

COUNCIL ACTION FORM

SUBJECT: UPDATE ON PREPARATION OF ORDINANCE TO REGULATE SHORT-TERM RENTALS

BACKGROUND:

On October 23, 2018, City Council first reviewed a conceptual regulatory framework for short term rentals regarding one and two-family homes. [The original report can be viewed at this link.](#) City Council requested additional information for review on November 13th regarding apartment dwellings and the hospital medical area of the City. On November 13, 2018, the City Council directed staff to proceed with drafting standards that would allow short-term rentals (STRs) within apartments dwellings and to proceed with the described licensing system of one and two-family homes. The proposed change to add apartments required review by the Planning and Zoning Commission as a substantive change to the proposed zoning ordinance text amendment before proceeding with finalizing an ordinance regulating STRs. **The City Council is now asked to review the Commission's recommendation and give direction on proceeding with finalizing the standards for a Short Term Rental Ordinance.**

The Ames Municipal Code changes necessary to address allowing short-term rentals are extensive, as these would be a new type of principal and accessory use within the Zoning Ordinance (Chapter 29), and would establish a new category of licensure, incorporated into a new Chapter of the *Ames Municipal Code* (Chapter 35). Clarifying text amendments for the new use are also included for the Rental Code.

As previously directed in prior reports, the new short-term rental types include: hosted home share; home share; bed & breakfast establishment; and vacation rental. In cases where the property owner is the primary resident, the short-term rental use may be considered as an accessory use to the use of a single-family dwelling as household living. The vacation rental is the exception as short term lodging, where it is considered a principal use because there is no primary resident requirement. A new definition for "primary residence" helps differentiate when a short-term rental would be considered as an accessory or principal use.

The current proposed STR regulations are summarized within Attachment A as a table. Proposed ordinance changes are included as Attachment B, and are summarized as follows:

- Short-term rental period is for 30 consecutive days or fewer.
- Occupancy limitations vary by unit type and are generally based on the number of guest bedrooms with a maximum number of adults allowed. Aligns with the Rental Code only for Vacation Rentals.
- The intent is for an administrative review and approval for Hosted Home Shares and Home Shares as accessory uses, and a Special Use Permit (approved by the Zoning Board of Adjustment) for Bed & Breakfast establishments and Vacation Rentals as a principal use.
- Annual licensing. An annual license is required. An annual license process would include an application fee for administration and inspection. In addition, vacation rentals

would have a one-time fee associated with obtaining a Special Use Permit and an annual fee for Rental Code registration. Licenses are granted to property owners.

- Fire Safety Requirements – Compliance with fire safety requirements of the Rental Code (means of egress and fire protection systems) is required of all short-term rental units. A checklist will be made available and applicants will be required to indicate compliance.
- Inspections – All applications would be subject to verification and inspection for compliance. Initial inspection would be limited to fire safety. Subsequent inspections would be at the discretion of the Enforcement Officer. Vacation rentals would at a minimum be subject to the Rental Code inspection frequency of 2-4 years of the Rental Code regardless of other licensing requirements.
- Renewal/Revocation Standards – The license to operate a short-term rental may be revoked if it is determined that the rental is operating inconsistent with the licensing standards or if there are verified complaints with notice of correction action regarding its operation. An appeal process to the Zoning Board of Adjustment is included the proposed changes.

The proposed regulations provide clear expectations with defined standards for the licensing and operating of a short-term rental, and if needed, enforcement or license revocation. The goal is to minimize possible negative impacts to surrounding residential properties and neighborhoods from the use of homes for transient guest stays.

Allowing STRs within Apartment Buildings

The Zoning Ordinance classifies buildings that include three or more dwelling units, within the boundaries of one or more parcel (regardless of ownership pattern, including condominiums), as apartment buildings.

The originally proposed STR classification system did not include apartment units within the range of allowable types due to distinctions between household living and commercial lodging uses and concerns about occupancy levels with additional “guests.” Additionally, the potential complication of compliance monitoring of tenant relationships and guests is outside of the City’s normal scope of review for rental properties and is viewed as an obligation of the landlord. However, the City Council noted in its initiative to include apartments that they were already subject to Rental Code compliance and that allowing STRs would not necessarily require additional oversight by City staff as a permitted use.

Allowing for STR use within apartment dwellings would affect both residential and commercial districts that allow mixed-use developments with apartments. These are Community Commercial Residential (CCR), Downtown Service District (DSC), Campustown Service Center (CSC) and Downtown Gateway Commercial (DGC). Even though apartments are generally associated with higher density zoning districts, an inventory of January 2019 rental apartments in Ames indicates that even low density (RL) and medium density (RM & UCRM) districts include a number of existing rental apartments.

| Zone | # of: Parcels | Units | |
|-------------|---------------|-------|---|
| RL- | 32 | 152 | (The majority of units are in 3-6 unit buildings [68%]) |
| UCRM- | 24 | 108 | (The majority of units are in 3-6 unit buildings [75%]) |
| RM / O-SFC- | 36 | 207 | (The majority of units are in 3-6 unit buildings [78%]) |
| FS-RM & RM- | 36 | 838 | (The majority of units are in 12 unit or+ bldgs [98%]) |

Apartments are a non-conforming use within the RL zoning district. Apartments within the UCRM zoning district are permitted only as a pre-existing use and apartments within the RM zoning district are permitted, but restricted to 12 or less units per building. Within O-SFC, existing apartments are considered a conforming use, but construction of new apartments is restricted. Changes to the O-SFC are needed to recognize vacation rentals as an allowable principal use within an existing building.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Commission reviewed the proposed text amendment to allow STRs as an allowed use within all apartments at its January 16, 2019 meeting. The Commission reviewed the classification of STRs and licensing parameters from Council’s prior direction in November, information regarding the distribution of apartments, apartments as a nonconforming use, options for licensing and special use permits for apartments, and rental code applicability to apartments and landlords.

