

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTIONS 29.201 AND 29.1403 AND ARTICLES 6, 7, 8, 10, AND 12 OF CHAPTER 29, BY REPEALING AND REPLACING SECTION 29.1304, AND BY ENACTING A NEW SECTION 29.1304A THEREOF, FOR THE PURPOSE OF REGULATING HOME OCCUPATIONS, REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Sections 29.201 and 29.140 and Articles 6, 7, 8, 10, and 12 of Chapter 29, by repealing and replacing Section 29.1304, and by enacting a new Section 29.1304A as follows:

“Sec. 29.201. DEFINITIONS.

...

(13) Animal Boarding House means a place or establishment other than an animal shelter where animals not owned by the proprietor are sheltered, fed, and watered in return for consideration.

(98) **Home Occupation** means an occupation, profession, activity, or use conducted for financial gain or profits in a dwelling unit or on a residential property that is clearly secondary to the residential use of the dwelling unit or property, ~~does not alter the exterior of the dwelling unit, or affect the residential character of the property or the neighborhood, and does not employ more than 2 persons, not including resident(s) of the dwelling.~~

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Sec. 29.600. “A” AGRICULTURAL.

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Table 29.600(2) Agricultural (A) Zone Uses

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

...

Sec. 29.701. "RL" RESIDENTIAL LOW DENSITY.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

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Sec. 29.702. "RM" RESIDENTIAL LOW DENSITY.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

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

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

...

Sec. 29.704. “RH” RESIDENTIAL HIGH DENSITY.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

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Sec. 29.705. “RLP” RESIDENTIAL LOW DENSITY PARK ZONE.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

...

Sec. 29.801. “NC” NEIGHBORHOOD COMMERCIAL ZONING STANDARDS.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ABA/Staff --

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Sec. 29.806. “CCR” COMMUNITY COMMERCIAL/RESIDENTIAL NODE.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

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Sec. 29.808. “DSC” DOWNTOWN SERVICE CENTER.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

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Sec. 29.809. “CSC” CAMPUSTOWN SERVICE CENTER.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

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Sec. 29.1003. “S-SMD” SOUTH LINCOLN SUB AREA MIXED-USE DISTRICT.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

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Sec. 29.1004. "DGC" DOWNTOWN GATEWAY COMMERCIAL.

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

...

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

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

...

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY

Household Living Accessory Uses			

Home Occupation	Y	HO --	ZBA/Staff --

...

HO = Home Occupation

...

Sec. 29.1304. HOME OCCUPATIONS.

- (1) Purpose. This Section is intended to protect residential areas from potential adverse impacts of activities defined as Home Occupations; to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict any negative impacts on surrounding properties; and to establish criteria and develop standards for the use of residential structures or dwelling units for Home Occupations.
- (2) Definitions.
 - (a) **Clients and Customers** are visitors to a Home Occupation who are engaging the services offered by the Home Occupation or who are purchasing items sold by the Home Occupation. Clients and customers are not residents of the dwelling where the Home Occupation is located and are not employed by the Home Occupation.
- (3) Regulation.
 - (a) Home Occupations are an allowed use, subject to conformance with all codes and standards of the Ames Municipal Code. No permit or license is required.
 - (b) A Home Occupation shall be operated and maintained in conformance with the criteria set forth in this section.
- (4) Criteria.
 - (a) All Home Occupations must comply with City, County, and State regulations for public health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation, or traffic control, solid or hazardous waste, pollution, or noise control.
 - (b) Any Home Occupation that does not comply with all of the criteria in this section is prohibited.
 - (c) All Home Occupations must comply with the following requirements:
 - (i) Operation, Impact, and Nuisance.
 - a. The Home Occupation operation shall not alter the structure so that it is no longer a dwelling unit.
 - b. The activity shall be conducted in a manner that will not alter the normal residential character of the premises.
 - c. The use shall be compatible with the residential use of the property and with the surrounding residential uses.
 - d. There shall be no emission of smoke, dust, odor, fumes, glare, noises, vibration, or electrical or electronic disturbances detectable at the lot line that would exceed what is normally produced by the residential use of a dwelling unit.
 - e. Hours of operation for employees, clients/customers, and deliveries are to be between the hours of 6:30 a.m. and 7:00 p.m.
 - (ii) Area Limitations:
 - a. Buildings.

