

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING CHAPTER 29 THEREOF, FOR THE PURPOSE OF HARMONIZING CHAPTER 29 WITH THE NEW STATE LAWS REGARDING SHORT-TERM RENTALS; 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 amending Chapter 29 as follows:

**“Sec. 29.201. DEFINITIONS.**

Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:

\*\*\*

(19.1) **Bed & Breakfast Establishment** means a private residence where the property owner resides and provides a number of bedrooms as a short-term lodging use for paying guests. Breakfast may also be provided for those guests.

~~(19.1) **Bed & Breakfast Establishment** means the Guest Lodging 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 Guest Lodging licensed under Chapter 35.~~

\*\*\*

~~(91.1) **Bed & Breakfast Establishment** means the Guest Lodging 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 Guest Lodging licensed under Chapter 35.~~

\*\*\*

~~(92.1) **Guest Lodging** means the advertising, offering, or otherwise making available use of a dwelling unit for overnight lodging for a period of thirty one (31) consecutive days or less in exchange for money, goods, labor or service. Guest Lodging types include Apartment Shares, Home Shares, Hosted Home Shares, Bed & Breakfast Establishments, and Vacation Lodging as licensed under Chapter 35. Guest Lodging does not include any hotel or motel facility.~~

\*\*\*

(98.1) **Home Share and Hosted Home Share, as defined in Chapter 35,** are accessory uses to household living, which allow a property owner the ability to offer limited Short-Term Rental to paying guests in their home.

\*\*\*

(235.1) **Vacation Lodging** means the short-term rental of an entire dwelling unit, which is not required to be the owner’s primary residence and which is commonly, but not exclusively, made available for occupancy through an online marketplace or website as a rental subject to Chapter 13.

\*\*\*

(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;~~

- [illegible]

\*\*\*

\*\*\*

\*\*\*

\*\*\*

**Definition.** Facilities offering lodging accommodations to the general public, where the length of stay is 31 days or less. Short-term lodging is subject to State of Iowa definitions, permits, and rules, including remittance of hotel and motel tax.

Bed and Breakfast Establishment  
Hotels  
Motels  
Recreational Vehicle Park  
Vacation Lodging

**Accessory Uses**

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

**Sec. 29.600. "A" AGRICULTURAL.**

\*\*\*

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, <u>subject to Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y, <del>but only within single and two family dwellings</del>	<del>SP</del> <u>ZP</u>	<del>ZEO</del> <u>ZBA</u>
***			

\*\*\*

**Sec. 29.701. "RL" RESIDENTIAL LOW DENSITY.**

\*\*\*

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, <u>subject to Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y, <del>but only within single and two family dwellings</del>	<del>SP</del> <u>ZP</u>	<del>ZBA</del> <u>ZEO</u>

\*\*\*

**Sec. 29.702. "RM" RESIDENTIAL MEDIUM DENSITY.**

\*\*\*

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, subject to <u>Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y	<del>SP</del> /ZP	<del>ZBA</del> /ZEO
***			

\*\*\*

**Sec. 29.703. "UCRM" URBAN CORE RESIDENTIAL MEDIUM DENSITY ZONE.**

\*\*\*

**Table 29.703(2)**  
**Urban Core Residential Medium Density (UCRM) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, subject to <u>Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y	<del>SP</del> ZP	<del>ZBA</del> ZEO
***			

\*\*\*

**Sec. 29.704. "RH" RESIDENTIAL HIGH DENSITY.**

\*\*\*

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, subject to <u>Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y	<del>SP</del> , ZP	<del>ZBA</del> /ZEO
***			

\*\*\*

**Sec. 29.801. "NC" NEIGHBORHOOD COMMERCIAL ZONING STANDARDS.**

\*\*\*

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, <u>subject to Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y	<del>SP</del> /ZP	<del>ZBA</del> /ZEO
***			

\*\*\*

**Sec. 29.806. "CCR" COMMUNITY COMMERCIAL/RESIDENTIAL NODE.**

\*\*\*

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

\*\*\*

**Sec. 29.807. "CVCN" CONVENIENCE COMMERCIAL NODE. ~~Convenience Commercial Node.~~**

\*\*\*

**Sec. 29.808. "DSC" DOWNTOWN SERVICE CENTER.**

\*\*\*

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>	Y, except Bed & Breakfast Establishment	SDP Minor	Staff
Vacation Lodging	Y	<del>SP</del> /ZP	<del>ZBA</del> /ZEO
***			

