

COUNCIL ACTION FORM

SUBJECT: CREATION OF A NEW CHAPTER OF THE AMES MUNICIPAL CODE, KNOWN AS CHAPTER 35, GUEST LODGING CODE- ESTABLISHING DEFINITIONS, ADMINISTRATION, STANDARDS, LICENSING, AND ENFORCEMENT FOR GUEST LODGING AND AMENDING THE TEXT OF THE ZONING ORDINANCE (CHAPTER 29) AND THE RENTAL HOUSING CODE (CHAPTER 13) TO ALLOW THEIR USE AND ESTABLISHING A FEE FOR LICENSURE.

BACKGROUND:

City Council first reviewed a conceptual regulatory framework for short-term rentals (**herein referred to as guest lodging with proposed ordinance**) on October 23rd regarding one and two-family homes. On November 13, 2018, the City Council directed staff to proceed with drafting standards that would allow guest lodging within apartments dwellings and to proceed with described licensing system of one and two-family homes. On February 26, 2019, City Council reviewed a draft of the proposed ordinances and gave direction to proceed with finalizing the text for the Guest Lodging Code and publishing notice for the text amendments to the Zoning Ordinance (Chapter 29) and the Rental Housing Code (Chapter 13). On April 23, 2019, City Council directed staff to remove “Vacation Lodging” from the proposed ordinances, so that guest lodgings might move forward to a first reading. [A discussion of Vacation Lodging is the subject of a separate staff report.](#)

Staff has worked with the City Attorney’s office to finalize the Guest Lodging Code and text amendments consistent with the Council’s direction. Guest Lodging is not a household living use, it is a lodging use that addresses how transient occupancy is allowed in conjunction with household living and the primary residents of a dwelling. Staff estimates that there are currently 50-60 properties that are advertised and that operate as a form of Guest Lodging. Staff anticipates that the number would increase with legalization and awareness of the guest lodging options available.

The changes necessary to create a new use of Guest Lodging is extensive:

1. Create a new type of principal and accessory use within the Zoning Ordinance (Chapter 29),
2. Establish a new licensure chapter (Chapter 35) of the *Ames Municipal Code*, and
3. Modify the Rental Housing Code with clarifying text amendments.

A complete discussion of the proposed changes is included in the Addendum. The draft ordinances are included as Attachment ‘A’, and are summarized as follows:

- Duration of Stay. Guest lodging is for a period of 31 consecutive days or less to the same person.
- Occupancy Limitations. Occupancy limitations vary by unit type and are generally based on the number of guest bedrooms with a maximum number of adults allowed.
- Approval. The intent is for an administrative review and approval for Hosted Home Shares and Home Shares as accessory uses. Amending the Bed & Breakfast special home occupation permit as an accessory use to become a Special Use Permit as a principal use.
- Annual licensing. An annual license is required. An annual licensing fee would be required in addition to any other city permits and fees.
- Parking. On-site parking subject to minimum parking requirements of Section 29.406.
- Fire Safety Requirements. Compliance with fire safety requirements of the Rental Housing Code (means of egress and fire protection systems) is required of all guest lodging 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. Subsequent inspections would be at the discretion of the Enforcement Officer.
- Renewal/Revocation Standards. The license to operate guest lodging may be revoked if it is determined that the guest lodging 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 regulations provide clear expectations with defined standards for the licensing and operating of guest lodging, and if needed, enforcement or license revocation. The goal is to minimize possible negative impacts to surrounding residential properties and neighborhoods from use of home for transient guest stays.

CODE COMPLIANCE & MONITORING:

The first step in achieving compliance with the adopted ordinances is public awareness of the new regulations. With City Council approval on first reading on June 11th and subsequent second and third readings in June, the new ordinances would be effective on or about July 1st. Staff proposes a delayed compliance period to allow time to receive and process applications, before enacting enforcement procedures, beginning on September 3rd (the day after Labor Day).