- (1) The Home Occupation must occupy less than 50% of the gross floor area of the dwelling unit but may occupy 50% or more of the gross floor area of an accessory structure.
 - (2) Other structures on the property may be used for the Home Occupation, but less than 50% of the sum of the gross floor area of all buildings may be occupied by the business.
 - (3) The gross floor area calculation shall not include attics or detached buildings intended for animal use (chicken coops, dog houses, etc.).
 - (4) All zoning district requirements for primary structures, detached garages, and accessory structures apply.
- b. Yard.
- (1) Home Occupation activity in a yard is prohibited unless it is:
 - (i) In a side or rear yard and
 - (ii) Behind a fence that is:
 1. Solid and opaque, and
 2. A minimum of 6 feet high.
 - (2) The Home Occupation must occupy less than 25% of the fenced yard area, in addition to the space used in (a)(1).
 - (3) Use of a front yard or a street side yard for Home Occupation purposes is prohibited.
 - (4) Use of a yard may be restricted by other City Codes and zoning standards, such as Outdoor Storage.
- (iii) Signage.
- a. Any sign utilized at the Home Occupation shall be limited to one flush-mounted sign on the main residential structure, which shall not exceed one square foot in area.
 - b. Such sign shall not be lighted and nonreflecting materials shall be used.
 - c. The legend shall show only the name of the occupant and the type of occupation.
- (iv) Traffic.
- a. Not more than 10 vehicular trips related to the business per day shall be allowed. A trip to and from the Home Occupation location shall count as one trip.
 - b. The maximum number of trips shall include those taken by employees, clients/customers, and deliveries.
 - c. The delivery and pick up of materials or commodities to the premises by commercial vehicles shall not interfere with the delivery of other services to the area.
- (v) Parking Criteria.
- a. A property with a Home Occupation shall meet all the standards for parking and driveways in Sec. 29.406, including but not limited to, the minimum number of required parking spaces, paving, and location requirements.

- b. Trailers, inoperable vehicles, and other Home Occupation-related equipment shall not be stored on the driveway. One operable company vehicle is allowed to park in the driveway.
 - c. Only one delivery vehicle associated with the activity may be parked on the street near the premises for not more than 4 consecutive hours.
 - d. One additional on-site parking space is required above the normal parking requirement where 2 or more clients/customers are likely to visit the premises concurrently.
 - e. No more than 4 client or customer vehicles related to the Home Occupation during any given hour shall be allowed on the site.
 - f. On street parking of equipment, vehicles, trucks, and trailers related to or used for the home occupation is prohibited, with the exception of one vehicle related to the home occupation that may be parked on the street.
- (vi) Maximum Occupancy of the Dwelling Unit for Employees and Clients/Customers.
- a. There is no limitation on primary residents as employees.
 - b. No more than two non-residents of the dwelling may be employed by the Home Occupation.
 - c. Employees arriving at the site for work that occurs either on-site or off-site are included as non-resident employees.
 - d. The maximum number of clients/customers at any one time shall not exceed four.
 - e. An exception to the maximum occupancy limitation is permitted for exhibitions of goods or sales of goods that occur for three days or fewer when the occurrence is less than three times a year.
- (vii) Number of Home Occupations.
- a. The total number of Home Occupations within a dwelling unit is not limited.
 - b. The cumulative impact of all Home Occupations conducted within the dwelling unit shall not exceed the criteria in this section.
- (5) Rummage/Garage Sales.
- (a) A rummage/garage sale is a sale of household goods and belongings held either outdoors or in a garage.
 - (b) Rummage/garage sales are not Home Occupations, provided the following:
 - (i) The sale does not occur over more than three consecutive days.
 - (ii) No more than three sales per year are conducted.
 - (iii) The maximum number of sales per year is not contingent upon the length of any sale. The number of sales may not increase beyond three by shortening the length of each sale.
- (6) Prohibited Uses. In addition to Home Occupations that do not comply with the criteria, the following uses are prohibited for Home Occupations:
- (a) Alcohol sales
 - (b) Adult-oriented businesses, including:
 - (i) Creating or selling pornography
 - (ii) Providing nude or topless dancing

