AGENDA

City of University Heights, Iowa
City Council Meeting
Tuesday, October 9, 2012
Note Location: University Club
7:00 – 9:00 P.M.
Meeting called by Mayor Louise From

Time		Topic	Owner
7:00 **7:20**	Call to Order Meeting Public Input	Roll Call - Approval of Minutes- Sept. 11th - Presentation/video on proposed Justice Center - Presentation from Emergency Management Public comments	Louise From Janet Lyness, Johnson County Attorney Dave Wilson, EMA Director
	Administration		
	-Mayor City Attorney City Clerk	**Mayor's Report** **Legal Report** - Consideration of **Resolution No. 12-24** fixing a new date for a hearing on the proposed issuance of revenue bonds or notes (Oaknoll Project) pursuant to Chapter 419 of the Iowa Code. - First Consideration of **Ordinance No. 181** amending Ordinance No. 55 to provide for a fine of $100.00 for certain pet offenses including but not limited to failing to clean up pet waste from public places and allowing pets to run at large. **City Clerk Report**	Louise From Steve Ballard Chris Anderson
	Committee Reports:		
	Finance	Committee Report **Treasurer's Report/Payments**	Jim Lane Lori Kimura
	Community Protection	Committee Report - Consideration of **Resolution No. 12-25** reappointment of Ron Fort as Administrative Police Chief. - Police Chief Report Community Relations Report	R. Hopson/M. Haverkamp Ron Fort Rosanne Hopson

Time		Topic	Owner
	Streets and Sidewalks	Committee Report - Discussion of speed limits on city streets **Engineer Report** - Consider payment of Application #1 from L.L. Pelling for the 2012 Pavement Markings. - Consider payment of Application #2 from Eggleston Concrete Contractors for the 2012 Street Improvements. Sunset Street Wide Sidewalk Project Update	Jan Leff Josiah Bilskemper
	Building. Zoning & Sanitation	Committee Report Zoning Report - Discussion of subjects possibly warranting consideration by the zoning commission	Brennan McGrath Pat Bauer
	e-Government	Committee Report	Mike Haverkamp
	Announcements		Anyone
9:00	Adjournment		Louise From

Next Regular Council Meeting: Tuesday, November 13, 2012
Location: TBA

I have a short report for October.

See the attachment of Larry Wilson's report on the MidAmerican Trees Please Program along with his recommendation.

Dave Wilson, EMA director, is on the agenda to speak about the need for a 25 cent increase to the FY14 Haz Mat per capita levy for the Haz Mat truck replacement and operational fund for the Haz Mat team. The present levy set in 1998 is no longer sustainable and the EMA commission intends to go from 25 cents to 50 cents starting on 7/1/13.

Meeting location Update- We are unable to meet at Christ the King Church or Farm Bureau. We are unable to meet at the Coralville Library or Iowa City Library because we would have to be out including our video equipment by no later than 8:30pm from Coralville or 9:00pm from Iowa City. The JECC on Melrose (Joint Emergency Communication Center) across from the National Guard Amory is available sometimes but I feel our best option is to try and schedule the meetings at the West High School Library or the University Club. Mike Haverkamp, who is employed by the ICCSD, is currently working on a formal request application for the West High Library for meeting dates when the University Club is unavailable.

Please contact me if you have questions. Thanks-Louise

Good morning Louise--

I apologize that time got away from me on reviewing the Trees Please Program. The first part below provides some facts about the program and some likely costs. I have made a recommendation at the end:

• The maximum grant amount is only $1,000

• The program is a matching grant program. There must be a matching funding from other sources that equals or exceed MidAmerican Energy Company’s grant amount. In addition to cash donations, the matching requirement can be met by in-kind services, donated labor and/or materials

• Grant money must be used for the actual purchase of trees only (and not for installation)

• Trees purchased with the program grants must be planted in common areas such as parks, trails, and city-owned rights-of-way (it is not a residential customer tree-planting program). The deadline for application for this year’s round is October 19. The application form is easy to fill out, so this deadline could be met if you so desire. There will be another round next year in September and MidAmerican Tree Please representative, Kim Willer, said she believes it will most likely be continued after that for another 5 years.

