

Meeting Ad hoc Committee Short-Term rentals

February 15, 2023

Amana Church Fellowship Hall

1. Review the ordinance for accepted uses within the R-1, HP-R Districts and the definition and uses for home occupations (all districts).
Accepted uses in the districts are listed below. There are currently no ordinances that prohibit short-term rentals within the ACLUD district.
2. Goals of the Short-Term Rental Ordinance are to:
 - a. Ensure the integrity and continuity of neighborhoods,
 - b. Assure that STR provide reasonable accommodations without disrupting the surrounding neighbors,
 - c. Support economic development through tourism within the District, and
 - d. Encourage the purchase and rehabilitation of historic properties within the District.
3. Other considerations
 - a. Will it encompass Inns and Beds and Breakfasts?
No
 - b. Does it need to be tied to inspections?
This will need to be investigated further with Iowa County, there are no inspection requirements within the current ACLUD ordinances.
 - c. Fees? Annual?
Application - \$150, annual - \$130, operating without a permit \$1,000 per month fine.
4. Discussion of draft ordinance – based on Galena.
An updated ordinance reflecting a long discussion will be reviewed at the next meeting on March 1, 6:30 pm at the Amana Church Fellowship Hall.

Accepted Uses

Section 31.18.010 - Statement of Intent.

The R-1 District is intended and designed to provide for certain low density residential areas developed after 1932 with one family and two family dwellings, and areas where similar residential development seems likely to occur.

Section 31.18.020 - Principal Permitted Uses.

Only the use of structures or land listed in this section shall be permitted in the R-1 District.

- A. One and two family dwellings.
- B. Conversions of one family dwellings into two- family dwellings in accordance with the lot area, frontage, height and yard requirements of this section.
- C. Churches, chapels, temples, and similar places of worship; provided that all principal buildings be set back a minimum of forty (40) feet from all property lines.
- D. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Amana community public schools; provided that all principal buildings be set back a minimum of forty (40) feet from all property lines.

- E. Family homes as defined by and as limited by Chapter 358.A.25, Code of Iowa, 1985.
- F. Publicly owned parks, playgrounds, golf courses, and recreation areas.
- G. Private non-commercial recreational areas including country clubs, swimming pools, tennis clubs and ball fields.
- H. Agricultural uses, including nurseries, greenhouses and truck gardens provided that no offensive odors or dust are created and provided further, that no retail sales or the raising and keeping of livestock or poultry shall be permitted on the premises.

Section 31.18.030 - Permitted Accessory Uses.

Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

- A. Private garage or carport.
 - B. Home occupations as permitted in and as limited by Section 31.02.050(I).
 - C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 - E. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.
 - F. Day nurseries and nursery schools.
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B. HP-R Residential Sub-District. Only the use of structures or land listed in this sub-section shall be permitted in the HP-R-Sub-District.

1. Principal Permitted Uses.

- a. One and two family dwellings.
- b. Conversions of one family dwellings into two family dwellings in accordance with the lot area, frontage, height and yard requirements of this sub-section.
- c. Multiple dwellings, including row dwellings and condominium dwellings.
- d. Boarding and rooming houses.
- e. Family homes as defined by and as limited by Chapter 358.A.25, Code of Iowa, 1985.
- f. Nursing, convalescent and retirement homes.
- g. Churches, chapels, temples, and similar places of worship.
- h. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Amana Community public schools.
- i. Other institutions of a religious, educational, or philanthropic nature, including libraries.
- j. Public and privately owned parks, playgrounds and recreation areas.
- k. Agricultural uses, including nurseries, greenhouses and truck gardens provided that no offensive odors or dust are created and provided further, that no retail sales or the raising and keeping of livestock or poultry shall be permitted on the premises.

2. Permitted Accessory Uses.

Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

- a. Private garage or carport.
- b. Home occupations as permitted in and as limited by Section 31.02.050(I).