During the initial 60-day compliance period there would be no citations for operating an STR and if someone is in process of seeking a license they would not be subject to a citation during its review. Staff anticipates that review and approval of licensing applications can be incorporated into current inspection/planning duties.

Beyond providing public awareness, staff would have a limited ability to provide proactive compliance monitoring without address identification. The typical Airbnb listing data includes

only a neighborhood map of listing, but does not where the unit is located with a property address.

Address information is not publically available without subscribing to a third party monitoring compliance software service. These types of vendors provide a proprietary evaluation of a listing to identify an address. An initial annual subscription with a monitoring compliance services for addresses and contact identification would help the City to proactively reach out to those who may be unaware of the new licensing requirements and would help to bring everyone into compliance. Staff's understanding of the pricing from one vendor indicates a price of \$1,500 based upon 50 listings in the City and a cost of \$30.00 per listing going forward.

However, Staff believes that that working through traditional methods would be effective in the initial stage of implementation due to the current estimated low number of listings. If staff is unsuccessful in efforts to obtain compliance from property owners, we can revisit the need for additional services.

LICENSING FEE:

A fee of \$50 would suffice in covering administration costs and would be in-line with the annual rental housing registration renewal fee for a single family home. In addition to the annual fee, an inspection fee would be charged with the initial application and may be charged for renewals if inspections are needed in the future. It is important to note that this license system is designed to be prospective about future use of the property, meaning a property owner is paying up front for the license, not paying for a prior year of licensure after the fact. Additionally, this license is to the property owner and a change in ownership will trigger a new license requirement and fee to issue a new one-year license. If City Council chooses to acquire a subscription to a monitoring service, reviewing license fees would be appropriate at that time.

ALTERNATIVES:

- 1a. The City Council can adopt on first reading each of the attached ordinances:
 - i. Creating a new chapter of the *Ames Municipal Code* known as Chapter 35, Guest Lodging Code, establishing definitions, administration, standards, licensing, and enforcement for guest lodging, and
 - ii. Amending the text of the Zoning Ordinance (Chapter 29), and
 - iii. Amending text of the Rental Housing Code (Chapter 13) to allow the use of guest lodging, and
- 1b. Establish a fee for Guest Lodging licensure for 2019-2020 at \$50.00.

Note- Staff will place the approved ordinances on the June 18th agenda for 2nd reading and on June 25th for 3rd reading, allowing for the ordinances to be published by July 1st.

2. The City Council can adopt on first reading, a modified version of any of the three attached ordinances and establish a fee for guest lodging licensure.

3. The City Council can postpone to date certain, the first reading of any of the ordinances, preserving the noticing and postponing any action on establishing a fee for guest lodging licensure.

CITY MANAGER’S RECOMMENDED ACTION:

Staff has worked with the City Attorney’s Office to finalize the Guest Lodging Code and text amendments consistent with the Council’s direction. The changes necessary to address allowing guest lodging 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 (Chapter 35) of the *Ames Municipal Code*. Clarifying text amendments are also needed within the Rental Housing Code.

With three types of proposed guest lodging (Bed and Breakfast, Hosted Home Shares, and Home Shares), each has unique attributes related to occupancy, parking, and the approval process. However, objective criteria are included in the text to enable review for compliance and approval. Additional scrutiny through the Special Use Permit process for Bed & Breakfast Establishments will help to ensure neighborhood compatibility.

Upon adoption of new guest lodging standards, the goal would be to undergo a public education campaign to let people know of the new requirements. Staff believes allowing until September 3rd to both receive initial applications would be appropriate, before enacting enforcement procedures.

Licensing allows for periodic contact with property owners and helps ensure continued compliance. An annual licensing fee similar in cost to a Single Family Rental Letter of Compliance Cost is planned for the proposed licensing process. A Council update on the status of guest lodging licensing and compliance next spring, would shed light on whether any adjustments to the initial fee (set with the adoption of the ordinances) would be warranted.