You would need to appoint a steering committee with a chair--the committee and chair are requested on the application form--apparently 3 members is the minimum number required since that is the number that is requested to be listed on the application.

The applications are due October 19, but the grant would not apply until spring 2013 (or fall 2013) so there would be time to organize volunteers. The minimum sized tree I would recommend planting would be 1½” in dia., and a ballpark average cost would be about $200 each depending on the type of tree--some costing more some costing less. If planted by a nursery, the planting cost would be about 50% of the purchase price or about $100 each. There would be a charge for delivering the trees to the site if planted by volunteers. Prices would vary as to how many are purchased at one time, but 10 to 15 trees might not get much of a discount. NOTE: If the purchase and planting of the trees is put out to bid, there would be additional project costs of insurance, overhead/profit, contingencies, etc. Keep in mind that the trees would have to be watered, for at least a year, preferably longer, either by a contractor or volunteers.

SOME OPTIONS:

- Trees Purchased from and Planted by Nursery: $1000 grant plus the matching $1000, or $2,000 would purchase and plant about 6 trees ($2,000 ÷ $300)
- Trees Purchased from a Nursery using a $1000 Grant match ($2,000), but Planted by Volunteers: $1000 grant plus the matching $1000, or $2,000 would purchase about 9 trees ($200 X 9 plus about $150 for delivery of trees to site and materials for staking, mulching, etc., or $1950).
- Trees Purchased from a Nursery Using only the Grant Money and Providing the Match In-kind: Would purchase about 4 trees ($200 X 4 or $800), plus about $150 for delivery of trees to site and materials for staking, mulching, etc. from other sources. I do not know what labor rates they would allow for in-kind donated labor, but I think it would be difficult to have the in-kind match add up to $1,000 for just 4 trees so, some cash would probably be required in addition to the about $150 for delivery of trees to site and materials for staking, mulching, etc.

RECOMMENDATION:

- There would be quite a bit of effort to organize the planting of 4 to 9 trees by volunteers and an investment of up to $1,000. It would also require some effort and a design consultant to organize a city-wide street tree planting project that could be grant funded incrementally over several years.
- I recommend that the Council focus on the going ahead with the street trees for the Sunset Wide Sidewalk and bid all trees as recommended by Josiah (8 trees required to be removed, 4 trees that should be removed due to poor health, etc. and 13 new trees = 25). If the bid comes in within or close to budget, the plantings can be included in the project. If not, cover the amount of plantings that can be covered within or close to the project budget and consider the Tree Please Program for the remaining trees in the 2013 Tree Please granting.

Please let me know if you have questions.

Larry

October ’12 – City Attorney's Report

1. **Oaknoll Financing.**

   - The Council previously set a public hearing (for October 9) to consider issuance of bonds. The notice of the public hearing was not published in the paper far enough in advance, so Oaknoll has asked for the hearing to be rescheduled to November 13. Resolution No. 12-24 (attached) sets the hearing.

2. **Speed Limit Adjustment**.

   - In the spring, the Council discussed an amendment to the City’s traffic ordinance to change speed limits on certain City streets. The Council deferred action until a specific proposal could be considered and circulated for public comment before the Council began the process (three readings) of amending the traffic ordinance.

   - My understanding is that Council Member Leff will make recommendations to the Council in this regard. With direction from Council, I will prepare an amended ordinance for consideration in November (or whenever the Council desires). A reasonable schedule should be able to accommodate notice to the public with an opportunity to comment.

3. **Animal Control/Regulation.**

   - You will have the first consideration of Ordinance No. 181, which is attached. This ordinance amends Ordinance No. 55 in various ways. I have drafted Ordinance No. 181 by reprinting all of No. 55, then showing additions by underline and deletions by ~~strike-through~~. So, you will be able to review the proposed changes in context.

   - In summary, No. 181 makes the following changes:

     - Defines “service animals”.

