

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 13.104 (1)(c), SECTION 13.201 TERM OF “FAMILY”, SECTION 13.406(5)(a)(b)(c), SECTION 13.503(4),(5) AND ENACTING A NEW SECTION 13.104(1)(c), SECTION 13.406(5)(a)(b)(c)(d)(e)(f), SECTION 13.503(4)(a),(b),(c)(i)(ii),(d),(e)(i)(ii)(iii)(iv) THEREOF, FOR THE PURPOSE OF RESIDENTIAL OCCUPANCY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 13.104(1)(c), Section 13.406(5)(a)(b)(c)(d)(e)(f), Section 13.503(4)(a),(b),(c)(i)(ii),(d),(e)(i)(ii)(iii)(iv) as follows:

“Sec. 13.104. VIOLATIONS AND ENFORCEMENT.
(1) Violations.

(c) No person shall occupy, nor shall the owner or operator allow any persons to occupy, any dwelling unit in excess of the maximum occupancy permitted in this chapter.

Sec. 13.406. EXTERIOR PROPERTY AREAS

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

Number and dimensions of off-street parking spaces must comply with standards in the Zoning Ordinance Section 29.406, and the following:

(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 rental dwelling units with one, two, or three bedrooms shall have at least two off-street parking spaces.

(e) Single family or two family dwelling units with four or more bedrooms shall have at least one off-street parking space for each bedroom accounted for in determining maximum occupancy.

(f) Prior to May 1, 2018, off-street parking spaces 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.

Sec. 13.503. OCCUPANCY LIMITATIONS

The maximum occupancy for dwelling houses and apartment units 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:

(4) **Limits based on Zoning District - Maximum Occupancy**

(a) In all cases, each dwelling unit shall provide habitable floor space totaling at least eighty (80) square feet for the first occupant and sixty (60) square feet for each additional occupant.

(b) For Dwelling Houses, where permitted as a use in the Zoning Ordinance, the maximum occupancy of a dwelling unit shall be one more adult than the number of bedrooms, up to five adults, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more bedrooms, and one bedroom units shall have 1.5 parking spaces per unit.

(c) Apartments in Residential Zones.

(i) The maximum occupancy is one more adult than the number of bedrooms, up to five adults, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more bedrooms, and one bedroom units shall have 1.5 parking spaces per unit.

(ii) Provided, however, that with respect to dwelling units that, as of May 1, 2000, had a current Letter of Compliance stating an occupancy limit greater than the aforesaid, such occupancy limit shall be allowed to continue until such time as negated by a change of use or conditions in the property that would restrict the number of occupants in accordance with this subsection.

(d) Apartment Buildings Commercial Zoning. Maximum occupancy is one more adult than the number of bedrooms, up to five adults, when parking is provided consistent with the Zoning standards and Site Development Plan approval.

(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:

(i) Three adult occupants for one, two and three bedroom dwelling units.

(ii) One adult occupant per bedroom, with a maximum of five adult occupants, for dwelling units with four or more bedrooms.

(iii) For rental dwelling units 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 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 Inspections Division.”

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

Ann H. Campbell, Mayor