The Commission made a unanimous recommendation of approval (5-0) for allowing apartment STRs with the following limitations:

- Home Shares in rental apartments would be allowed as an accessory use in all zoning districts with no tenant or property owner license required. Oversight compliance would be the responsibility of the landlord with no license required.
- Vacation Rentals.
 - Prohibited within RL zoning district for nonconforming apartment building uses.
 - Allowed within all other zones by granting of one license to a property owner for the entire parcel or common development of apartment units.
 - Limit the number of units to the greater of one STR unit or up to 10% of the total number of units on a parcel or common development.
 - An exemption from a Special Use Permit to establish a Vacation Rental would be allowed in certain higher density zoning districts for rental apartments:
 - i. Exempt: RM, RH, FS-RM, NC, CCR, DSC, CSG, DGC.
 - ii. Non-exempt: A, RM / O-SFC, UCRM, RLP, F-VR, FS-RL, F-PRD, S-SMD.

The Planning & Zoning Commission’s recommendations have been incorporated into the draft ordinance text attached. Attachment ‘A’ includes a “Summary of Relevant Standards for STRs” and Attachment ‘B’ the “Draft Text for the Ordinance.”

ALTERNATIVES:

1. The City Council can direct staff to publish notice for a public hearing and finalize the attached draft text amendments as recommended by the Planning and Zoning Commission allowing short-term rentals as an accessory and principal use by dwelling type within the Ames Municipal Code Chapter 29 (Zoning), corresponding references within Municipal Code Chapter 13 (Rental Housing), and creating a new Municipal Code Chapter 35 (Short

Term Rentals), to include definitions, administration, licensing, standards, enforcement, and fees.

2. City Council can direct staff to modify the attached ordinances to allow STRs within apartments with different standards and publish notice for a public hearing and finalize the draft text amendments for allowing STRs as an accessory and principal use by dwelling type within the Ames Municipal Code Chapter 29 (Zoning), corresponding references within Municipal Code Chapter 13 (Rental Housing), and creating a new Municipal Code Chapter 35 (Short Term Rentals), to include definitions, administration, licensing, standards, enforcement, and fees.
3. The City Council can ask for alternative language for the proposed text amendments and direct staff to publish notice for a modified text amendment.
4. The City Council can request additional information and defer taking action.

CITY MANAGER’S RECOMMENDED ACTION:

It is important to consider how amendments to the current code will establish safeguards for both short-term providers and travelers, alleviate neighborhood concerns, and offer a framework that promotes compliance. The proposed change will potentially alter the character of zoning districts by introducing more options for transient guests than are currently allowed. In some cases, this could be detrimental to supporting neighborhoods and maintaining housing supply for household living, although the proposed allowances do create new opportunities for extra income for property owners as well as a variety of accommodations for visitors to Ames. Staff believes that the proposed text amendment provides both a balanced and reasonable method of accommodating short-term rentals.

Each of the four types of proposed short-term rentals has unique attributes related to occupancy, parking, and the approval process. However, objective standards are included in the proposal to enable review for compliance and approval. Additional scrutiny through the Special Use Permit process for Vacation Rentals and for Bed & Breakfast Establishments will help to ensure neighborhood compatibility. Staff notes that Vacation Rentals are subject to the Rental Concentration Cap where no new rental property registrations and letters of compliance are permitted. A property with a current property rental registration and letter of compliance may apply for a Vacation Rental.

Annual STR licensing allows for more frequent contact with operators of establishments compared to a one-time permit process. The licensing process allows for easier enforcement steps if there are problems with the operation of a STR. An annual licensing fee to cover administration and inspection consistent with current Rental Code letters of compliance is planned. City Council also requested additional information on software tools to monitor compliance. City Council will be asked to address the cost of receiving a license and potential costs of monitor compliance prior to adopting the new ordinances.

Upon adoption of new STR standards, the goal would be to allow for public education and seek registration by people currently operating STRs and new operators within a defined time period. Staff believes allowing for submittal of applications within a minimum of an initial four month period and allowing for a stepped in timing of review and approval of permits would be appropriate before commencing with enforcement and citation procedures under the new rules.

Language for the time period to receive applications will be included with the final ordinance proposed for approval by the City Council.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 to publish notice for a public hearing to amend the Zoning Ordinance (Chapter 29) of the Municipal Code for STR uses, amend the Rental Housing Code (Chapter 13) to include vacation rentals, and create Chapter 35 of the Municipal Code to address STR administration, licensing, standards, enforcement, and fees.