     - Provides that dogs may not be allowed to run at large but that cats may; that is, it removes the provision that cats must be leashed.

     - Permits pets or service animals to be present at restaurants if the owners/managers of the restaurants permit them. The Council may wish to discuss this provision in particular to determine, among other things, whether animals should be permitted in restaurants (they are presently prohibited) and whether only dogs should be permitted (as opposed to any other animals, say, cats, lizards, etc.).

- Changes paragraph numbering to address the fact that No. 55 skipped over a paragraph "3".

- Establishes a fine of $100.00 for violations of the ordinance, including failure to clean up pet excrement on public places.

- Council may reject any of the proposed changes or adopt additional amendments. The proposed ordinance, as further changed or amended, will need to be considered and passed three times before it will become effective. I would suggest that the Council consider No. 181 as a mechanism for furthering the discussion and refining what the Council desires the animal policy to be.

4. **Resolution Appointing Administrative Police Chief.** You will be considering Resolution No. 12-25 (copy attached) appointing Ron Fort as administrative chief for two years – from December 1, 2012 through November 30, 2014.

5. **Paved Portions of Yards.** I have met with Terry Goerdt, City Building Official, about pavement that has been added to certain residences and the parking of motor vehicles on that pavement. The Zoning Ordinance permits "pavement" to the extent that it says this:

    - "Open terraces patios, or concrete slabs that do not extend above the level of ground may project into a required yard, provided these projections remain at least 2 feet from the adjacent lot line, and provided further that the terraces, patios, or concrete slabs shall not be used for parking of motor vehicles."

    - So, City ordinances do permit a significant portion of a yard to be paved. But, the Zoning Ordinance specifically prohibits parking on yards. So, just because pavement is permitted does not mean that vehicles may be parked on the pavement.

    - Pat Bauer has included this issue – pavement of yards – in his memorandum to the Council about items the Zoning Commission could explore, at Council direction.

RESOLUTION NO. 12-24

Resolution fixing a new date for a hearing on the proposed issuance of revenue bonds or notes pursuant to Chapter 419 of the Iowa Code.

WHEREAS, the City of University Heights, State of Iowa (the "Issuer"), is a municipal corporation and political subdivision of the State of Iowa authorized and empowered by the provisions of Chapter 419 of the Code of Iowa, as amended (the "Act"), to issue revenue bonds or notes for a project located within, or within eight miles of, the Issuer for the purpose of financing the cost of acquiring, by construction or purchase, land, buildings, improvements and equipment, or any interest therein, suitable for the use of any facility for an organization described in Section 501(c)(3) of the Internal Revenue Code (the "Code") which is exempt from federal income tax under Section 501(a) of the Code (a "Tax Exempt Organization") and to refund any bonds issued pursuant to the Act; and

WHEREAS, the Issuer has been requested by Christian Retirement Services, Inc. (the "Borrower"), a Tax Exempt Organization, to issue its revenue bonds or notes, in one or more series, in an aggregate principal amount not to exceed $62,000,000 (the "Original Bonds") for the purpose of: (1) financing a portion of the costs of the construction, equipping and furnishing of a building of approximately 135,000 square feet that will include approximately 60 independent living apartments and common areas (dining, recreation, meeting space, parking, etc.) and related facilities and improvements to support approximately 100 residents to be located at lots west of the Borrower's existing campus on the west side of George Street, north side of Benton Street and east side of Spring Street, all in Iowa City, Iowa (the "Project"); (2) refunding the Issuer's $30,000,000 Senior Housing Facilities Revenue Notes, Series 2010 (Oaknoll Project) (the "Prior Notes") issued for the purpose of financing a portion of the costs of the Project; (3) refunding (a) a portion of the Senior Housing Facilities Revenue Bonds (Oaknoll Project), Series 2004B, Series 2004C and Series 2005B previously issued pursuant to the Act by the Issuer (the "Issuer Prior Bonds") and (b) a portion of the Senior Housing Facilities Revenue Bond (Oaknoll Project), Series 2004A previously issued pursuant to the Act by the City of Iowa City, Iowa (the "Iowa City Bond" and, together with the Issuer Prior Bonds, the "Prior Bonds") the proceeds of which were used by the Borrower to finance capital improvements and for other purposes set forth in the Prior Bonds; and (4) paying the costs of issuance pursuant to the Act; and