- (c) Animal boarding houses, kennels, stables, and veterinary hospitals
 - (i) Exception. An in-home animal boarding house is allowed as a Home Occupation for the boarding of up to six (6) animals. Use of the yard for the keeping of boarded animals is not permitted as part of an in-home animal boarding house.
- (d) Dancing studios or exercise studios
- (e) Private clubs
- (f) Restaurants and bars
- (g) Repair or painting of motor vehicles (including motorcycles and boats) or of any trailer, camper, etc., pulled by a motor vehicle
- (h) Firearm training or instruction
- (i) Shooting ranges
- (j) Welding or machine shop
- (k) Dispatch service with cars on-site
- (l) Dry cleaners
- (m) Funeral homes or mortuaries
- (n) Medical and dental offices
- (o) Equipment rental
- (p) Outdoor storage or salvage businesses
- (q) Towing

Sec. 29.1304A. CHILD DAY CARE FACILITIES, HOME-BASED.

- (1) Regulation. A Day Care operated within a dwelling unit that includes a primary resident of the home as an employee is allowed without a permit when it is licensed by the State of Iowa as a Type "A" (e.g., up to six children) or Type "C" 1 adult (e.g., up to eight children).
- (2) A Day Care licensed by the State as a Type "B" or a Type "C" 2 adults or any other type of Day Care requires a Special Use Permit per Section 29.1503. The applicable criteria for a Special Use Permit is listed in Section 29.1503(5).
- (3) Day Care Centers are not a home-based Child Care Facility.
- (4) Dedicated Area. For Family Day Care homes, the entire dwelling unit may be used to serve the various needs of day care (e.g., kitchen, bathroom, napping rooms, play areas, etc.) However, the Day Care can provide care to no more than one person per 35 square feet of the total dwelling unit, exclusive of baths, hallways, closets, kitchens, and dining areas. The dining area may be included in the square footage calculation if used by Day Care participants for activities other than meals.
- (5) Parking and Traffic. Each permitted Day Care must meet and maintain on-site parking to minimum requirements of the Zoning Ordinance. The Board shall consider the proposed parking, along with drop off and pick up, as part of their review to determine if traffic levels and parking are compatible with the area for any Day Care requiring a Special Use Permit. The Board may apply conditions to any Special Use Permits for parking and traffic control as allowed by Section 29.1503.
- (6) Family Day Care in Multifamily Dwellings. Child Care Facilities in multifamily dwellings shall comply with the following additional criteria.
 - (a) A defined outdoor play area is available on-site that provides not less than 75 square feet per child based on the maximum number of children that will be

attending the Day Care at any given time, or a public or neighborhood park is located within 300 feet of the site. This provision only applies to day care provided to children five years of age and older.

- (b) An area designated and posted for guest parking is provided on the site; or at least one parking space must be posted and reserved for use of the day care operation only. Parking spaces otherwise required to meet minimum parking requirements for the residents may not count toward the required guest or reserved parking spaces.
- (c) The Day Care operator must provide evidence that the owner of the multifamily building has no objections to the Day Care operation, and that he or she agrees to comply with the required guest or reserved parking provisions.

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Sec. 29.1403. ZONING BOARD OF ADJUSTMENT.

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(7) **Powers.** As provided by Section 414.12 of the Iowa Code, the Board has the power to:

(b) Special Use Permits, ~~Special Home Occupation Permits~~, and Exceptions. Hear and decide on applications for Special Use Permits, ~~Special Home Occupation Permits~~, and Exceptions in accordance with Sections 29.1503 and 29.1506 of this Ordinance.

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(9) **Applications to the Board.** Applications to the Board for a Special Use Permit, ~~Special Home Occupation Permit~~, Variance, Exception, or Reasonable Accommodation may be made by any person. Such application shall be made by filing with the secretary of the Board a written notice specifying the grounds therefore. The secretary shall publish notice of the application in a paper of general circulation in the City.

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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 _____, 2023.

Renee Hall, City Clerk

John A. Haila, Mayor