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March 25, 2013

OWNERS OF NON-SINGLE-FAMLY PROPERTIES
UNIVERSITY HEIGHT, IOWA

Dear Owners of Non-Single-Family Properties in University Heights:

I am writing as attorney for the City of University Heights at the request of the City's Zoning Commission.

Last spring, the City was recognized by the League of American Bicyclists as a Bicycle Friendly Community at the Bronze level. The City was pleased to receive this designation and desires to explore ways in which to make the City even more bicycle friendly.

Last summer, the City received proposed amendments to the Zoning Ordinance for bicycle parking from Kristopher Ackerson, MPOJC Assistant Transportation Planner (enclosure, pp. 1-3). Last fall, the University Heights Zoning Commission discussed the advisability of some sort of action with respect to bicycle parking. In particular, the Zoning Commission considered whether bicycle parking requirements should apply only to owners of "new" uses or buildings in the City or whether requirements eventually might apply to owners of "existing" uses or buildings (enclosure, pp. 4-5). The distinction between applying only to "new" or also to "existing" uses or buildings is a significant one, especially given that most of the property in the City has already been built out.

Before proceeding further, the Zoning Commission would like to receive and consider the views of the owners of properties that might be affected. Particularly, the Commission desires input concerning (i) the extent of any existing bicycle parking on these properties; ii) the perceived demand for additional bicycle parking; (iii)possible plans to provide additional bicycle parking sometime down the line; and (iv) the existence and nature of any impediments to advancing such plans (for example, cost, space available for location, etc.) (enclosure, p. 5).

You are welcome to provide such input either in writing before the Zoning Commission's next meeting or orally at that meeting. The meeting is at 7:00 p.m. Tuesday, April 30 at the City Office - 1004 Melrose Avenue. If you have any questions about this request, please contact me (319/338-7551, steve-ballard@university-heights.org) or contact the Zoning Commission Chair, Pat Bauer (319/335-9014, pat-bauer@university-heights.org).

Thank you for your consideration.

Very truly yours

LEFF LAW FIRM, L.L.P.

Steven E. Ballard

Enclosure
cc: Mayor, Council, Staff, and Zoning Commission
CITY OF UNIVERSITY HEIGHTS, IOWA
(via email only)

Metropolitan Planning Organization of Johnson County

Date: July 31, 2012

To: Mayor Louise From

From: Kristopher Ackerson, Assistant Transportation Planner

Re: Zoning code amendments for bicycle parking

Per your request from the Regional Trails and Bicycling Committee meeting on May 23, this memo provides draft bicycle parking code language for your community.

One recommendation adopted in the *MPO Metropolitan Bicycle Master Plan* addresses the need for bicycle parking facilities. One of the most common obstacles for bicyclists is parking at their destination. Without a secure location to lock their bike, residents interested in cycling can feel discouraged. Parking requirements are typically a subsection of the zoning code, which stipulate rules and regulations for provision of parking when land is developed or adapted to new uses. Some communities, including Iowa City, Madison, Minneapolis, and Chicago, among others, have adopted zoning regulations requiring bicycle parking as a percentage of all parking.

The *Metro Bicycle Master Plan* recommends that Coralville, University Heights, Tiffin, and North Liberty consider adopting bicycle parking requirements in their respective zoning codes, while Iowa City might consider amending its bicycle parking requirement to include CB-5 and CB-10 zones. This topic was included in the *MPO Work Program* and is the subject of this memorandum. To-date, staff has drafted code amendments based upon nationally accepted standards found in the *Bicycle Parking Guidelines* by the Association of Pedestrian and Bicycle Professionals, which is the principal reference used by communities across the country. If approved by the city council, the enclosed ordinance changes would provide bicycle parking at new and redeveloped properties. New text is <u>underlined</u> and deleted text has a ~~strike~~. Adopting the enclosed code amendments will likely increase the community's score on future renewal applications to the Bicycle Friendly Community Program.

As discussed by the Regional Trails and Bicycling Committee (RTBC), please share this draft language with your community and send me any additions and/or deletions. This topic will be included on the agenda of our next RTBC meeting for further discussion.

Draft University Heights bicycle parking ordinance amendments

Section 10. Off-street Parking Regulations. At any time any building is erected or structurally altered or any change in use is made, unless otherwise provided in this ordinance, off-street parking spaces shall be provided in accordance with the following requirements.

Minimum Required Off-street Spaces:

USE	SPACE REQUIREMENTS
Single-family dwellings	2 spaces per family living unit; no bicycle parking required.
Multiple-family dwellings	1-1/2 spaces per family living unit; 0.5 bicycle parking spaces per family living unit.
Churches	1 space for each 4 seats in the sanctuary or main auditorium. Where pews are used for seating purposes, each 20 inches shall constitute one seat; 5 percent bicycle parking.
Restaurants and private clubs	1 space for each 150 square feet of floor area; 10 percent bicycle parking.
All uses not specifically mentioned above	1 space for each 200 square feet of floor area; 5 percent bicycle parking.