Therefore, it is the recommendation of the City Manager that the City Council adopt on first reading each of the attached ordinances and establish a fee for initial guest lodging licensure as described in Alternative #1.

Addendum

The allowance of Guest Lodging as a transient occupancy use in residentially zoned areas has the potential to be incompatible with surrounding residential uses. Therefore, special regulation for short-term occupancy is necessary to ensure that Guest Lodging use will be compatible with surrounding residential uses and will not materially alter the character of neighborhoods in which they are located.

The Guest Lodging Code is proposed as a new chapter of the *Ames Municipal Code*. It establishes definitions, administration, standards, licensing, and enforcement for guest lodging. It provides reasonable and necessary regulations for the licensing and operation of guest lodging 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 guest lodging in residential zones.

Objective standards are included to enable review for compliance and approval. The guest lodging period would be 31 consecutive days or less.

The guest lodging types include: hosted home shares; home shares; and bed & breakfast establishments. Additional scrutiny through the Special Use Permit process for Bed & Breakfast Establishments will help to ensure neighborhood compatibility.

Each of the proposed types of guest lodging has unique attributes related to occupancy, parking, and the approval process. In cases where the property owner is the primary resident, the guest lodging use may be considered as an accessory use to the use of a single-family dwelling as household living. A new definition for "primary residence" helps differentiate when guest lodging would be considered as an accessory or principal use.

The proposed text amendment to the Zoning Ordinance adds each of the guest lodging types to the list of permitted uses in Article 5. Uses would be included as either a new accessory use to Household Living or as a new principal use under Short-Term Lodging.

Hosted Home Shares

As an incidental, accessory use, hosted home shares are the least impactful of the guest lodging types. Bedrooms that may be rented are limited to a maximum of two with no more than two adults as guests per dwelling unit. The dwelling is the primary residence of the property owner and the property owner is required to be on site and present during the rental period. This type of activity is viewed as an accessory use (subordinate and incidental to the residential use of the home). The impact of a hosted home share is not much greater than that of a private home with frequent houseguests. A licensing application is required that would be administratively approved and required to be renewed annually. The offering of a hosted home

share by tenants of rental apartments is exempt from licensure. Oversight compliance would be the responsibility of the landlord.

Home Shares

This option is somewhat unique in allowing for whole-house guest lodging facilities on limited basis without the primary resident present during the stay. The guest lodging code would allow a maximum of two adults per approved bedroom, not to exceed a total of five adults per dwelling unit. Approval would be by staff as an administrative process. Rental Housing Code registration is not required given the use of the home as a primary residence with a limited number of guest stay days in a year. The cumulative total of rental days allowed per annual renewal is 90 days. The proposed limitations are also meant to distinguish the guest lodging use from a use that should actually register as rental housing property subject to Chapter 13 requirements. In accordance with the guest lodging definition, the maximum stay for any guest is 30 consecutive days. The offering of a home share by tenants of rental apartments is exempt from licensure. Oversight compliance would be the responsibility of the landlord.

Bed & Breakfast Establishments

Bed & breakfast establishments are private homes or residences where the property owner resides, as their principal residence. Bed & Breakfast Establishments are permitted a maximum occupancy of two adults per approved bedroom for overnight guest lodging. The Zoning Board of Adjustment determines the number of bedrooms specific to the dwelling unit through the special use permitting process. No more than five bedrooms may be approved. B&B's are exempt from the City's Rental Housing Code; however, state licensing and inspection as a food establishment is required when there are more than four guest families accommodated. (Iowa Code, section 137F.1) The operating license would be required to be renewed annually.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning & Zoning Commission reviewed the proposed ordinances for the use of single and two-family dwellings as guest lodging on September 19, 2018 and the use of apartments as guest lodging on January 16, 2019.

In each case, the P&Z made a unanimous recommendation of approval (5-0) with certain modifications or limitations as summarized below.

