

ORDINANCE NO. 4561

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTIONS 13.100(5), 13.201, 13.300(1), 13.503(4)(e)(iii), 29.201(5)(6), TABLE 29.406(2), 29.408(7), 29.409, 29.501(3)(e)(v) and 29.1101(9) THEREOF, FOR THE PURPOSE OF AMENDING RENTAL HOUSING AND ZONING STANDARDS FOR ACCESSORY DWELLING UNITS (ADUs) 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, 13.100(5), 13.201, 13.300(1), 13.503(4)(e)(iii), 29.201(5)(6), Table 29.406(2), 29.408(7) and 29.409, 29.501(3)(e)(v) and 29.1101(9) as follows:

**"CHAPTER 13, RENTAL HOUSING**

\* \* \*

**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). ~~For purposes of this exception, an Accessory Dwelling Unit (ADU) is considered part of the single-family dwelling so long as both dwelling units are owner-occupied.~~

\* \* \*

**Sec. 13.201. TERMS DEFINED**

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**DWELLING UNIT, ACCESSORY.** Accessory Dwelling Unit (ADU) is defined and permitted through standards of the Zoning Ordinance as a detached or attached "dwelling unit" on the same property as a single-family ~~dwelling~~ residence.

\* \* \*

**Sec. 13.300. GENERAL**

(1) Registration required. No owner or operator shall rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation, unless:

\* \* \*

~~(c) For properties with an ADU, the property must also include the primary residence of the owner.~~

**Sec. 13.503. OCCUPANCY LIMITATIONS**

\* \* \*

(4) Limits based on Zoning District – Maximum Occupancy

\* \* \*

(e) The maximum occupancy for a single-family or a two-family dwelling unit shall be based upon compliance with all standards of the Code, including but not limited to parking spaces, area requirements, habitable space requirements, and the following:

\* \* \*

(iii) For properties with a single-family dwelling or duplex and an approved ADU, the maximum occupancy of the single-family ~~each~~ dwelling unit is calculated based upon its individual bedroom count, ~~if it is the licensed rental unit on a property. An ADU is limited to a maximum of three adults, if it is the licensed rental unit on a property. In no event can both dwellings be licensed as rental units, regardless of owner residency.~~

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## CHAPTER 29, ZONING

\* \* \*

### Sec. 29.201 DEFINITIONS

\* \* \*

(5) Accessory Dwelling Unit (ADU) means a detached “dwelling unit” on the same property with a single-family dwelling that includes the Primary Residence of the owner an additional 1-bedroom residential dwelling unit, attached or detached, located on the same lot as a single-family residence as defined by Iowa Code 562A.6.

(6) Accessory Structure means a subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be incidental and accessory to the use of the principal building. Accessory Structures include, but are not limited to, detached accessory dwelling units (ADUs), garages, sheds, and fences.

\* \* \*

### Sec. 29.406. OFF-STREET PARKING

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Table 29.406(2) Minimum Off-Street Parking Requirements		
PRINCIPAL LAND USE	ALL ZONES EXCEPT DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES	DOWNTOWN AND CAMPUS TOWN SERVICE CENTER ZONES
Residential Dwellings		
* * *		
Accessory Dwelling Units	1 space/RU	Not Applicable

\* \* \*

### Sec. 29.408 OTHER GENERAL DEVELOPMENT STANDARDS

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(7) Requirements for Private Garages and Other Accessory Buildings

(a) Accessory Dwelling Units are excluded from this section and must comply with Sec. 29.409.

~~(a)~~ (b) The following requirements apply to private garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:

\* \* \*

(b) (c) The following requirements apply to private garages and accessory buildings to legally nonconforming Single Family and Two-Family Dwellings in Commercial and Industrial Districts:

\* \* \*

(e) (d) When a special use permit is required for an institutional use, garages and accessory buildings/structures shall be exempt from that requirement, if the accessory structure does not exceed 900 square feet. Garages and accessory structures for an institutional use exceeding 900 square feet require approval of a special use permit.

\* \* \*

(d) (e) The following requirements apply to shared common lot line garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:

\* \* \*

#### Sec. 29.409. ACCESSORY DWELLING UNIT (ADU) STANDARDS.

~~An ADU is a specific type of accessory building with requirements additional to those of private garages and accessory buildings provided in 29.408. An ADU is a newly constructed additional residential dwelling unit located on the same lot as a single-family residence as defined by state law. This includes properties with a single-family or two-family dwelling defined within the Zoning Ordinance.~~

##### (1) Where Permitted.

~~(a) An ADUs are is permitted in the following zoning districts: R-L, R-M, UCRM, FS-RL, FS-RM, and F-PRD on any lot with only a single-family residence. An attached or detached ADU on a lot with a nonconforming single-family residence is subject to Sec. 29.307 standards related to a single- or two-family dwelling, including but not limited to limitations on the expansion of the household living use on a property.~~

~~(i) — One ADU is allowed on any lot having one existing single-family dwelling that is the primary residence of the property owner, and no other dwellings are on the lot. If a lot has two or more dwellings, an ADU is not permitted.~~

(b) Overlay zoning districts. If the property is in an overlay zone, such as the Single-Family Conservation (O-SFC) or the Historic (O-H), it may be subject to additional design standards and permitting requirements. In the event of conflict between overlay regulations and the regulations included herein, the more restrictive regulations shall control.

