

**BUSINESS OF THE CITY COUNCIL  
WINDSOR HEIGHTS, IOWA  
AGENDA STATEMENT**


Item No. 7  
For Meeting of 03.03.08

**ITEM TITLE:** Consideration of an ordinance to amend the Code of Ordinances by amending sections of Chapter 41: Zoning Code

**CONTACT PERSON(S):** Marketa George Oliver, City Administrator

**SUMMARY EXPLANATION**

This change to the City's zoning code was discussed by the Planning and Zoning Commission, who recommends its passage. The ordinance adds detailed definitions of Hotel, Motel and Extended Stay Hotel or Motel. It also takes the word "apartment hotels" out of the zoning code.

____ Resolution _____ Ordinance ____ Contract __ Other (Specify) _____
Funding Source _____

APPROVED FOR SUBMITTAL _____ City Administrator

**RECOMMENDATION:** Pass one or more readings of the ordinance on a roll call vote.

**COUNCIL ACTION:**

ORDINANCE NO. 08-06

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING SECTIONS OF CHAPTER 41: ZONING CODE

BE IT ENACTED by the City Council of the City of Windsor Heights, Polk County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to amend certain sections of Chapter 41 of the Municipal Code so that the definitions of a Hotel, Motel and Extended Stay Hotel and Motel are specified in city code.

SECTION 2. Amended. Chapter 41 ZONING CODE, is amended to read as follows:

41.19 COMMERCIAL USE TYPES. Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

t. Lodging. Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include the following definitions: hotels, apartment hotels, and motels.

"Hotel" means one or more buildings containing 20 or more guest rooms, with such rooms being designed, intended to be used or are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, soap change, general clean-up, and a registration lobby staffed on a twenty-four (24) hour daily basis are provided by the management. Each room shall be a minimum of 275 square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding 30 (30) days per year. Access to all rooms shall be provided through one or more common entrance(s). Accessory uses are encouraged and permitted accessory uses include restaurants, cocktail lounges, banquet halls, ballrooms, or meeting rooms.

"Motel" means a building or group of buildings containing dwelling units, intended to be used or are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, soap change, general clean-up, and a registration lobby staffed on a twelve (12) hour daily basis and twenty four (24) hour daily registration and emergency phone number are provided by the management. Each room shall be a minimum of 275 square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding 30 (30) days per year. Each living or sleeping unit shall have an individual entrance from outside the building. Living or sleeping units may be equipped with cooking facilities. Parking close to the entrance of each living or sleeping unit should be made available.

"Extended stay hotel or motel" means any structure consisting of one or more buildings, with more than five specific dwelling units with provisions for living, eating, contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens, sanitation, separate bathroom and kitchen sink, and sleeping in each unit, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, for a minimum stay of more than thirty days and a maximum stay of ten months within the dwelling units at the structure, that is approved pursuant to a valid certificate of occupancy issued by the building official having jurisdiction as having all of the required dwelling unit features, and for which such valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units, and that is approved by the fire marshal for extended stay temporary residence purposes. Each room shall be a minimum of 300 square feet in area, exclusive of bathroom, closet, or balcony space. Weekly services for each dwelling unit of linen change, towel change, soap change, general clean-up, and a registration lobby staffed on a twelve (12) hour daily basis and twenty four (24) hour daily registration and emergency phone number are provided by the management. Each extended stay dwelling unit and facilities are subject to the City's rental inspection outlined in the city code in Chapter 29 Building Property and Regulations. For the purposes of parking requirements, extended stay hotel or motels will have to meet the Multi-Family Residential parking requirements.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 5. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed by the City Council this 3<sup>rd</sup> day of March, 2008 and approved this XX day of March, 2008.

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David J. Sullivan, Mayor

ATTEST:

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Marketa George Oliver, City Administrator/Clerk

**CLERK'S CERTIFICATE 08-06**

I, Marketa George Oliver, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Windsor Heights, Iowa, and that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Windsor Heights, Iowa, as provided by law on the 18<sup>th</sup> day of February, 2008, approved as provided by law on the XX day of March, 2008, and published as provided by law on the XX day of February, 2008, at 8:00 a.m.

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***Marketa George Oliver, City***

***Administrator/Clerk***