- c. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.
 - d. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 - e. Day nurseries and nursery schools.
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Section 31.02.050 - General Regulations

Home Occupations.

Subject to the limitations of this section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation, as provided herein, shall be determined by the Land Use Administrator pursuant to the provisions of this ordinance. The regulations of this section are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section is presented to control businesses conducting direct-in-person retail or wholesale and services from non-commercial structures by a resident proprietor. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure. Permits shall be issued for a period of 5 years. If property has change of ownership, location, or type of business, a new permit is required. Amended 6-05 to clarify purpose, to set term for permit and to qualify requirements requiring new permit

1. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
 - a. Not more than one person who is not a resident on the premises shall be employed.
 - b. No more than 25% of the floor area shall be devoted to the home occupation. The floor area shall be defined as an area, fully enclosed with a 7' ceiling height or greater. Garages and outbuildings may be considered when making this calculation.
Amended 6-05 to clarify "floor area of dwelling unit." and percentage allowable
 - c. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
 - d. Total display space may not exceed 64 square feet of wall space and 16 square feet of floor space.
Amended 6-05 to define allowable area of display space
 - e. The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted building accessory thereto. Amended 6-05 to eliminate "and in no event shall such use be apparent from any public way"
 - f. There shall be no outdoor storage of equipment or materials used in the home occupation.
 - g. Not more than one commercial vehicle used in connection with any home occupation shall be parked on the property.
 - h. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
 - i. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
 - j-k. *Superseded by Sign Ordinance, enacted January, 1996.*

- l. Residences used to provide day care are permitted outside playground equipment.
Amended 6-05 to add these terms
- m. Bed and Breakfasts must provide one off-street, on premise parking space per guest room, in addition to parking for property owners' or renters' vehicles.
Amended 6-05 to add these terms

2. Home Occupations. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each such home occupation shall be subject to the use limitations set out in Section 31.02.050 (l.1.) above.

- a. Providing instruction to not more than eight students at a time.
 - b. Office facilities for accountants, architects, brokers, doctors, dentists, engineers, lawyers, insurance agents and real estate agents.
 - c. Office facilities for clergy.
Amended 6-05 to change wording to "clergy"
 - d. Office facilities for salesmen, sales representatives and manufacturer's representatives. *Amended 6-05 to eliminate restriction of "no retail transactions to take place on premises"*
 - e. Studio of an artist, photographer, crafters, music teacher.
Amended 6-05 to change occupations allowed
 - f. Shop of a beautician, barber, hair stylist, dressmaker or tailor.
 - g. Bed and Breakfast establishments limited to not more than three guest rooms.
 - h. Day Care providers
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Draft Ordinance

Definitions.

Short-Term Rentals

Short-term rental means an accommodation where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days.

Short-term rental agent means a person or organization designated by the owner or long-term tenant of a short-term rental on the short-term rental license application. Such a person shall be available for and responsive to contact at all times.

No person shall operate a short-term rental without first having obtained a STR permit from the District. A STR permit may not be issued until the owner has obtained a special use permit for the appropriate land use from the District. There shall be a total limit of 10 STR permits issued for short-term rentals within the residential districts and subdistricts (R-1, R-2, HP-R). There shall be a total limit of 10 STR permits in the commercial districts and subdistricts (C-1, C-2, C-3, HP-C). A STR permit may be issued for structures located anywhere within the C-1, C-2, C-3, and HP-C districts and subdistricts. A STR permit may be issued for structures within R-1, R-2, and HP-R districts and subdistricts when the property shares a boundary line with a C-1, C-2, C-3, ACOS or ACOS-NA district or is located along a state roadway. No village within the District shall have more than 5% of structures or 1 structure (whichever is more) permitted for short-term rentals.

Each applicant for a STR permit will pay an initial, non-refundable permit fee of \$150, even if the permit is not granted.

Prior to March 1 of each year, the STR owner who wishes to renew their permit for another year, beginning May 1, will pay an annual permit fee of \$130.