ATTACHMENT 'A'
Summary of Relevant Standards for Types of Short-Term Rentals

| Type | Hosted Home Share* | Bed & Breakfast Establishment | Home Share* | Vacation Rental** |
|-----------------------------|---|--|---|--|
| Description | Primary Residence | Primary Residence | Primary Residence | Business/Investment Property |
| | Owner Required to be Present | Owner Required to be Present | Owner Not Required to be Present | Owner Not Required to be Present |
| | Partial Dwelling | Partial Dwelling | Entire Dwelling | Entire Dwelling |
| Maximum # of Bedrooms | 2 | 5 | No Limit | No Limit |
| Maximum # of Guests*** | 2 adults | 2 adults per bedroom | 2 adults per bedroom; Not to exceed 5 adults | 5 adults (Rental Code occupancy standards) |
| Number of STRs Concurrently | 1 guest contract | 1 guest contract per approved bedroom | 1 guest contract | 1 guest contract per dwelling unit. No more than 10% of apartment dwelling units on a parcel, minimum of 1. |
| Maximum # of Days / Year | No Maximum | No Maximum | 90 days per annual renewal period | No Maximum |
| Maximum Stay | 30 consecutive days | 30 consecutive days | 30 consecutive days | 30 consecutive days |
| Parking | No additional required | 1 reserved space per guest bedroom, plus 1 space for owner | 1 space per guest bedroom with a maximum of 5 | 1 space per guest bedroom with a maximum of 5 <i>(zones with less parking required per apartment unit are exempt)</i> |
| License | Required; however, apartment tenants are exempt. | Required | Required; however, apartment tenants are exempt. | Required |
| Renewal | Annual | Annual | Annual | Annual |
| Rental Code Registration | Fire Safety Checklist & Inspection Only | Fire Safety Checklist & Inspection Only | Fire Safety Checklist & Inspection Only | Yes; Letter of Compliance Required |
| Approval Process | Administrative Approval as an Accessory Use | Special Use Permit followed by Administrative Approval | Administrative Approval as an Accessory Use | Special Use Permit followed by Admin. Approval. Apartment rentals may be exempt from the SUP process based on their Zoning |
| Districts Allowing | A, RL**, RM, UCRM, RLP, RH, F-VR, FS-RL, FS-RM, F-PRD, S-SMD, NC, CCR, DSC, CSC, and DGC. | A, RL, RM, UCRM, RH, F-VR, FS-RL, FS-RM, F-PRD, S-SMD, NC, CCR, DSC, CSC, and DGC. | A, RL**, RM, UCRM, RLP, RH, F-VR, FS-RL, FS-RM, F-PRD, S-SMD, NC, CCR, DSC, CSC, and DGC. | A, RL**, RM, UCRM, RLP, RH, F-VR, FS-RL, FS-RM, F-PRD, S-SMD, NC, CCR, DSC, CSC, and DGC. |

*Apartment tenants offering Home Shares or Hosted Home Shares may operate without a license in all districts allowing short-term rentals.

**Short-term vacation rentals are not allowed in apartment rentals located within a RL zoning district.

[NEW] Chapter 35 SHORT-TERM RENTAL CODE

Sec. 35.100. TITLE, PURPOSE AND SCOPE.

These regulations shall be known as the Short-Term Rental Code of the City of Ames, hereinafter referred to as “this code.”

In the adoption of this code, the City finds that the short-term rental of dwelling units has the potential to be incompatible with surrounding residential uses. Therefore, special regulation for short-term occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the character of neighborhoods in which they are located. This code provides reasonable and necessary regulations for the licensing and operation of short-term rental housing in order to:

- (1) Ensure the safety, welfare and convenience of renters, owners and neighboring property owners throughout Ames;
- (2) Help maintain the City’s needed housing supply for household living; and
- (3) Protect the character of the City's neighborhoods by limiting the operations, number, and concentration of short-term rentals in residential zones.

Sec. 35.200. DEFINITIONS.

For the purposes of this code, the following words, terms and phrases shall have the meanings set forth. Where terms are not defined herein but are defined elsewhere, such as in *Ames Municipal Code Chapter 13, Rental Housing Code or Chapter 29, Zoning Ordinance*, such terms shall have the meanings ascribed therein.

Apartment Rentals means three or more residential dwelling units located on one parcel, under one ownership, and rented for household living purposes. The term includes what is commonly known as an apartment building, but does not include dwellings under separate ownership.

Applicant means a property owner or agent of a property owner who has filed an application for a short-term rental license.

Bed & Breakfast Establishment means the short-term rental of a portion of a dwelling unit that is the primary residence of the property owner, where the property owner is present and provides lodging, and may provide breakfast for overnight guests.

Enforcement Officer means that person or persons designated by the City Manager who is responsible for the administration and enforcement of this code.

Dwelling Unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Guest Contract means one or more persons who act as a single group and as a single reservation and payment for a short-term rental.

Home Share means the limited short-term rental of the entire dwelling unit that is the primary residence of the property owner, while the property owner is not present.

Hosted Home Share means the short-term rental of a portion of a dwelling unit that is the primary residence of the property owner, while the property owner is present. For the

purposes of this definition, “present” means the property owner is staying in the dwelling overnight during the short-term rental.

Letter of Compliance means a document issued by the Inspection Division, stating the premises have been inspected and found to be in compliance with *Ames Municipal Code Chapter 13, Rental Housing Code*, on the date of inspection.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Primary residence means a residence that 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 person may have only one primary residence.

Rent means payment of money, goods, labor, service or otherwise for use of a dwelling unit.

Short-Term Rental means the advertising, offering, renting, or otherwise availability of use of a dwelling unit for overnight lodging by paying guests for a period of thirty consecutive days or less. A short-term rental does not include any hotel or motel facility.

Short-Term Rental License means the regulatory license required by this code.

Vacation Rental means the short-term rental of an entire dwelling unit, which is not required to be the owner’s primary residence and which is generally offered for investment purposes through an online marketplace as a form of short-term lodging. A Vacation Rental may be offered on an ongoing basis throughout the year as long as each guest contract is for 30 days or less.

Sec. 35.300. SHORT-TERM RENTAL LICENSING

- (1) **License Required.** No person or entity may advertise, offer, operate, rent, or otherwise make available a short-term rental without a current short-term rental license issued by the City of Ames in accordance with the provisions of this code.
- (2) **Exemptions.** Apartment tenants offering Home Shares or Hosted Home Shares may operate without a license in all districts allowing short-term rentals.