\*\*\*

**Sec. 29.809. "CSC" CAMPUSTOWN SERVICE CENTER.**

\*\*\*

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>	Y, except Bed & Breakfast Establishment	SDP Minor	Staff
Vacation Lodging	Y	<del>SP</del> /ZP	<del>ZBA</del> /ZEO
***			

\*\*\*

**Sec. 29.903. "RI" RESEARCH PARK INNOVATION DISTRICT.**~~Research Park Innovation District.~~

\*\*\*

**Sec. 29.1003 "S-SMD" SOUTH LINCOLN SUB AREA MIXED-USE DISTRICT.**

\*\*\*

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, <u>subject to Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y	<del>SP</del> /ZP	<del>ZBA</del> /ZEO
***			

\*\*\*

**Sec. 29.1004. "DGC" DOWNTOWN GATEWAY COMMERCIAL.**

\*\*\*

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b> (stand alone or mixed use)	Y, except Bed & Breakfast Establishment	SDP Major	Staff
Vacation Lodging	Y	<del>SP</del> /ZP	<del>ZBA</del> /ZEO
***			

\*\*\*

**Sec. 29.1101 "O-SFC" SINGLE FAMILY CONSERVATION OVERLAY DISTRICT.**

\*\*\*

**(4) Permitted Uses.**

(a) Subject to the Building/Zoning Permit requirements of Section 29.1501, land, buildings and structures may be used for the following purposes in an O-SFC Zone without City Council approval, in accordance with standards and regulations of the Base Zone:

- (i) Dwelling – single-Family
- (ii) Dwelling – Two Family
- (iii) Bed & Breakfast Establishment (~~Special Use Permit required: See Section 29.1302-1503~~)
- (iv) Vacation Lodging (~~Special Use Permit required: See Section 1503~~)

(b) All uses and structures conforming to the Base Regulations and all lawfully vested nonconforming uses and structures that exist in the O-SFC on the effective date of the amendment of the official zoning map to show the O-SFC are hereby deemed to be conforming with the terms of this Section. The O-SFC shall not be deemed to create a nonconforming use or structure within the scope of Section 29.307.

\*\*\*

**Sec. 29.1106. "O-SLF" SOUTH LINCOLN FRINGE OVERLAY DISTRICT.**

\*\*\*

**Sec. 29.1109. "O-GNE" NORTHEAST GATEWAY OVERLAY DISTRICT.**

\*\*\*

**Sec. 29.1113. "O-LMU" LINCOLN WAY MIXED USE OVERLAY DISTRICT.**

\*\*\*

**Sec. 29.1201. "F-VR" VILLAGE RESIDENTIAL DISTRICT.**

\*\*\*

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

USE CATEGORY	NEIGHBORHOOD CENTER	NEIGHBORHOOD GENERAL	NEIGHBORHOOD EDGE
***			
<b>OTHER USES</b>			
***			
Vacation Lodging, <del>subject to the standards of Section 29.1302</del>	Y	Y	Y
***			

\*\*\*

**Sec. 29.1202. "F-S" SUBURBAN RESIDENTIAL ZONE.**

\*\*\*

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, <u>subject to Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y	<u>SP/ZP</u>	<u>ZBA/ZEO</u>
***			

\*\*\*

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
<b>RESIDENTIAL USES</b>			
***			
<b>Short-Term Lodging</b>			
Bed & Breakfast Establishment	Y, <u>subject to Section 29.1302</u>	SP	ZBA
Vacation Lodging	Y	<u>SP/ZP</u>	<u>ZBA/ZEO</u>
***			

\*\*\*



**Sec. 29.1203. "F-PRD" PLANNED RESIDENCE DISTRICT.**

\*\*\*

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

Permitted Principle Uses	Permitted Accessory Uses
***	Accessory uses of the Household Living category provided for in Table 29.501(4)-1 Garages Open space uses Home occupations subject to standards of Section 29.1304 Home Day Care subject to the standards of Section 29.1304 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 Rental services offices not to exceed 5,000 square feet Assisted Living, for the residents of the PRD
Vacation Lodging subject to the standards of Section 29.1302; <u>Bed &amp; Breakfast Establishments</u>	

