking spaces existing as of January 1, 2018. Additional off-street parking spaces may be added after April 30, 2018.

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Sec. 13.503(5) Limits based on Zoning District - Maximum Occupancy

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(e) The maximum occupancy for a single-family or a two-family dwelling unit shall be based upon compliance with all standards of the Code, including but not limited to parking spaces, area requirements, habitable space requirements, and the following:

...

(iii) For rental dwelling units located within the Near Campus Neighborhoods and that are registered as of January 1, 2018, the number of bedrooms for determining maximum occupancy shall be determined by the number of bedrooms listed in the records of the Ames City Assessor as of January 1, 2018, or by the number of bedrooms reflected in the inspection records of the City of Ames Inspections Division as of January 1, 2018, whichever number is higher.

(iv) For rental dwellings located within the Near Campus Neighborhoods for which a registration is being sought after January 1, 2018, the number of bedrooms for determining maximum occupancy shall be determined by an inspection by the Inspection Division.”

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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