35.400 SHORT-TERM RENTAL STANDARDS

- (1) **Application.** Any property owner or entity intending to allow or carry on the business of offering a short-term rental on their property shall file with the Enforcement Officer, a written application, demonstrating that the proposed short-term rental meets the required standards of this code. To receive approval, an applicant must demonstrate that all applicable standards listed below have been met:
 - (a) **Applicant is the Property Owner.** A license shall be obtained and renewed annually by the property owner and will be issued in the property owner’s name. Single-family, two-family and condominiums are licensed individually by unit (one unit per license). Apartment rentals are licensed by parcel (one license for all units located within the parcel under one ownership).

- (i) **Primary Residence.** The dwelling unit is the primary residence of the property owner for Home Shares, Hosted Home Shares and Bed & Breakfast Establishments.
 - (ii) **Local Contact Information / Property Representative.** Home Shares and Vacation Rentals shall have a local property representative with access to the unit who is authorized to make decisions regarding the use or condition of the unit. For a Hosted Home Share or Bed & Breakfast Establishment, the local representative is the property owner.
- (b) **Housing Type.** There is no restriction on the type of housing in which a short-term rental may be licensed.
- (c) **Zoning.** The dwelling unit is located in a zoning district permitting their use as a short-term rental, as identified in the zoning use tables found in Chapter 29, Zoning Ordinance. Generally, short-term rentals are allowed in any of the following zoning districts: A, RL, RM, UCRM, RLP, RH, F-VR, FS-RL, FS-RM, F-PRD, S-SMD, NC, CCR, DSC, CSC, and DGC, with the exception that apartment rentals located within the RL zoning district may NOT be utilized as short-term vacation rentals.
- (d) **Occupancy.**
- (i) Hosted Home Shares are limited to a maximum of two bedrooms and two adults as guests per dwelling unit. The applicant must specify which portions of the dwelling unit will constitute the licensed premises available for use for the short-term rental.
 - (ii) Bed & Breakfast Establishments are permitted a maximum occupancy of two adults per bedroom. The Zoning Board of Adjustment may restrict the number of bedrooms specific to the dwelling unit, as part of the Special Use Permit.
 - (iii) Home Shares are limited to a maximum of two adults per approved bedroom, not to exceed a total of five adults per dwelling unit.
 - (iv) Vacation Rentals shall align with the occupancy limitations of the Ames Municipal Code Section 13.503. No Vacation Rental shall exceed a total of five adults per dwelling unit.
 - (v) Any dwelling unit subject to a Letter of Compliance is bound by the Rental Code Occupancy Limitations, even if the Letter of Compliance is not required herein.
- (e) **Off-Street Parking.** Parking is provided according to the requirements of the *Zoning Ordinance Section 29.406* and the following:
- (i) Hosted Home Shares- No additional parking required.
 - (ii) Bed & Breakfast Establishments- 1 reserved space per guest bedroom, plus 1 space for the owner
 - (iii) Home Shares- 1 space per bedroom (maximum of 5 spaces).
 - (iv) Vacation Rentals- 1 space per bedroom (maximum of 5 spaces). May exceed

rental code requirements.

- (f) **Fire Safety Requirements.** All units must complete a checklist for fire safety (means of egress and fire protection systems) and ensure continued compliance with fire safety regulations included in *Ames Municipal Code Chapter 13, Division VIII*.
- (g) **Tax Compliance.** At time of renewal, documentation shall be provided indicating that required taxes for the previous year have been paid pursuant to *Ames Municipal Code Section 24.3*.
- (h) **Housing Rental Code Compliance (for Vacation Rentals).**
 - (i) It shall be unlawful for a short-term vacation rental to advertise or operate without a valid Letter of Compliance in effect.
 - (ii) Vacation Rentals must apply for a Letter of Compliance, prior to making application for a short-term rental license. See *Ames Municipal Code Chapter 13*.
 - (iii) Should an existing Letter of Compliance expire or be revoked during the licensing period, the short-term license will be considered as suspended.
 - (iv) Special Apartment Restrictions or Exemptions.
 - a. RL Zoning. Apartment rentals located within the RL zoning district may NOT be utilized as short-term vacation rentals.
 - b. Percentage of Apartment Rentals within One Parcel. The short-term rental use of apartment rentals as vacation rentals [by the property owner] within a single parcel or common development is restricted to the greater of one short-term rental unit or up to 10% of the total number of units located within a parcel or common development.
- (i) **Special Use Permit.**
 - (i) Bed & Breakfast Establishments and Vacation Rentals must obtain a Special Use Permit from the Zoning Board of Adjustment, prior to receiving a short-term rental license.
 - (ii) Exemptions. Apartment rental units located in certain zoning districts are exempt from the special use permit requirement. These zoning districts include: RM, RH, FS-RM, NC, CCR, DSC, CSC, AND DGC.
- (j) **Inspection.** Upon application for a license all short-term rentals shall be made available for City verification and inspection for compliance. Refusal by the applicant to allow such inspection shall be grounds for denial of a license. Subsequent inspections may be conducted as part of a regular periodic inspection program or as required to verify correction of deficiencies, or as necessitated by complaints.
- (k) **Additional Operational Requirements.**
 - (i) **Concurrent Guest Contracts Not Allowed Within a Dwelling Unit.** Accommodations shall be offered as one guest contract only. Bed & Breakfast Establishments are exempt from this limitation and may offer one guest contract per approved bedroom.

- (ii) **Maximum Number of Days per Annual Renewal Period (for Home Shares only).** Unlike a Vacation Rental, which may be offered on an ongoing basis throughout the year, Home Shares are limited to a total of 90 days per annual renewal period, with each guest contract including a period of 30 days or less.
- (iii) **Mandatory Postings of License.** A copy of the short-term rental license issued by the City shall be displayed in a prominent location within the interior of the dwelling near the front door. Apartments may post in common area.
- (iv) **Registry of Guests.** Each owner shall keep a registry of short-term rental guests accommodated during the licensing period.
- (v) **Responsiveness to Complaints.** The owner or representative shall respond to complaints in a reasonably timely manner and shall maintain a record of the actions taken in response.
- (vi) **Ongoing Compliance.** The short-term rental standards shall operate as continuing code compliance obligations of the applicant.