##### (2) Independent Dwelling Unit.

~~(a) Detached from the principal building. Location. The detached ADU may be created through the conversion of an existing detached structure or may be new construction creating a new standalone building. An ADU may be:~~

~~(i) Attached to the single-family residence.~~

~~(ii) Detached from the single-family residence in a free-standing structure.~~

~~(iii) Located within a converted, existing accessory structure, so long as the structure complies with all ADU requirements, including setbacks.~~

~~(iv) No ADU may be established as an addition to or within an existing single-family dwelling residence.~~

(b) Functions Independently. The ADU must function independently from the single-family principal residence. It must include its own bathroom and kitchen facilities and be connected to public utilities including water and sanitary sewer. Separate metering is not required but allowed.

(c) Foundation. Whether constructed on site or premanufactured, an ADU must be placed upon a permanent foundation.

##### (3) Lot Size Development Requirements

~~There is no minimum lot size for an ADU.~~

(a) All ADUs shall follow the same regulations as the single-family residence on the property regarding:

(i) Maximum height

(ii) Minimum setbacks

- (iii) Minimum lot size
- (iv) Minimum building frontages
- (v) Maximum lot coverages
- (vi) Density requirements
- (vii) Aesthetic or architectural standards
- (b) Where side setbacks are based on building height, the single-family residence and the ADU shall individually have minimum setbacks based on their respective heights.
- (c) ADUs are not regulated as accessory structures or accessory buildings in Sec. 29.408.
- (d) ADUs are not subject to the rear yard coverage restrictions in Sec. 29.408.
- (e) ADUs may be either freestanding or attached to the single-family residence.
  - (i) Attached ADUs must be of new construction and not a conversion of an existing dwelling.
  - (ii) Conversion of a detached accessory structure to an ADU must be in compliance with all zoning standards, including setbacks and lot coverage as a newly constructed ADU. For example, a nonconforming detached structure cannot be converted if it does not meet current zoning standards.
- (f) The design of the ADU when attached to the home with a total of two doors facing the street is subject to the design requirements of two-family homes.
- (g) ADUs are not required to adhere to the minimum standards of 29.410(1)(a), relating to minimum dimensions.

(4) Size Limitations and Bedrooms.

(a) The ADU may not exceed 1,000 square feet or 50% of the size of the single-family residence whichever is larger.

(i) For purposes of this section, size of the single-family residence is calculated on the Gross Floor Area as defined in Sec. 29.201.

(ii) For purposes of this section, the size of the ADU is calculated on the Gross Floor Area as defined in Sec. 29.201.

(b) The ADU is subject to the gross floor area limitations of accessory buildings and is limited to one bedroom. Any additional area or room that meets the definition of a bedroom as defined within the Zoning Ordinance is prohibited.

(5) Parking & Driveways.

(a) One paved off-street parking space is required for the ADU in addition to the two spaces required for the principal building. Although spaces for the principal building can include two cars parked in tandem, an ADU parking space cannot be in front of or behind another required parking space. No on-site parking is required for the ADU in addition to the required parking for the single-family residence. On-site single-family residence parking must be provided to approve an ADU. If parking is provided, it All parking spaces must be paved and located in accordance with the requirements of 29.406.

(b) Sidewalk. A sidewalk is required to connect the primary exterior entrance of the ADU with the paved parking area, or to the single-family residence principal building, or the street.

(6) Occupancy.

(a) Owner occupancy. No building permit or rental letter of compliance will be issued by the City for an ADU unless the titleholder resides on the property as their primary residence. The property owner's primary residence may be either the principal building or the ADU. Prior to issuance of a permit, a "Notice of Limitation on Rental" shall be recorded by the property owner, including an affidavit confirming their understanding of rental and occupancy requirements. The "Notice of Limitation on Rental" shall be on a form prepared by the city. Properties owned by an L.L.C. or other non-natural person entity do not qualify as owner-occupied.

(a) (b) The maximum occupancy of an ADU is limited to three adults. Additional Occupancy limitations may apply to Near Campus Neighborhoods, as defined within Chapter 13, Rental Code.

(b) (c) Rentals. Only one of the two dwelling units on the lot may be a rental. Any ADU or single-family residence principal building that is intended for use as a rental must be registered with the city and have a valid rental permit. All requirements of Chapter 13, Rental Code apply.

**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:

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(e) Accessory Uses:

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(v) May include one Accessory Dwelling Unit (ADU) on any ~~single-family residential zoned lot having one existing single-family dwelling property with a single-family residence.~~

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

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(9) Compatibility Standards. New construction of any principal building or other structure or any change in the use of land shall comply with the following compatibility standards. ~~Accessory~~ Detached Accessory Dwelling Units (ADUs) are not subject to the compatibility standards.

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Section Two. All ordinances, or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this 24 day of June, 2025.

John A. Haila, Mayor

First Reading: 6.24.2025

Second Reading: 6.24.2025

Third Reading: 6.24.2025

Passed on: 6.24.2025

I, Renee Hall, City Clerk of the City of Ames, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 4561, passed by the City Council of said City at the meeting held on 6.24.2025, and signed by the Mayor on 6.24.2025, and published in the Ames Tribune on 6.28.2025.

Renee Hall, City Clerk