September 19, 2018 unanimous recommendation regarding single-family homes as guest lodging:

- Two-family dwellings be included, and
- That the City Council consider proactive compliance monitoring to ensure that all guest lodging properties are licensed.

January 16, 2019 unanimous recommendation regarding inclusion of apartments as guest lodging:

- 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.

- The Commission also recommend that if Vacation Rentals were an allowed use, that a maximum of 10% of apartment units could be used for such a use and that one and two-family dwellings be allowed subject to a special use permit approval as was originally described by staff. However, Vacation Rentals are not part of the draft ordinance.

The Planning & Zoning Commission's recommendations were incorporated into the updated draft ordinances and are part of the staff recommendation.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW CHAPTER 35, GUEST LODGING CODE THEREOF FOR THE PURPOSE OF REGULATING GUEST LODGING IN THE CITY OF AMES, IOWA; 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 enacting a new Chapter as follows:

“[NEW] Chapter 35 GUEST LODGING CODE

Sec. 35.100. TITLE, PURPOSE AND SCOPE.

These regulations shall be known as the Guest Lodging Code of the City of Ames, hereinafter referred to as “this code.”

In the adoption of this code, the City finds that the guest lodging 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 guest lodging in order to:

- (1) Ensure the safety, welfare and convenience of guests, 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 guest lodging in residential zones.

Sec. 35.200. DEFINITIONS.

For the purposes of this code, the following words, terms and phrases have the meanings set forth herein. 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 have the meanings ascribed therein.

Applicant means a property owner or agent of a property owner who has filed an application for a guest lodging license.

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 is present and provides lodging, and may provide breakfast for overnight guests.

Bedroom, Approved Bedroom means any room or space used or intended to be used for sleeping purposes that is found to be in compliance with the standards of Chapter 13.

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 guest lodging.

Guest Lodging means the advertising, offering, or otherwise availability of 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 does not include any hotel or motel facility.

Guest Lodging License means the regulatory license required by this code.

Home Share means the limited guest lodging 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 guest lodging 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 guest lodging.

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.

Sec. 35.300. GUEST LODGING LICENSING

- (1) **License Required.** No person or entity may advertise, offer, let, operate, or otherwise make available guest lodging without a current guest lodging 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 guest lodging.

35.400 GUEST LODGING STANDARDS

- (1) **Application.** Any property owner or entity intending to allow or carry on the business of offering Guest lodging on their property must submit a written application with the Enforcement Officer demonstrating that the proposed guest lodging 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 must 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).
 - (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 are required to 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 Hosted Home Shares or Bed & Breakfast Establishments, the local representative is the property owner.
 - (b) **Housing Type.** There is no restriction on the type of housing in which guest lodging may be licensed.
 - (c) **Zoning.** The dwelling unit is located in a zoning district permitting their use as guest lodging, as identified in the zoning use tables found in Chapter 29, Zoning Ordinance. Generally, guest lodging is 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.

- (d) **Occupancy.**
- (i) Hosted Home Shares are limited to a maximum of two approved 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 guest lodging.
 - (ii) Bed & Breakfast Establishments are permitted a maximum occupancy of two adults per approved bedroom. The Zoning Board of Adjustment determines the number of bedrooms specific to the dwelling unit. No more than five bedrooms may be approved.
 - (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) Any dwelling unit subject to a Letter of Compliance is bound by the Rental Housing 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 required - 5 spaces).
- (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 must be provided indicating that required taxes for the previous year have been paid pursuant to *Ames Municipal Code Section 24.3*.
- (h) **Special Use Permit.**
- (i) Bed & Breakfast Establishments must obtain a Special Use Permit from the Zoning Board of Adjustment, prior to receiving a guest lodging license.
- (i) **Inspection.** Upon application for a license all guest lodging must 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.
- (j) **Additional Operational Requirements.**
- (i) **Concurrent Guest Contracts Not Allowed Within a Dwelling Unit.** Accommodations must 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).** Home Shares are limited to a total of 90 days per annual renewal period, with each guest contract including a period of 31 days or less.
 - (iii) **Mandatory Postings of License.** A copy of the guest lodging license issued by the City must be displayed in a prominent location within the interior of the dwelling near the front door.
 - (iv) **Registry of Guests.** Each owner must keep a registry of guests accommodated during the licensing period.
 - (v) **Responsiveness to Complaints.** The owner or representative must respond to complaints in a reasonably timely manner and shall maintain a record of the actions

taken in response.