Sec. 35.500. ADMINISTRATIVE PROCEDURES.

- (1) **Administrative Rules.** The Enforcement Officer shall have the authority to establish administrative rules and regulations consistent with this code, for the purpose of interpreting, carrying out, and enforcing it.
- (2) **Application Review and Issuance of License including Renewal.**
 - (i) **Application Form.** Application for a short-term rental license or license renewal shall be on forms provided by the City.
 - (ii) **License Fee.** The application fee for a short-term rental license or license renewal shall be as established by resolution of the City Council. These fees are in addition to any other permit or registration fees that may be required.
 - (iii) **Application Submittal and Review.** Complete and accurate information shall be provided to the City.
 - a. **Staff review.** The application will be reviewed by staff within five working days for completeness.
 - b. **Incomplete Application.** Any application that does not include all required information will be considered incomplete. In such cases, the City will notify the applicant in writing, explaining the information required. If the applicant does not provide the required information within 30 days of the notice, the application will be deemed withdrawn/denied for lack of responsiveness with no return of application fees.
 - c. **Inspection.** All premises being considered for licensure as a short-term rental shall be subject to inspection by the City for the purpose of investigating and determining compliance with the requirements of this code. Should the premises not be made available for inspection when requested, the application will be considered incomplete.

- d. **Approval.** A complete application in compliance with this code will be approved and granted a one-year license.
- e. **Conditional Approval.** When circumstances do not warrant a full one-year license, a conditional approval may be granted. A conditional approval allows an applicant to operate while coming into full compliance or while correcting a violation. A conditional approval is time limited for no more than three months and is not renewable.
- f. **Denial including Non-Renewal.** Any violation of the provisions of this code may be considered during the application review and may result in denial or non-renewal. Verified complaints with notice of corrective action involving violations of the zoning code, building code, and/or applicable laws or regulations may be a basis for denying a license. A property owner may not reapply for a period of 12 months if denied a short-term rental license based upon this section.
- g. **Notification.** Within 30 days of determining the receipt of a complete application, the applicant will be notified of approval, denial, or additional information needed to approve the request.

(3) **Term.**

- (i) All licenses shall terminate after one year. Annual renewal applications must be submitted by the property owner of record, prior to expiration.
- (ii) If a short-term rental license expires, the dwelling unit may not be used or occupied as a short-term rental until such time as a subsequent license has been granted for that unit or in the case of apartment rentals, no dwelling unit may be used as a short-term rental until such time as a subsequent license has been granted for that parcel.

(4) **Transferability.** The license shall be issued in the name of the property owner and is not transferable to a subsequent owner or to another property.

(5) **Revocation.**

- (i) The Enforcement Officer may immediately revoke or temporarily suspend a short-term rental license based upon any of the following, if it is found that:
 - a. A required Letter of Compliance has either expired or been revoked;
 - b. The licensee, designated operator, or guest has violated or failed to meet any of the provisions of this code or conditions of the license;
 - c. The applicant has made a false statement of material fact on an application for a short-term rental license;
 - d. The licensee, designated operator, or guest has violated any federal, state, or city law or regulation pertaining to the use of the property as a short-term rental; or
 - e. The Chief of Police or Fire Chief and/or their designees have

determined that the short-term rental would pose a serious threat to public health, safety, or welfare.

- (ii) The Enforcement Officer shall send or deliver written notice to the property owner stating the basis for the decision of revocation or suspension, the effective date of the revocation or suspension, the right to appeal the decision, and the procedure for filing an appeal. Any notice of suspension shall include information about possible corrective action and time for compliance, as applicable.
 - (iii) Upon revocation of a license, the dwelling unit or parcel described in the license is ineligible to receive another license pursuant to this code for one year from the date of revocation.
- (6) **Violations and Penalties.** In addition to the aforementioned actions of revocation, suspension, denial or non-renewal of a license, any violation of any provision of this code may also be enforced as a municipal infraction by the Enforcement Officer. The penalty for a first violation shall be \$500. The penalty for each repeat violation shall be \$750.

Sec. 35.600. APPEALS.

Any party aggrieved by the Enforcement Officer's decision to deny, suspend, revoke, or issue a license may appeal the determination to the Zoning Board of Adjustment within 30 days, under the procedures set forth in the *Zoning Ordinance Section 29.1403(8)*.

APPENDIX D REGISTRATION, LICENSE AND PERMIT FEES

REGISTRATION/LICENSE FEES

Short-Term Rental License & Renewal \$ 95.00

APPENDIX N MUNICIPAL INFRACTIONS SCHEDULE OF PENALTIES

CHAPTER 35, SHORT-TERM RENTAL CODE

A violation of any provision of Chapter 35, Short-Term Rental Code, shall be a municipal infraction punishable by a penalty of \$500 for a person first violation thereof, and a penalty of \$750 for each repeat violation.

Proposed Text Amendments to Chapter 13, Rental Housing 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);
- (b) the use of a dwelling unit, wholly or partially, as a Bed & Breakfast Establishment, Home Share, or Hosted Home Share licensed under Chapter 35; Vacation Rentals as defined in Chapter 29 are not exempt.
- (c) hotels, motels;
- (d) University housing;
- (e) state-licensed health and custodial facilities;
- (f) other residential occupancies specifically regulated by state or federal authority;
- (g) fraternity and sorority houses

Proposed Text Amendments to Chapter 29, Zoning Ordinance

Sec. 29.201 DEFINITIONS.

