

COUNCIL ACTION FORM

SUBJECT: RENTAL HOUSING OCCUPANCY CODE MODIFICATIONS

BACKGROUND:

At the Council Workshop on March 20, 2018, the City Council discussed revisions to the Rental Code as a result of the ongoing rental occupancy conversations. That discussion resulted in the following motions:

- 1.) *Moved by Martin, seconded by Corrieri, based on the evidence received, to request an amendment to the Occupancy Ordinance from January 9, 2018, to eliminate the count of parking spots as a factor in computing the allowable occupancy in a rental dwelling unit throughout the entire City of Ames.*
- 2.) *Directed staff to tie the occupancy to the number of bedrooms that were counted as of January 1, 2018 and that number be frozen in the Moratorium areas only.*
- 3.) *Moved by Nelson, seconded by Betcher, to add Section 13.201. TERMS DEFINED, as follows:*

“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.”

- 4.) *Moved by Martin, seconded by Beatty-Hansen, to keep the consanguinity clause, and add a statement clarifying that if a dwelling unit has more than one roomer, it is not owner-occupied; thus, if there is more than one roomer, the unit may be subject to registration and inspection requirements.*

FIRST MOTION

The first motion listed above is to remove the tie between parking and occupancy. The current code states the following:

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.*

To make the requested changes, staff has removed subsection (e) and replaced it with subsection (f) as follows:

Sec.13.406 Exterior Property Areas

(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 University Adjacent 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.*

SECOND MOTION

The second motion freezes the number of occupants in the University Adjacent Neighborhoods only. The current code language states the following:

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

- (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.”*

Subsections (iii-iv) above freeze the number of occupants throughout the City. To freeze occupants only in the University Adjacent Neighborhoods, staff has added language so that subsections (iii-iv) only apply to the University Adjacent Neighborhoods, as follows.

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

- (iii) For rental dwelling units located within the University Adjacent 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 University Adjacent 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.”*

THIRD MOTION

The following proposed language adds the definition of adult as requested in the third motion above:

Sec. 13.201. TERMS DEFINED.

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.

FOURTH MOTION

The final motion above requests clarification to be added to the definition of ‘owner-occupied’. Staff has added the underlined language to clarify the definition as follows:

13.201 TERMS DEFINED

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.

In an effort to help clarify when a property needs to be registered, staff has added the following underlined language in the list of types of properties that are excepted from the rental code:

Sec. 13.100 GENERAL

(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) ;

DEFINITION OF “UNIVERSITY ADJACENT NEIGHBORHOODS

In addition to the motions above, staff has added the following definition of ‘University Adjacent Neighborhoods:

13.201 TERMS DEFINED

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

This will allow Council to adopt a Resolution setting the boundaries of the “University Adjacent Neighborhoods” which means that changing the boundaries in the future can be done by Resolution, instead of amending the ordinance.

MORATORIUM EXTENSION

Staff has also amended the moratorium language so that the registration of rental properties is extended until May 31, 2018. Please note that the prohibition on the issuance of building permits and the addition of bedrooms has been removed to reflect the intent in the code changes requested from the March 20, 2018 workshop. The new moratorium language reads as follows:

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 University Adjacent 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.*

ALTERNATIVES

- 1. The City Council can adopt the proposed modifications to the code sections in their entirety reflecting the changes discussed at the March 20, 2018 Council Workshop.
- 2. The City Council can deny the proposed code sections in their entirety.
- 3. The City Council can amend the proposed code language.

MANAGER’S RECOMMENDATION

The proposed code language reflects the motions made by the City Council over the last two workshops. Therefore, it is the recommendation of the City Manager that the City Council support Alternative #1, thereby adopting the proposed rental code changes highlighted above.

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, UNIVERSITY ADJACENT 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, University Adjacent Neighborhoods, 13.303, 13.406(5)(a)(b)(c)(d)(e) AND 13.503(5)(e)(iii)(iv) as follows:

“Sec. 13.100 GENERAL

...

(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);

...

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.

...

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.

...

UNIVERSITY ADJACENT 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 University Adjacent 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

...

(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 University Adjacent 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.

...

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

...

(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 University Adjacent 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 University Adjacent 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.”

...

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