- (vi) **Ongoing Compliance.** The guest lodging standards must 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 guest lodging license or license renewal must be on forms provided by the City.
- (ii) **License Fee.** The application fee for a guest lodging license or license renewal must 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 must 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 31 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 guest lodging must 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 guest lodging license based upon this section.
 - g. **Notification.** Within 31 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 guest lodging license expires, the dwelling unit may not be used or occupied as guest lodging until such time as a subsequent license has been granted for that unit.
- (4) **Transferability.** The license must 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 guest lodging 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 guest lodging 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 guest lodging; or
 - e. The Chief of Police or Fire Chief and/or their designees have determined that the guest lodging 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 must 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 subsequent 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 31 days, under the procedures set forth in the *Zoning Ordinance Section 29.1403(8)*.

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set in this ordinance.

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. Enforcement of this ordinance shall begin on September 3, 2019.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING NEW SUBSECTIONS 29.201(14.1), 29.201 (17.1), 29.201 (18.1), 29.201(19.1), 29.201 (92.1), 29.201 (92.2), 29.201(98.1), 29.201(100.1), and 29.201(160.2) AMENDING CHAPTER 29 THEREOF, FOR THE PURPOSE OF HARMONIZING CHAPTER 29 WITH CHAPTER 35, GUEST LODGING CODE; 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 enacting new subsections 29.201(14.1), 29.201(19.1), 29.201(98.1), 29.201(100.1), 29.201(160.2), 29.201(191.1), and 29.201(191.2) and 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:

...

*** ~~Basement. See subsection 250.~~

...

(18.1) **Basement.** That floor level of a building between the upper surface of a floor and the ceiling or floor joists next above, which has at least 50% of the total area of its perimeter of foundational walls located below natural and finished grade.

...

(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.

...

(92.1) **Guest Lodging** means the advertising, offering, or otherwise availability of 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 does not include any hotel or motel facility.

(92.2) **Guest Lodging License** means the regulatory license required by Chapter 35.

...

(98.1) **Home Share** means the limited guest lodging 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 guest lodging licensed under Chapter 35.

...

(100.1) **Hosted Home Share** means the guest lodging 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 guest lodging licensed under Chapter 35.

...

(160.2) 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.

...

(250) Basement. That floor level of a building between the upper surface of a floor and the ceiling or floor joists next above, which has at least 50% of the total area of its perimeter of foundational walls located below natural and finished grade.

...

Sec. 29.406. OFF-STREET PARKING.

...

**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>Group Living</u>		
Boarding houses, rooming houses, and lodging houses	1 space/bed	0.5 space/bed
College and University housing, fraternities and sororities	1 space/3 beds	NONE
<u>Group Living</u> Nursing and convalescent homes	1 space/5 beds, plus 1 space/2 staff members of the largest shift	NONE
<u>Short-Term Lodging</u>		
<u>Bed & Breakfast Establishment</u>	<u>1 space/guest bedroom, plus 1 space for the owner</u>	<u>N/A</u>
<u>Short Term Lodging</u> Hotel/Motel, including ancillary uses	1 space/guest room; plus 6 spaces/1,000 sf of ballroom, meeting, bar and restaurant areas; plus 1 space/2 employees of the largest shift	1 space/guest room; plus 6 spaces/1,000 sf of ballroom, meeting, bar and restaurant areas; plus 1 space/2 employees of the largest shift

...