WHEREAS, it has been proposed to finance the foregoing through the issuance of the Original Bonds and to loan the proceeds from the sale of the Original Bonds to the Borrower pursuant to one or more Loan Agreements between the Issuer and the Borrower, the obligations of which will be sufficient to provide for a portion of the financing the Project, refunding the Prior Notes, refunding the Prior Bonds and paying for costs of issuance; and

WHEREAS, notice of intention to issue the Original Bonds has, as directed by the City Council of the Issuer, been duly given in compliance with the Act and Section 147(f) of the Internal Revenue Code, and a public hearing has been held on June 12, 2012 on the proposal to issue the Original Bonds at the time and place as specified in said notice and after such hearing the Council adopted a resolution determining to proceed with the issuance of the Original Bonds; and

WHEREAS, because of increases in the cost of the Project, the Borrower has requested the Issuer to issue additional revenue bonds or notes in the principal amount of not to exceed $2,010,000 (the "Additional Bonds" and, together with the Original Bonds, the "Bonds") to provide for the financing of the Project, refunding the Prior Notes, refunding the Prior Bonds and paying for costs of issuance and to loan the proceeds from the sale of the Bonds to the Borrower under one or more loan agreements (the "Loan Agreements") between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of, premium, if any, and interest on the Bonds as and when the same shall be due and payable; and

WHEREAS, before the Issuer can issue the Additional Bonds the Issuer must hold a hearing on the proposal to issue the Additional Bonds as required by the Act and the Code; and

WHEREAS, on September 11, 2012, the Issuer adopted a resolution (the "Prior Resolution") setting the date for the public hearing on the Additional Bonds for October 9, 2012; however, it is now necessary to reschedule the date for the public hearing due to an error in the publication process of the notice of the public hearing; and

NOW, THEREFORE, Be It Resolved by the City Council of the City of University Heights, Iowa, as follows:

Section 1. This Council shall meet on the 13th day of November, 2012, at _____, University Heights, Iowa, at 7:00 o'clock p.m., at which time and place any resident or property owner of the Issuer may present oral or written objections on the proposal to issue the Additional Bonds referred to in the preamble hereof.

Section 2. The Clerk is hereby directed to give notice of intention to issue the Additional Bonds, setting forth the amount and purpose thereof, the time when and place where the hearing will be held, by publication at least once not less than fifteen (15) days prior to the date fixed for the hearing, in a newspaper published and having a general circulation within the Issuer. The notice shall be in substantially the following form:

NOTICE OF INTENTION TO ISSUE REVENUE BONDS OR NOTES
(OAKNOLL PROJECT)

The City Council of University Heights, Iowa, (the "Issuer") will meet on the 13th day of November, 2012, at 7:00 o'clock p.m., at _____, University Heights, Iowa, for the purpose of conducting a public hearing on the proposal to issue revenue bonds or notes, in one or more series, of the Issuer in the aggregate principal amount not to exceed $2,010,000 (the "Bonds") and to loan said amount to Christian Retirement Services, Inc., University Heights, Iowa, (the "Borrower"), for the purpose of: (1) financing a portion of the costs of the construction, equipping and furnishing of a building of approximately 135,000 square feet that will include approximately 60 independent living apartments and common areas (dining, recreation, meeting space, parking, etc.) and related facilities and improvements to support approximately 100 residents to be located at lots west of the Borrower's existing campus on the west side of George Street, north side of Benton Street and east side of Spring Street, all in Iowa City, Iowa (the "Project"); (2) refunding the Issuer's previous issue of $30,000,000 Senior Housing Facilities Revenue Notes, Series 2010 (Oaknoll Project) (the "Prior Notes") issued for the purpose of financing a portion of the costs of the Project; (3) refunding (a) a portion of the Senior Housing Facilities Revenue Bonds (Oaknoll Project), Series 2004B, Series 2004C and Series 2005B previously issued pursuant to the Act by the Issuer (the "Issuer Prior Bonds") and (b) a portion of the Senior Housing Facilities Revenue Bond (Oaknoll Project), Series 2004A previously issued pursuant to the Act by the City of Iowa City, Iowa (the "Iowa City Bond" and, together with the Issuer Prior Bonds, the "Prior Bonds") the proceeds of which were used by the Borrower to finance capital improvements and for other purposes set forth in the Prior Bonds; and (4) paying for costs of issuance pursuant to the Act. The Project will be owned and operated by the Borrower.