Section 10. Off-street Parking Regulations.

D. Rules For Computing Bicycle Parking Requirements:

1) In subsection A of this section, the minimum bicycle parking requirements are expressed as a certain number of spaces or as a percentage of the required number of vehicle parking spaces or as a number per square feet of the building area.

2) In all cases where bicycle parking is required, a minimum of four (4) spaces shall be provided.

3) After the first fifty (50) bicycle parking spaces are provided, additional spaces are required at fifty percent (50%) of the number required by this Section.

4) Where the expected need for bicycle parking for a particular use is uncertain due to unknown or unusual operating characteristics of the use or due to a location that is difficult to access by bicycle, the building official may authorize that the construction of up to fifty percent (50%) of the required bicycle parking spaces be deferred. The land area required for the deferred bicycle parking spaces must be maintained in reserve. If an enforcement official of the city determines at some point in the future that the additional parking spaces are needed, the property owner will be required to install the parking in the reserved area. The owner of the property on which the bicycle parking area is reserved must properly execute, sign, and record a written agreement that is binding upon their successors and assigns as a covenant running with

the land that assures the installation of bicycle parking within the reserved area by the owner if so ordered by an enforcement official of the city.

EXCERPTS FROM MEMO TO UH ZONING COMMISSIONERS (October 10, 2012)

* * *

As a general proposition, required provision of bicycle parking seems like a worthy idea. As has sometimes been the case in other instances, however, things suitable for use elsewhere may not always be well-suited to the specific needs of our particular community. We accordingly should probably make sure that we both solicit and receive appropriate input from the possible providers and potential users of such parking.

Perhaps the most fundamental decision point is whether any newly enacted bicycle parking requirements should only be become applicable at such time as "any building is erected or structurally altered or any change in use is made." Potential uncertainties in the interpretation and application of such a standard rather predictably might arise in particular circumstances, but a more basic question would seem to be whether such deferral of bicycle parking requirements is desirable or necessary. In terms of desirability, our community's "mostly built out" circumstances might in many instances mean that mandated bicycle parking might not come to pass for some extended period of time. In terms of necessity, we may want to obtain guidance from our city attorney about the extent to which new bicycle parking requirements could be extended to existing uses on a basis the might include some sort of "phased" implementation (e.g., existing uses would have to be brought into compliance within some number of years from the enactment of the new provisions).

A second decision point about the required number of bicycle parking spaces also is significantly affected by the particular circumstances of the size and character of community. Because essentially all existing uses potentially subject to prescribed bicycle parking requirements can be readily identified, the suitability of such requirements can considered in the context of concrete settings. The following list of existing and proposed uses involve a number of estimations and also assumes that the formulas (i) could be applied to the University Club and (ii) would be applied to in areas regulated by PUD arrangements:

Birkdale	One space for each of two duplexes, but minimum of four spaces
Grandview	Fifty-eight spaces
University Club	Fourteen spaces
Saint Andrew	Five spaces
Melrose Market	Five spaces
OUP	Forty-five spaces

A couple of other decision points arise from the interaction between the proposed amendments and other provisions of our existing zoning ordinance. Ordinance No. 79, § 10.B specifies that all required parking must be paved and § 10.D separately imposes limitations on

the location of required parking spaces in yards. Conceivably, the appropriateness of these interactions might turn on the particular characteristics of the devices used to provide required bicycle parking, and the desirability and particular content of any specification of such characteristics could well be yet another material decision point. ...

... [Potentially affected p]roperty owners presumably may be responsive to articulated and substantiated needs of persons who live in or visit their premises, and conceivably simply providing a forum for the recognition of those needs might result in steps towards the provision of some suitable amount of bicycle parking. While concerns about the costs of doing so might be well-taken, such concerns conceivably could be ameliorated through either some level of cost-sharing by the City or some relaxation of otherwise applicable use restrictions (e.g., location of bicycle parking in areas (e.g., required yards) that current zoning provisions might otherwise prohibit).

* * *

EXCERPTS FROM MEMO TO UH ZONING COMMISSIONERS (January 24, 2013)

* * *

Although this item was initiated by the receipt of a model ordinance amendment directed towards new construction, it generally was recognized that in the circumstances of University Heights any meaningful requirement might have to be applied to existing uses (with appropriate period of time for bringing of existing uses into compliance with the new requirement). Between the lack of any imperative need for quick action and the obvious benefits of obtaining reliable information from the owners of potentially affected properties, it was agreed that such owners should be contacted to determine the extent of any existing bicycle parking, the perceived extent of existing demand for additional bicycle parking, possible plans to provide additional bicycle parking sometime down the line, and the existence and nature of any impediments to advancing such plans (e.g., cost, space available for location, etc.). ...

... In addition to things considered previously, we may wish to discuss (i) including Horn School as a potentially affected property and (ii) expanding the scope of possible recommended action to include the city's provision (or facilitation) of bicycle parking on city property (e.g., Koser/Melrose park, parking/right of way, traffic signs/parking meters).

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