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 guest lodging 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, and Home Shares;

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. Has 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, and Home Shares are exempt from the 25% floor area limitation.

...

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

Household Living

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~~ 31 days or less. Short-term lodging is subject to State of Iowa definitions, permits, and rules, including remittance of hotel and motel tax.

Uses Included

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

~~Bed and breakfasts~~

Bed & Breakfast Establishment

Hotels

Motels

Recreational Vehicle Parks

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
RESIDENTIAL USES			
Group Living	N		
<u>Household Living</u>			

Household Living Accessory Uses			

<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short term Lodgings <u>Short-Term Lodging</u>	<u>N</u>		
<u>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>ZBA/Staff</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
RESIDENTIAL USES			

Household Living Accessory Uses			

<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short term Lodgings <u>Short-Term Lodging</u>	N, except Bed and Breakfast permitted as a Home Occupation.	<u>HO</u>	<u>ZBA/Staff</u>
<u>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>Staff</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
RESIDENTIAL USES			

Household Living Accessory Uses			

<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</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>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>ZBA/Staff</u>

...

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
RESIDENTIAL USES			

Household Living Accessory Uses			

<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</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>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>ZBA/Staff</u>

...

Sec. 29.704. "RH" RESIDENTIAL HIGH DENSITY.

...

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

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

Household Living Accessory Uses			

<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</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>Bed & Breakfast Establishment</u>	<u>Y</u>	SP	<u>ZBA/Staff</u>

...

Sec. 29.705. "RLP" RESIDENTIAL LOW DENSITY PARK ZONE.

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>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short term Lodgings <u>Short-Term Lodging</u>	N	-	

...

Sec. 29.801. NEIGHBORHOOD COMMERCIAL ZONING STANDARDS

...

**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>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short term Lodgings <u>Short-Term Lodging</u>	<u>N</u>	-	
<u>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>ZBA/Staff</u>

...

Sec. 29.802. "CCN" COMMUNITY COMMERCIAL NODE.

...

**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 Bed & Breakfast Establishment</u>	SDP Minor	Staff

...

Sec. 29.804. "HOC" HIGHWAY-ORIENTED COMMERCIAL.

...

**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 Bed & Breakfast Establishment</u>	SDP Minor	Staff

...

29.805. "PRC" PLANNED REGIONAL COMMERCIAL.

...

**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 Bed & Breakfast Establishment</u>	SDP Minor	Staff
***			-

...

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

...

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

<u>Household Living Accessory Uses</u>			
<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short-term Lodgings <u>Short-Term Lodging</u>	<u>Y, except Bed & Breakfast Establishment</u>	SDP Minor	Staff

...

Sec. 29.808. "DSC" DOWNTOWN SERVICE CENTER.

...

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

<u>Household Living Accessory Uses</u>			
<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short term Lodgings <u>Short-Term Lodging</u>	<u>Y, except Bed & Breakfast Establishment</u>	SDP Minor	Staff

...

Sec. 29.809. "CSC" CAMPUSTOWN SERVICE CENTER .

...

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

<u>Household Living Accessory Uses</u>			
<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short term Lodgings <u>Short-Term Lodging</u>	<u>Y, except Bed & Breakfast Establishment</u>	SDP Minor	Staff

...

Sec. 29.903. Research Park Innovation District (RI)

...

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</u> , except <u>Bed & Breakfast Establishment</u>	SDP Minor	Staff

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
RESIDENTIAL USES			

Household Living Accessory Uses			

<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</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>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>ZBA/Staff</u>

...

Sec. 29.1004 "DGC" DOWNTOWN GATEWAY COMMERCIAL

...

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			

<u>Household Living Accessory Uses</u>			
<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short-term Lodging <u>Short-Term Lodging</u> (stand alone or mixed use)	<u>Y, except Bed & Breakfast Establishment</u>	SDP Major	Staff

...