The Bonds, when issued, will be limited obligations and will not constitute general obligations of the Issuer nor will they be payable in any manner by taxation, but the Bonds will be payable solely and only from amounts received by the Issuer pursuant to a Loan Agreement between the Issuer and the Borrower, the obligations of which will be sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds as and when the same shall become due.

At the time and place, oral or written objections from any resident or property owner of the Issuer may be presented. At such meeting or any adjournment thereof, the Issuer shall adopt a resolution determining whether or not to proceed with the issuance of the Bonds. Written comments may also be submitted to the Issuer at the City Hall, 1004 Melrose Avenue, University Heights, Iowa 52246-1925. Written comments must be received by the above hearing date.

By order of the City Council of University Heights, Iowa.

City Clerk

Section 3. Sale of the Additional Bonds and the execution and delivery of a Purchase Agreement approved in Section 3 of the Prior Resolution are subject to the November 13, 2012 hearing and additional Council action thereafter.

Section 4. All resolutions and orders or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed, and this resolution shall be in full force and effect immediately upon its adoption.

Passed and approved October 9, 2012.

_____
Mayor

Attest:

_____
City Clerk

* * * Other Business * * *

On motion and vote, the meeting adjourned.

ORDINANCE NO. 181

AN ORDINANCE AMENDING ORDINANCE NO.55 TO PROVIDE A PENALTY PROVISION FOR VIOLATIONS OF ORDINANCE NO. 55 IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA:

University Heights Ordinance No. 55 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-through~~):

****

Section 2. Definitions. The following definitions shall apply when used in this Ordinance unless the context indicates otherwise:

a. "Defilement" shall mean to foul, to dirty, to pollute or to make filthy; either by the pet animal's body or wastes or by the animal carrying or dragging any foul material.

b. "Kennel" or "cattery" shall mean a place maintained for the business of boarding, raising, rearing, training or sale of dogs and cats.

c. "Molest" shall include not only biting and scratching; but also any annoyance, interference with, or meddling with any person so as to trouble or harm him.

d. "Municipal pound" shall mean any public or municipal animal shelter or pound established or maintained by the City of University Heights which may include any private or charitable organization or facility leased by the City or with whom the City has a contractual agreement for impoundment services.

e. "Owner" shall, in addition to its ordinary meaning. include any person who keeps or harbors a pet animal.

f. ”Pet animals" shall include ~~all warm-blooded animals, animals of the equine species and those raised for food purposes within the City limits. However, it shall not include birds~~all animals kept as pets; it shall not include service animals.

g. “Private property" shall mean all buildings and other property owned by a private person, firm or corporation. It shall include buildings. Yards and service and parking areas.

h. “~~public~~ Public property" shall mean buildings and other property owned or dedicated to the use of the City of University Heights, the State of Iowa, Johnson County, Iowa or the United States Government, wherein the authorized representative thereof has granted the City of University Heights jurisdiction. Such property shall include but not be limited to buildings, grounds,

yards, street right-of-way, walks, bicycle paths, easements, parks, service areas, open areas, athletic and recreational areas, parking areas, street islands and any other real estate owned by a governmental unit.

i. “Service Animals” shall mean animals that are individually trained to do work or perform tasks for people with disabilities.