Apartment Rentals means three or more residential dwelling units located on one parcel, under one ownership, and rented for household living purposes. The term includes what is commonly known as an apartment building, but does not include dwellings under separate ownership.

Bed & Breakfast Establishment means the short-term rental of a portion of a dwelling unit that is the primary residence of the property owner, where the property owner provides lodging and may provide breakfast for overnight guests. A Bed & Breakfast Establishment is a short term lodging use and is a category of short-term rental licensed under Chapter 35.

Home Share means the limited short-term rental of the entire dwelling unit that is the primary residence of the property owner, while the property owner is not present. A Home Share is an accessory use to household living and is a category of short-term rental licensed under Chapter 35.

Hosted Home Share means the short-term rental of a portion of a dwelling unit that is the primary residence of the property owner, while the property owner is present. For the purposes of this Title, “present” means the property owner is staying in the dwelling overnight. A Hosted Home Share is an accessory use to household living and is a category of short-term rental licensed under Chapter 35.

Letter of Compliance means a document issued by the Inspection Division, stating the premises have been inspected and found to be in compliance with *Ames Municipal Code Chapter 13, Rental Housing Code*, on the date of inspection.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Primary Residence means a residence that 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 person may have only one primary residence.

Rent means payment of money, goods, labor, service or otherwise for use of a dwelling unit.

Short-Term Rental means the advertising, offering, renting, or otherwise availability of use of a dwelling unit for the overnight lodging for thirty consecutive days or less of paying guest(s). A short-term rental does not include any hotel or motel facility.

Short-Term Rental License means the regulatory license required by Chapter 35.

Vacation Rental means the short-term rental of an entire dwelling unit with a single guest contract, which is not required to be the owner’s primary residence. A Vacation Rental is a short-term lodging use and a category of short-term rental licensed under Chapter 35.

**Table 29.406(2)
Minimum Off-Street Parking Requirements**

| PRINCIPAL LAND USE | ALL ZONES EXCEPT DOWNTOWN AND CAMPUSTOWN SERVICE CENTER ZONES | DOWNTOWN AND CAMPUSTOWN SERVICE CENTER ZONES |
|----------------------------------|--|---|
| RESIDENTIAL DWELLINGS | | |
| <u>Short-Term Lodging</u> | | |
| <u>Vacation Rentals</u> | <u>one space per bedroom, maximum of five spaces required</u> | <u>Per household living requirement</u> |
| Bed and Breakfast | <u>one space per guest bedroom, plus on space for the owner</u> | <u>NA</u> |

Sec. 29.501. CLASSIFICATION OF USES.

(3) **Accessory Uses.** Unless otherwise stated in this Ordinance or otherwise indicated in the Use Tables for each zone:

(e) ~~Accessory Uses; are incidental and customary to and commonly associated with the operation of the Principal Use;~~

- i. ~~Are Is~~ clearly incidental and customary to and commonly associated with the operation of the Principal Use;
- ii. ~~Are Is~~ operated and maintained under the same ownership or by lessees or concessionaires of the owner, and on the same zone lot as the Principal Use;
- iii. ~~Do Does~~ not include structures or structural features inconsistent with the Principal Use;
- iv. ~~May include the short-term rental of all or a portion of a Household Living dwelling unit that is the primary residence of the property owner, such as Hosted Home Shares, Home Shares and Bed & Breakfast Establishments;~~
- v. ~~Does not include residential occupancy in conjunction with uses other than other than hotels, motels, tourist homes and similar uses offering transient housing accommodations, which is also not permitted except by owners and employees employed on the premises and of the immediate families of such owners and employees; and~~
- vi. ~~Have~~ a gross floor area that, in combination with all other uses accessory to Principal Uses located in the same structure or on the same lot, does not exceed 25% of the gross floor area utilized by all Principal Uses. ~~The This~~ 25% floor area limitation, ~~however, shall~~ does not apply to off-street parking. Hosted Home Shares, Home Shares, and Bed & Breakfast Establishments are exempt from the 25% floor area limitation.

**Table 29.501(4)-1
RESIDENTIAL USE CATEGORIES**

Accessory Uses

Home Share

Hosted Home Share

Short-Term Lodging

Definition. Facilities offering ~~transient~~ lodging accommodations to the general public, where the ~~average~~ length of stay is ~~less than 60~~ 30 days or less. Short term lodging is subject to State of Iowa definitions, permits, and rules, including remittance of hotel

Uses Included

~~Boarding, rooming or lodging houses and single room occupancy (SRO) hotels, where the average length of stay is less than 60 days.~~

~~Bed and breakfasts~~

~~Hotels~~

~~Motels~~

~~Recreational vehicle parks~~

Vacation Rental

Bed & Breakfast Establishment

Accessory Uses

Coffee shops and dining areas primarily for use by guests or residents of the facility

**Table 29.600(2)
Agricultural (A) Zone Uses**

| USE CATEGORIES | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|----------|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| Group Living | N | | |
| <u>Household Living</u> | | | |
| *** | | | |
| Household Living Accessory Uses | | | |
| *** | | - | - |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| *** | | | |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Short-term Lodgings <u>Short-Term Lodging</u> | <u>N</u> | | |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L = Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

**Table 29.701(2)
Residential Low Density (RL) Zone Uses**

| USE CATEGORIES | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|--|-------------------|----------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living Accessory Uses | | | |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| *** | | | |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Group Living | N | | |
| Short-term Lodgings <u>Short-Term Lodging</u> | N, except Bed and Breakfast permitted as a Home Occupation. | HO | ZBA/Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

**Table 29.702(2)
Residential Medium Density (RM) Zone Uses**

| USE CATEGORIES | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|--|--------------------|----------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living Accessory Uses | | | |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| *** | | | |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Group Living | N | | |
| Short-term Lodgings <u>Short-Term Lodging</u> | N, except Bed and Breakfast permitted as a Home Occupation. | HO | ZBA/Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP*, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

*Apartment rentals in zoning districts RM, RH, FS-RM, NC, CCR, DSC, CSC, and DGC are exempt from the Special Use Permit requirement; however, apartment rentals in zoning district RM / O-SFC are not exempt.