\*\*\*

**Sec. 29.1302. GUEST LODGING REQUIREMENTS.**

- (1) ~~Non-Conforming Uses.~~ Any Apartment Dwelling that is a non-conforming use within its zoning district shall not be approved as Vacation Lodging.
- (2) ~~Special Use Permit.~~
  - (a) ~~Bed & Breakfast Establishments and Vacation Lodging must obtain a Special Use Permit from the Zoning Board of Adjustment prior to receiving a Guest Lodging license.~~
  - (b) ~~Exemptions. Apartment dwellings located in certain zoning districts are exempt from the Special Use Permit requirement. These zoning districts include: F-PRD, F-VR, RM, RH, FS-RM, NC, CCR, DSC, CSC, O-LMU and DGC. This exemption does not apply to apartment dwellings located in zoning district RM / O-SFC.~~
  - (c) ~~Properties requiring a Letter of Compliance (LOC) must have registered for their LOC and have completed their initial LOC inspection, prior to applying for a Special Use Permit.~~
  - (d) ~~The Special Use Permit is not transferable to a subsequent owner or to another property.~~
  - (e) ~~The Special Use Permit shall be deemed expired and void after a one year period of disuse of the dwelling unit for guest lodging purposes or upon nonrenewal of a guest lodging license.~~
- (3) ~~Additional Vacation Lodging Restrictions.~~
  - (a) ~~Vacation Lodging is not permitted as a second principal use on a site with a single family dwelling.~~
  - (b) ~~Only one Vacation Lodging unit may be established for a property with a two-family dwelling.~~
  - (c) ~~No Vacation Lodging use may be established on the ground floor of a commercial building or mixed use building.~~
- (4) ~~Guest Rooms.~~
  - (a) ~~Bed & Breakfast Establishments may have no more than five approved guest bedrooms. The Zoning Board of Adjustment will determine the number of bedrooms specific to the dwelling unit.~~

- (b) ~~Vacation Lodging must be consistent with the occupancy limitations of the Ames Municipal Code Section 13.503. No Vacation Lodging shall exceed a total of five adults per dwelling unit.~~
- (5) **Off-Street Parking Requirements.**
  - (a) ~~Bed & Breakfast Establishments must have one reserved space per guest room, plus one space for the owner.~~
  - (b) ~~Vacation Lodging must provide one parking space per guest bedroom, with a maximum of five spaces required; an apartment dwelling in a zoning district with less parking required is not subject to this standard.~~
  - (c) ~~The parking spaces shall meet standards established by Section 29.406 of this ordinance.~~
- (6) **Local and State Regulations.** ~~The Guest Lodging 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. 29.1302. BED & BREAKFAST ESTABLISHMENTS.**

- (1) **Special Use Permit.**
  - (a) Bed & Breakfast Establishments must obtain a Special Use Permit from the Zoning Board of Adjustment.
  - (b) The Special Use Permit is not transferable to a subsequent owner or to another property.
  - (c) The Special Use Permit shall be deemed expired and void after a one-year period of disuse of the property as a Bed & Breakfast Establishment.
- (2) **Primary Residence.** The dwelling unit must be the primary residence of the property owner.
- (3) **Occupancy.**
  - (a) Limited to a maximum occupancy of two adults per approved bedroom.
  - (b) The Zoning Board of Adjustment will determine the number of approved bedrooms (up to five), specific to the constraints of the property.
  - (c) Guest stays shall be limited to a period of thirty-one (31) consecutive days or less.
- (4) **Off-Street Parking Requirements.**
  - (a) One reserved space per guest room, plus one space for the owner.
  - (b) The parking spaces shall meet standards established by Section 29.406 of this ordinance.
- (5) **Registry of Guests.** A guest registry is required to be maintained and kept for a period of one year. It shall be made available for examination by the City upon request.
- (6) **Fire Safety Requirements & Inspection.** All applications must include verification of having passed a fire-safety inspection. Subsequent inspections may be conducted to verify correction of deficiencies, or as necessitated by complaints.
- (7) **Food Service.** Breakfast shall be the only meal served. Only guests residing in the structure or persons living in the premises may be served. Commercial kitchens are prohibited.
- (8) **Local and State Regulations.**
  - (a) The Bed & Breakfast 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.
  - (b) Required taxes must be paid pursuant to Ames Municipal Code Section 24.3. Documentation of tax payments may be required.

\*\*\*

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