~~i~~ j. “Under control" shall mean that the ~~pet~~ animal is so trained that it will come to the owner immediately upon signal for the purpose of physical restraint when necessary.

~~j~~k. "Veterinarian" shall mean a person duly licensed in the State of Iowa to practice veterinary medicine.

~~k~~l. "Veterinary hospital" shall mean an establishment regularly maintained and operated by a veterinarian for the diagnosis and treatment of diseases of and injuries to animals and which may board animals.

Section J. Vaccination. All pet animals and service animals over six (6) months old in the City of University Heights shall be vaccinated against rabies.

Section ~~4~~3. Owner's responsibility. The owner of an animal shall be responsible for the feeding of any animal owned by him as defined in Section 2. The owner shall be prima facie responsible for any violation of this Ordinance by any animal owned by him.

Section ~~5~~4. Abandonment. Any person abandoning a pet animal or service animal within the City limits shall be guilty of a misdemeanor.

Section ~~6~~5. Nuisance. The following acts and circumstances are hereby declared to be nuisances.

a. The keeping of animals on private property in such number or in such a manner that allows for the accumulation of solid waste of said animal or animals which becomes a detriment to or menace to health.

b. Allowing an animal to make excessive noise to the disturbance of persons in the area.

c. Allowing an animal to cause any damage or defilement to public or private property.

d. Allowing an animal to molest any person on public or private property who has a legitimate reason to be thereon.

e. Leaving an animal impounded, confined or tied in any place and failing to provide or supply said animal with sufficient food, water and/or shelter.

Section ~~7~~6. Prohibitions.

a. Control. No dog ~~or cat~~ shall be taken, allowed or permitted off the property of its owner without being on a leash. No other pet animal or service animal shall

be taken, allowed or permitted off the property of its owner without being under control. For the purpose of this Section, leash shall mean a rope, line, thong or chain of sufficient strength of hold the animal in check.

b. Private property. No pet animal shall be taken, allowed or permitted on private property not owned by the owner of the animal without the permission of the person, firm or corporation owning said property or the person in charge thereof.

c. Food establishments. No pet animal or service animal shall be allowed, taken or permitted on or in any building, restaurant, or outdoor seating area where food or food products are sold, prepared, or dispensed to people other than the owners thereof, unless the owners or managers of the building, restaurant, or outdoor seating area consent to allowing pet animals and/or service animals.

d. Animal tied. No pet animal shall be tied by any person to a utility pole, parking sign, building, fence, sign, tree, shrub, bush or other object on public property or tied on private property without the consent of the owner or person in charge thereof.

e. Solid waste removal. Any person who shall walk a pet animal on public property shall provide for the disposal of the solid waste material by immediate removal of the waste. f. Exception. The provisions of this Section shall not apply to seeing eye dogs while said dogs are acting in said capacity.

Section ~~8~~7. Confinement of vicious animals. No pet anima1 of known fierce, dangerous or vicious characteristics shall be permitted off the premises of the owner except while such animal is confined in a boarding kennel, veterinary hospital or while being transported to such boarding kennel or veterinary hospital. If any pet an1mal of known fierce, dangerous, or vicious characteristics is permitted off the premises of the owner and bites or annoys any person or other an1ma1, the City Council may set a public hearing on the destruction of said animal and; pending said public hearing, the animal shall be impounded in the Municipal Pound or, upon request by the owner, at a veterinary hospital at the owner's expense.

The Council shall, when setting the public hearing, give notice to the owner of said an1mal, if known, not less than seven (7) days prior to said hearing. If the Council determines that the an1mal is fierce, dangerous or vicious and that the owner has failed to restrain said an1mal on his premises reasonably and that it is in the public interest to destroy said animal, it shall enact a resolution to that effect and direct that the animal be destroyed in a humane manner.

Section ~~9~~8. Impoundment. Any pet animal found in violation of the provisions of this Ordinance may be impounded in the municipal pound. Further, the municipal pound may impound and place in isolation under quarantine for observation for a

minimum period of fourteen (14) days any animal suspected of being infected with rabies or other diseases communicable to humans. Every owner or person having possession, custody or control of an animal infected with rabies or which has been bitten by an animal infected with rabies shall immediately report such fact to the City and sha11 have such animal placed in isolation and quarantine as directed by the City and at the expense of the owner.

Section ~~10~~9. Releasing or molesting animals. Any person except the owner of an animal or his authorized agent who willfully opens any door or gate on any private or public premises for the purpose of enticing or enabling any animal to leave such private or pub1ic premises shall be guilty of a simple misdemeanor. Any person who willfully molests, teases, provokes or mistreats a pet anima1 or service animal shall be guilty of a misdemeanor.

Section 10. PENALTY. Any person violating the provisions of this ordinance shall be guilty of a simple misdemeanor punishable by a fine of one hundred dollars ($100.00). The sentence imposed under this section shall not be suspended or deferred by the court, nor shall judgment be deferred, notwithstanding the provisions of Chapter 907 of the Code of Iowa, as amended, or any other provision of statute.

This ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this _____ day of _____, 2012, and approved this _____ day of _____, 2012.

City Clerk Report
October 9, 2012

- **No new building permits were received since the last meeting.**
- **Updated rental permit spreadsheet sent to council. As noted in Norm's report below, Norm & I plan to meet to review all permits received to-date. I have one permit where I have contacted the property owner's parents for contact information for their son. Property owner has moved and my mail has been returned by the post office.**
- **Sent up-to-date copy of building permit spreadsheet to Johnson County Assessor Office. This is a yearly activity.**

Report from Norm:

I inspected 6 properties in September, along with an over-occupancy issue at 52 Olive Ct.

Properties inspected were; 327 Highland; 230 Koser; 255 Koser; 250 Koser; 52 Olive Ct; 625 Grandview Ct.

When I inspected 52 Olive Ct. it was pretty clear that there was an extra bedroom in use. When I explained to the owner Brock Shymansky, what constitutes over-occupancy, he readily admitted the property was over-occupied because, he claimed, he misunderstood the definition of a family and roomer. Anyway, I gave him until Oct. 25 to reduce the occupancy to the allowable limit, at which time I will re-inspect for compliance. He assured me he wants to do what's right and does not want to upset the residents of UHeights, so we'll see what happens.

This past month I also went through Chris's UH rental rolls and my records and compared them to the Johnson County assessors' records so that I could get as accurate an account of all the rental properties in UH. Chris and I will try to find some time in the near future to compare notes then put together as accurate a list as possible. There is always lots of buying and selling going on, especially over on Grandview Ct, so that rental list is always in a state of flux.

I'll (Norm) be gone for a week at the end of the month so I'm going to start scheduling my October inspections today.

Treasurer's Report – submitted by Lori Kimura September 2012

Our total revenue for the month of September was $96,164.53 comprised of the following amounts:

Property Taxes	$74,283.59
Parking fines	$ 790.00
Traffic Fines from Clerk of Court	$ 6,679.32
Interest on bank accounts	$ 144.58
Road Use Funds	$10,047.69
Rental permits	$ 3,300.00
Police Reports	$ 25.00
Marietta parking permits	$ 440.00
Building/equipment/excavation permits	$ 454.35

Balances in the bank accounts as of 9/30/12:

MidwestOne Bank Checking Account	$201,604.26
Hills Bank Money Market Account	$ 1,037.00
Hills Bank Forfeiture Fund	$ 2,297.05
CD at Hills Bank (due 8/20/2013)	$ 22,613.57
CD at UICCU (due 1/29/13)	$ 50,141.66
CD at UICCU (due 8/25/13)	$ 50,000.00
CD at UICCU (due 5/25/14)	$ 50,000.00
CD at UICCU (due 2/28/14)	$ 41,446.76

You may recall that there were 2 deposits for Local Option Sales taxes in August so there was not one made in September.

There are a few new line items related to the hiring of the Crossing Guard. The expenses are now under Public Safety not General Government (my error in originally setting it up). I also had to set up Medicare, Social Security and Unemployment payroll items for the Crossing Guard because the crossing guard wanted to have taxes taken out.