Table 29.703(2)

Urban Core Residential Medium Density (UCRM) Zone Uses

| USE CATEGORIES | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|---|-------------------|----------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living Accessory Uses | | | |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| *** | | | |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Short-term Lodgings <u>Short-Term Lodging</u> | N, except Bed and Breakfast permitted as a Home Occupation | HO | ZBA/Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

**Table 29.704(2)
Residential High Density (RH) Zone Uses**

| USE CATEGORIES | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|---|--------------------|----------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living Accessory Uses | | | |
| <u>Short-Term Rental</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| *** | | | |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Short-term Lodgings <u>Short-Term Lodging</u> | N, except Bed and Breakfast permitted as a Home Occupation | HO | ZBA/Staff |
| <u>Short-Term Rental</u> | <u>Y</u> | <u>SP*, LOC, L</u> | <u>ZBA/Staff</u> |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

*Apartment rentals in zoning districts RM, RH, FS-RM, NC, CCR, DSC, CSC, and DGC are exempt from the Special Use Permit requirement; however, apartment rentals in zoning district RM / O-SFC are not exempt.

**Table 29.705(4)
Residential Low Density Park (RLP) Zone Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|----------|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| <u>Household Living Accessory Uses</u> | - | - | - |
| <u>Bed & Breakfast Establishment</u> | <u>N</u> | | |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Short term Lodgings <u>Short-Term Lodging</u> | <u>N</u> | - | |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

**Table 29.801(2)
Neighborhood Commercial (NC) Zone Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|----------|--------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| <u>Household Living Accessory Uses</u> | - | - | - |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Short term Lodgings <u>Short-Term Lodging</u> | <u>N</u> | - | |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP*, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | - |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

*Apartment rentals in zoning districts RM, RH, FS-RM, NC, CCR, DSC, CSC, and DGC are exempt from the Special Use Permit requirement; however, apartment rentals in zoning district RM / O-SFC are not exempt.

**Table 29.802(2)
Community Commercial Node (CCN) Zone Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|-------------------------|--------|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living | N | | |

| | | | |
|--|----------------------------------|-----------|-------|
| Short-term Lodgings <u>Short-Term Lodging</u> | <u>Y, except Vacation Rental</u> | SDP Minor | Staff |
| *** | | | |

**Table 29.804(2)
Highway-Oriented Commercial (HOC) Zone Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|----------------------------------|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Short-term Lodgings <u>Short-Term Lodging</u> | <u>Y, except Vacation Rental</u> | SDP Minor | Staff |
| *** | | | |

**Table 29.805(2)
Planned Regional Commercial (PRC) Zone Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|----------------------------------|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Short-term Lodgings <u>Short-Term Lodging</u> | <u>Y, except Vacation Rental</u> | SDP Minor | Staff |
| *** | | | - |

**Table 29.806(2)
Community Commercial/Residential Node (CCR) Zone Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|---|--------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living* | N, except in combination with permitted non-residential use or uses, in which case Household Living shall be located above the first floor. | SDP Minor | Staff |
| Short-term Lodgings <u>Short-Term Lodging</u> | Y | SDP Minor | Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP*, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

*Apartment rentals in zoning districts RM, RH, FS-RM, NC, CCR, DSC, CSC, and DGC are exempt from the Special Use Permit requirement; however, apartment rentals in zoning district RM / O-SFC are not exempt.

**Table 29.808(2)
Downtown Service Center (DSC) Zone Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|---|---|--------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living* | N, except in combination with permitted non-residential use or uses, in which case 75% Household Living shall be located above the first story, and at least the front 50% of the first story must be maintained for non-residential use. | SDP Minor | Staff |
| Short-term Lodgings <u>Short-Term Lodging*</u> | Y | SDP Minor | Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP*, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

*Apartment rentals in zoning districts RM, RH, FS-RM, NC, CCR, DSC, CSC, and DGC are exempt from the Special Use Permit requirement; however, apartment rentals in zoning district RM / O-SFC are not exempt.

**Table 29.809(2)
Campustown Service Center (CSC) Zone Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|---|---|--------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living, Mixed Use Above First Floor* | Y, on all lots, if located above the first floor and in combination with permitted non-residential or short-term lodging use. | | |
| *** | | | |
| Short-term Lodgings <u>Short-Term Lodging*</u> | Y | SDP Minor | Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP*, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

*Apartment rentals in zoning districts RM, RH, FS-RM, NC, CCR, DSC, CSC, and DGC are exempt from the Special Use Permit requirement; however, apartment rentals in zoning district RM / O-SFC are not exempt.

**Table 29.903(2)
RI Zone Uses**

| USE CATEGORIES | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|----------------------------------|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Short term Lodgings <u>Short-Term Lodging</u> | <u>Y, except Vacation Rental</u> | SDP Minor | Staff |
| *** | | | |

**Table 29.1003(2)
South Lincoln Sub Area (S-SMD) Mixed-Use District**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|---|-------------------|----------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living Accessory Uses | | | |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| *** | | | |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Short term Lodgings <u>Short-Term Lodging</u> | N, except Bed and Breakfast permitted as a Home Occupation | HO | ZBA/Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L = Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

**Table 29.1004(2)
Downtown Gateway Commercial Uses**

| USE CATEGORY | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|---|---|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living, Mixed Use Development | Y, on sites greater than one acre in combination with non-residential use. Dwelling units shall be configured as studio, one, or two bedroom dwelling units for a minimum of 75% of the total dwelling units within a building. No more than 10% of the total units may be four bedroom units. No dwelling unit | SDP Minor | Staff |

| | | | |
|---|---|--------------------|------------------|
| | shall consist of five bedrooms or more within any building. | | |
| *** | | | |
| Short term Lodgings <u>Short-Term Lodging*</u> | <u>Y</u> | SDP Minor | Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP*, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

*Apartment rentals in zoning districts RM, RH, FS-RM, NC, CCR, DSC, CSC, and DGC are exempt from the Special Use Permit requirement; however, apartment rentals in zoning district RM / O-SFC are not exempt.