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

(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 as set forth in Table 29.1101(4)(a) below:

**Table 29.1101(4)(a)
Single Family Conservation Overlay (O-SFC) Uses**

<u>USE CATEGORIES</u>	<u>STATUS</u>	<u>APPROVAL REQUIRED</u>	<u>APPROVAL AUTHORITY</u>
<u>RESIDENTIAL USES</u>	-	-	-
<u>Household Living</u>	-		-
<u>Single-Family Dwelling</u>	<u>Y</u>		<u>Staff</u>
<u>Two-Family Dwelling</u>	<u>Y</u>		<u>Staff</u>
<u>Household Living Accessory Uses</u>	-	-	-
<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Short-Term Lodging</u>			
<u>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>ZBA/Staff</u>

- ~~(i) Dwelling—Single Family~~
- ~~(ii) Dwelling—Two Family~~

(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. 29.1201. "F-VR" VILLAGE RESIDENTIAL DISTRICT.

...

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

USE CATEGORY	NEIGHBORHOOD CENTER	NEIGHBORHOOD GENERAL	NEIGHBORHOOD EDGE
RESIDENTIAL_*			

*Guest lodging is subject to the requirements of Chapter 35.

...

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
RESIDENTIAL USES			

Household Living Accessory Uses			

<u>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Clubhouse	N		
Short-term Lodgings <u>Short-Term Lodging</u>	N, except Bed and Breakfast permitted as a Home Occupation	HO	ZBA/Staff
<u>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>ZBA/Staff</u>

...

**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>Home Share</u>	<u>Y</u>		<u>Staff</u>
<u>Hosted Home Share</u>	<u>Y</u>		<u>Staff</u>
Short term Lodgings-Short-Term Lodging	N, except Bed and Breakfast permitted as a Home Occupation	HO	ZBA/Staff
<u>Bed & Breakfast Establishment</u>	<u>Y</u>	<u>SP</u>	<u>ZBA/Staff</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
***	<p>Accessory uses of the Household Living category provided for in <u>Table 29.501(4)-1 Section 29.500</u> of this ordinance. <u>Guest lodging is subject to the standards of Chapter 35.</u> Garages Open space uses Home occupations subject to standards of Section 29.1304 of this ordinance 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</p>

Sec. 29.1302. GUEST LODGING REQUIREMENTS. ~~BED & BREAKFAST ESTABLISHMENTS.~~

- (+) **Special Use Permit.** ~~Bed & Breakfast Establishments must obtain a Special Use Permit from the Zoning Board of Adjustment prior to receiving a guest lodging license.~~
- (1) ~~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:~~
- (2) ~~**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.~~
- (3) ~~**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.~~

- ~~(4) (2) **Guest Rooms.** 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.~~
- ~~(5) (3) **Off-Street Parking Requirements.** Bed & Breakfast Establishments must have one reserved space per guest room, plus one space for the owner. The parking spaces shall meet standards established by Section 29.406 of this ordinance.~~
- ~~(6) **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.~~
- ~~(7) **Guest stays** shall be limited to 2 weeks.~~
- ~~(8) **The Special Use Permit** is not transferable to a subsequent owner or to another property.~~
- ~~(3) **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. 29.1304. HOME OCCUPATIONS.

(1) Permitted, Special and Prohibited Home Occupations.

...

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

...”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out in Ames Municipal Code Chapter 29.

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. Enforcement of this ordinance shall begin on September 3, 2019.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 13.100(5)(b) THEREOF, FOR THE PURPOSE OF HARMONIZING CHAPTER 13 WITH CHAPTER 35, GUEST LODGING CODE; 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 enacting a new Section 13.100(5)(b) as follows:

“Sec. 13.100 GENERAL

...

(5) Exceptions.

The following residential structures are exempt from these rules:

...

(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.

...”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out in Ames Municipal Code Chapter 13.

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. Enforcement of this ordinance shall begin on September 3, 2019.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor