

July 15, 2008

Proceedings of the University Heights Zoning Commission, subject to approval by the Commission at a subsequent meeting.

ZONING COMMISSION REGULAR MEETING

Chair Pat Bauer called the July, 2008 meeting of the University Heights Zoning Commission to order at 7:03 p.m.

Present: Chair Bauer. Commission Members William Gay, Weldon Heitman, Mary Richard and Karl Robertson. Staff present: Attorney Ballard and Clerk Anderson. Also attending Dell Richard and Ben Visser.

Chair Bauer passed out an outline for discussion to the group; items centered on rental regulations and regulating infill/teardown development in University Heights. Bauer commented that between the results of the city comprehensive survey and complaints from citizens, there is a concern that rental property in University Heights is affecting the community in a negative way.

Currently, the occupancy restriction for rental properties is “family + 1” and this applies to every residential zone within University Heights. Commission member Gay commented that the city needs to enforce the rule and that we have adequate rental ordinances on the books but they need to be enforced by the city and councilors.

Attorney Ballard commented that the enforcement and “policing” of rental properties has become more refined and aggressive in the past few years. In addition to the rental permit which lists the names of the tenants, the city clerk checks property tax records, water bills (which list the names of the people living at the residences), and voting records. Ballard also responds to questions from real estate agents and lawyers when properties are being purchased; Ballard has recently spoken with 4 lawyers regarding purchases of property in University Heights and three sales did not occur due to the occupancy restrictions for rental property. We cannot prohibit people from renting the property but we can create ordinances to restrict occupancy

Attorney Ballard also stated that as a proactive measure to deal with the complaints he is creating a brochure to educate the citizens and tenants on the rental policies and ordinances. .

Chair Bauer stated there appears to be three phases concerning compliance of rental issues: 1) people need to communicate concerns to those who enforce the policies, 2) those who enforce the policies should affirm that they do enforce the rules once a complaint is received, and 3) people are not aware something have been done to resolve the problem because they are not seeing results. Chair Bauer asked if there were any legal limitations on talking about a particular property and how a problem was resolved. Attorney Ballard commented that the city probably should do a better job of publicizing their successes to enforce the rental ordinances.

Commission member Richard commented she is more concerned whether her quality of life is affected by the rental properties and their activities. Chair Bauer stated that goes back to the complaint driven point; are you a bad citizen because you have not “ratted out” the rental property that is not causing any problems. Commission member Richard replied that she was not sure if she wanted to hire additional staff to find properties that were not in compliance but were also not causing problems; it should at the citizen’s discretion. Attorney Ballard commented that it is the council’s directive that we have all rental properties in compliance whether they cause problems or not.

Council member Gay suggested that the city enforce the existing description of family and he would like the city council to explore ways to enforce that rule. Gay also suggested that the council look at owners/renters renting out parking spots on the driveway to individuals and enforce the disorderly house ordinance and again, explore ways to enforce the ordinance. Attorney Ballard reiterated that if citizens have complaints about a disorderly house they need to call the police and they will enforce the rules.

Chair Bauer asked if a disorderly house infraction would be tied to the rental permit. Attorney Ballard replied we have a nuisance house ordinance, which if an address collects a certain number of a certain kind of infraction, the city can rescind the rental permit.

Commission member Richard asked if the city had considered Title 8 placements or the placement of foster children as being allowed under the ordinance. Attorney Ballard stated he would look into this.

Chair Bauer moved the discussion to the issue of driveways and concerns of how much is paved and using what material. Currently, one-third of the front yard is the maximum a property owner can have paved. There are questions about parking in the side yard, the back yard, the type of surfacing (concrete or asphalt) and if gravel would be allowed. Do we have any concerns with the property owners or renters renting out the driveway for parking?

Commission member Heitman urged caution and tolerance of some of these issues; obviously we want a respectful community but we need to be a little less stringent and try to be accommodating to a point. Attorney Ballard commented regulating parking could be problematic as there is a vast array of issues to consider. Commission member Gay stated the city should continue to enforce the existing ordinances and amend where necessary to further strengthen the ordinance.

Chair Bauer suggested that the city considered grandfathering “un-hard” surfaces, following the current 1/3rd rule, but any subsequent conversion of grass to parking would need to follow the hard surface policy. He also commented, regarding rental housing, that it appeared the commission was not suggesting the council make substantive changes but perhaps tweak existing ordinances. Bauer also suggested that an annual report on enforcement be posted on the city website.

Chair Bauer asked Attorney Ballard if the council was open to a seller/landlord disclosure statement; where municipalities require disclosure by the owner to the buyer of rental properties as part of a property transfer, sale or a lease. Attorney Ballard agreed this was a good idea.

Chair Bauer addressed the redevelopment of property within University Heights; and the different issues to potentially consider. Commission member Gay stated there should be a review of the existing rules and if they seem reasonable let them stand as bigger houses will not become rental houses.

Chair Bauer commented that in the city survey, there was overwhelming support for regulation of the size of houses in University Heights but not necessarily the design of the house. Bauer feels there should be further analysis of the remaining 80% of houses in University Heights not included in the intern’s report. Commission member Gay stated that the city should be proactive about this issue.

The meeting was adjourned at 9: 02 p.m.

Attest _____
Christine Anderson, City Clerk

Approved _____
Patrick B. Bauer, Chair
Zoning Commission.

Discussion Outline for July 15 Zoning Commission Meeting

I. RENTAL REGULATIONS

- A. Extent and Nature of Problems (Memo pp. 1-3) [perhaps discussion not needed?]
- B. Adequacy of Existing Regulation
 - 1. Occupancy Limitations (Memo pp. 3-5) (including suitability of existing definition of family - see "Redefining Family" memo attachment)
 - 2. Parking Provisions (Memo pp. 5-7) (including 1/3 front yard coverage limitation and requirement of hard surfacing)
 - 3. Enforcement Mechanisms (Memo pp. 7-9)
- C. Possible Further Efforts
 - 1. General Public Information (see attached draft brochure (presently being revised in accordance with discussion at July 8 Council meeting))
 - 2. Required Seller/Buyer and/or Landlord/Tenant Disclosures (see memo's online references to materials employed in Iowa City and Fort Collins, CO)
 - 3. Incorporation of Recurrences of Misconduct into Rental Permit System (Memo p. 9 & memo's online reference to Iowa City's "Neighborhood Calming" brochure)
 - 4. Separate Treatment of Student Houses (Memo pp. 9-10)
 - 5. Parking Permits (Memo pp. 2 & 10)

II. REGULATING INFILL/TEARDOWN DEVELOPMENT

- A. Current Circumstances
 - 1. Support for Size and/or Design Regulation of New Construction (Memo pp. 1-2 & Community Survey Results attachment pp. 3-4)
 - 2. Existing Housing and New Construction Presently Possible Under Existing Setback/Height Limitations (Memo pp. 4-6)
- B. Possible Further Regulation
 - 1. Floor Area Ratios (versus Combination of Lot Coverage/Height Limitations) (Memo pp. 7-8)
 - 2. Lot Consolidations (Memo p. 9)
 - 3. Design Review (memo attachments ("Why Do Site Plan Review" and Provo, UT/Fort Collins, CO design standards) and "A Pattern Book for West Des Moines Neighborhoods" (available at <http://www.wdm-ia.com/Index.aspx?page=117&recordid=147&returnURL=%2Findex.aspx>))