

COUNCIL ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO DEFINE BEDROOM AND LIVING ROOM FOR PURPOSES OF CALCULATING PARKING REQUIREMENTS

BACKGROUND:

Table 29.406(2) of the Ames *Municipal Code* specifies the following minimum off-street parking requirements for Apartment Dwellings and Dwelling Houses:

Apartment Dwellings:

- 1.5 space/RU*; for one-bedroom units
- 1 space/bedroom for units of 2 bedrooms or more
- 1.25 space/bedroom for units of 2 bedrooms or more in University Impacted (O-UIE and OUIW).

Dwelling House:

- 1 space per bedroom

[*Note: RU means *residential unit*]

The above parking standards are based upon the number of bedrooms in the defined living units. However, the zoning code contains no definition of what constitutes a bedroom. To ensure that some rooms in an apartment or dwelling house are not counted as bedrooms for purposes of minimizing parking requirements, recently submitted building plans sometimes label some rooms on the submitted floor plans as “den” or “office”, even though the rooms have a layout and arrangement that provide the separation and privacy that typifies most bedrooms. A label on a building plan is typically not something that occupants will ever see or feel bound by. More typically, they will use the rooms of their living units in a manner that is logical, customary, and/or convenient to their individual needs. The initial resident may indeed want to use a room as a den, but a future resident may need the same room for a bedroom, and may assume it is a bedroom if the layout suggests or facilitates that type of use.

Parking standards that are based upon the number of bedrooms in a unit are based upon a correlation between the number of persons afforded semi-private spaces in the unit and the number of persons who drive and have need for parking. A label on the building plan defining a non-bedroom use does not negate the parking impact if the room is indeed used as a bedroom for an additional household member who also owns a car.

Lacking a specific definition of bedroom in the zoning code, we are left with the common definitions as contained in the dictionary. Merriam-Webster’s New Edition Dictionary defines *bedroom* as: “A room containing a bed and used esp. for sleeping”. This definition

is based upon actual use rather than intended use of the room. Therefore, if a room labeled as a “den” is actually used for sleeping, it is by definition a bedroom. Inasmuch as the City has no practical means to determine actual use once a building has been permitted occupancy, and since as the number of parking spaces on a site cannot flex as the use of a room changes, the bedroom-based parking standards should be based upon a reasonable likelihood that a room will be considered a bedroom by its occupants. Accordingly, if the room can actually be used for a bedroom, and if the layout makes it likely that initial or future occupants will assume it is a bedroom, it should be considered a bedroom to ensure that all parking impacts related to the number of bedrooms are mitigated.

The proposed text amendments define bedroom to address the concerns stated above. Additionally, because the proposed definition of a bedroom references *living rooms*, a definition of living room is also proposed. Living rooms are referenced in the definition of bedrooms to ensure that they are not misconstrued as bedrooms when calculating parking requirements.

PROPOSED DEFINITIONS

Bedroom: A bedroom is any room or area within a dwelling unit that: is not a kitchen, bathroom, hallway or foyer; is at least 70 square feet and otherwise complies with building and fire code compliance for a bedroom; and does not provide the sole means of access or passage into any other room in the living unit except a bathroom or closet. If under this definition there is no remaining room or area in the living unit that can reasonably be used as a living room, then one bedroom may be considered a living room if it otherwise meets the definition of living room.

Living Room: A living room is typically (though not exclusively) the largest finished room by floor area in a residential living unit. It may or may not have a dining area, has at least one window, and is accessed directly from a foyer, kitchen, or dining room/area, common hallway (as in an apartment building), and/or exterior doorway.

Consistency with the Land Use Policy Plan. This proposed amendment is rather insignificant in terms of broader planning objectives. There is no indication that it is contrary to the LUPP.

Recommendation of the Planning & Zoning Commission. There was considerable discussion of this item by the Planning & Zoning Commission at its meeting of March 3, 2010. One commissioner said he believes this is another extension of government where it has not been before, and that he does not know if it is a priority on which we need to be spending our time. Another commissioner expressed concern over the way this text amendment was written, believing it has student implications, similar to the couch burning issue. He also suggested that it borders on having racial overtones, especially since some cultures have several people living in a single unit. Other commissioners believed that the proposed language addressed only the parking issue, that regulation of parking was needed, and that the number of individuals allowed to live in a residential unit was regulated separately. By a vote of 5-2, the Commission recommended approval of the

proposed language adding the definitions of bedroom and living room to Section 29.201 of the zoning code.

ALTERNATIVES:

1. The City Council can adopt the proposed language adding the above definitions of bedroom and living room to Section 29.201 of the zoning code, per the attached ordinance.
2. The City Council can adopt the proposed definitions of bedrooms and living rooms with modifications.
3. The City Council can choose to not approve the proposed definitions of bedroom and living room.
4. The City Council can refer this back to staff for additional analysis.

MANAGER'S RECOMMENDED ACTION:

The proposed definitions will ensure a consistent determination of what constitutes a bedroom for calculating parking requirements. That determination would not depend upon how current or future tenants choose to use the rooms of their living units. This will better ensure that adequate parking is provided regardless of how occupants use the rooms of their apartments or dwelling houses.

City staff met with members of the local development community to discuss these changes and to get their input. Those who commented stated that they have no problems with the proposed language.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, adding the above definitions of bedroom and living room to Section 29.201 of the zoning code per the attached ordinance.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SUB-SECTIONS 29.201(221) AND 29.201(222) THEREOF, ADDING DEFINITIONS TO DEFINE BEDROOM AND LIVING ROOM FOR PURPOSES OF CALCULATING PARKING REQUIREMENTS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; 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 sub-sections 29.201(221) and 29.201(222)as follows:

“Sec. 23.201. DEFINITIONS.

(221) Bedroom. A bedroom is any room or area within a dwelling unit that: is not a kitchen, bathroom, hallway or foyer; is at least 70 square feet and otherwise complies with building and fire code compliance for a bedroom; and does not provide the sole means of access or passage into any other room in the living unit except a bathroom or closet. If under this definition there is no remaining room or area in the living unit that can reasonably be used as a living room, then one bedroom may be considered a living room if it otherwise meets the definition of living room.

(222) Living Room. A living room is typically (though not exclusively) the largest finished room by floor area in a residential living unit. It may or may not have a dining area, have a least one window, and be accessed directly from a foyer, kitchen, or dining room/area, common hallway (as in an apartment building), and/or exterior doorway.”

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

Section Three. 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
001218

Ann H. Campbell, Mayor