**Table 29.1201(5)
Village Residential (F-VR) Floating Zone Uses**

| USE CATEGORY | NEIGHBORHOOD CENTER | NEIGHBORHOOD GENERAL | NEIGHBORHOOD EDGE |
|---------------------|---------------------|----------------------|-------------------|
| RESIDENTIAL* | | | |
| *** | | | |

*Household Living Short-Term Rental Accessory Uses are subject to the requirements of Chapter 35.

**Table 29.1202(4)-1
Suburban Residential Floating Zoning
Residential Low Density (FS-RL) Uses**

| USE CATEGORIES | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|--|---|-------------------|--------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living Accessory Uses | | | |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| *** | | | |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Clubhouse | N | | |
| Short term Lodgings <u>Short-Term Lodging</u> | <u>N, except Bed and Breakfast permitted as a Home Occupation</u> | <u>HO</u> | <u>ZBA/Staff</u> |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L= Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

**Table 29.1202(4)-2
Suburban Residential Floating Zoning
Residential Medium Density (FS-RM) Uses**

| USE CATEGORIES | STATUS | APPROVAL REQUIRED | APPROVAL AUTHORITY |
|---|---|--------------------|----------------------|
| RESIDENTIAL USES | | | |
| *** | | | |
| Household Living Accessory Uses | | | |
| <u>Bed & Breakfast Establishment</u> | <u>Y</u> | <u>SP, L</u> | <u>ZBA/Staff</u> |
| Home Office Occupation | Y | HO | ZBA/Staff |
| Home Business | Y | HO | ZBA/Staff |
| <u>Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| <u>Hosted Home Share</u> | <u>Y</u> | <u>L</u> | <u>Staff</u> |
| Clubhouse | N | | |
| Short term Lodgings Short-Term Lodging | N, except Bed and Breakfast permitted as a Home Occupation | HO | ZBA/Staff |
| <u>Vacation Rental</u> | <u>Y</u> | <u>SP*, LOC, L</u> | <u>ZBA/Staff</u> |
| *** | | | |

L = Short-Term Rental License (see Chapter 35)

LOC = Letter of Compliance (issued by the Inspections Division)

*Apartment rentals in zoning districts RM, RH, FS-RM, NC, CCR, DSC, CSC, and DGC are exempt from the Special Use Permit requirement; however, apartment rentals in zoning district RM / O-SFC are not exempt.

**Table 29.1203(4)
Planned Residence District (F-PRD) Floating Zone Uses**

| Permitted Principle Uses | Permitted Accessory Uses |
|--------------------------|---|
| *** | <p>Accessory uses of the Household Living category provided for in <u>Table 29.501(4)-1 Section 29.500</u> of this ordinance.</p> <p><u>Short-Term Rentals are subject to the standards of Chapter 35.</u></p> <p>Garages</p> <p>Open space uses</p> <p>Home occupations subject to standards of Section 29.1304 of this ordinance</p> <p>Home Day Care subject to the standards of Section 29.1304</p> <p>Office and Trade use where the property owner can demonstrate through a written Market Study that the Office and Trade use can be supported by the residents of the Planned Residence District Project</p> <p>Rental services offices not to exceed 5,000 square feet</p> <p>Assisted Living, for the residents of the PRD</p> |

Sec. 29.1302. RESERVED.

~~BED & BREAKFAST ESTABLISHMENTS.~~

~~To obtain a Special Use Permit for a Bed & Breakfast Establishment, all criteria in "Home Occupations," set forth in Section 29.1304, must be met, in addition to the following:~~

- ~~(1) **Guest Rooms.** A maximum of 5 per structure in the RM and RH Zones and a maximum of 2 per~~

structure in the RL Zone. The Zoning Board of Adjustment may restrict the number of guest rooms to a lesser number.

- (2) ~~**Breakfast shall be the only meal served.** This service must occur before 11:00 a.m. Only guests residing in the structure or persons living in the premises may be served. The structure shall not be remodeled into a commercial kitchen unless required by Environmental Health rules and regulations established pursuant to Municipal Code Chapter 11.~~
- (3) ~~**Off-Street Parking Requirements.** One space per guest room, plus one space for the owner. The parking spaces shall meet standards established by Section 29.406 of this Ordinance.~~
- (4) ~~**Guests shall register** upon arrival, stating their names, current residence address and the license plate number of the vehicle that is being used by the guest. The registration form shall be kept by the owner for a period of 3 years and shall be made available for examination by a representative of the City upon one day's notice.~~
- (5) ~~**Guest stays** shall be limited to 2 weeks.~~
- (6) ~~**The Special Use Permit** is not transferable to a subsequent owner or to another property.~~
- (7) ~~**The establishment must comply** with local and state regulations regarding all applicable permits and licenses including, but not limited to fire, health, food service, hotel, liquor, revenue, building/zoning permits and licenses.~~

Sec. 29.1304. HOME OCCUPATIONS.

(1) Permitted, Special and Prohibited Home Occupations.

- (viii) ~~Bed and breakfast operations;~~