The breakdown of the check to Eggleston Contractors from last month for $56,000+ will probably change. Since we have each individual project broken up separately, and the bill we got from Eggleston was not broken down as specifically, I split it up based on the projects that I knew they were working on. The bottom dollar doesn't changes of course, but Josiah is working on getting a clearer breakdown from Eggleston of how much was for each project. Once I get it I'll make the changes in Quickbooks.

City of University Heights, Iowa

Warrants for Council Approval

10/08/2012

September 12 through October 9, 2012

	Date	Name	Memo	Amount
Sep 12 - Oct 9, 12				
	09/15/2012	Beeks, Joshua W		-1,632.30
	09/15/2012	Fort, Matthew A		-1,809.16
	09/15/2012	Fort, Ronald R		-2,049.96
	09/15/2012	Stenda, Jeremy P		-1,259.46
	09/15/2012	Strong, Donald K.		-1,720.02
	09/15/2012	Tucker, Darryl		-1,340.86
	09/15/2012	Plate, Harold,		-217.87
	09/15/2012	Hopson, Rosanne C	reimbursement for Picnic with a Purpose	-147.52
	09/15/2012	Big Ten Rentals Inc	chairs/tables rental made out incorrectly to ve	0.00
	09/17/2012	Internal Revenue Service	42-1109342	-956.91
	09/20/2012	Windstream	automatic payment for phone service	-137.64
	09/20/2012	MidAmerican Energy	pedestrian lights at 113 Golfview	-28.49
	09/20/2012	MidAmerican Energy	1301 Melrose stop light	-36.10
	09/20/2012	MidAmerican Energy	1011 Melrose stop light	-36.10
	09/20/2012	MidAmerican Energy	City Hall electricity	-100.94
	09/21/2012	MidAmerican Energy	street lights	-617.88
	09/28/2012	Wellmark BC/BS	monthly insurance payment	-1,289.14
	09/28/2012	Anderson, Christine M.		-272.22
	09/28/2012	Beeks, Joshua W		-1,632.30
	09/28/2012	Fort, Matthew A		-2,312.68
	09/28/2012	Fort, Ronald R		-2,336.73
	09/28/2012	From, Louise A.		-463.97
	09/28/2012	Haverkamp, Michael J		-177.14
	09/28/2012	Hopson, Rosanne C		-188.70
	09/28/2012	Kimura, Lori D.		-265.89
	09/28/2012	Lane, James		-188.70
	09/28/2012	Leff, Janet S		-188.70
	09/28/2012	McGrath, Brennan		-188.70
	09/28/2012	Plate, Harold,		-217.88

Date	Name	Memo	Amount
09/28/2012	Stenda, Jeremy P		-1,438.30
09/28/2012	Strong, Donald K.		-1,742.64
09/28/2012	Tucker, Darryl		-1,725.49
09/30/2012	Internal Revenue Service	42-1109342	-4,868.58
09/30/2012	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM		-4,636.72
09/30/2012	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM		-129.90
09/30/2012	TREASURER STATE OF IOWA	42-1109342-001	-3,354.00
09/30/2012	IOWA WORKFORCE DEVELOPMENT	107319-6	-63.94
09/30/2012	Leff, Janet S	reimbursement for tables/chairs rental for picn	-227.42
10/01/2012	Paul J. Moore, Melrose Avenue Building	City Hall Rent	-867.00
10/01/2012	Verizon Wireless	monthly wire service/cell phone for police car a	-115.76
10/09/2012	ABC Solutions	Monthly fee for city website/email service	-24.95
10/09/2012	Paul J. Moore, Melrose Avenue Building	Garage rent	-35.00
10/09/2012	SEATS	Seats Payment	-703.66
10/09/2012	Norm Cate	inspection services for September	-490.00
10/09/2012	Terry Goerdt	inspection services for September	-1,190.00
10/09/2012	City of Iowa City	park water fountain/bus service/fuel for police	-4,331.63
10/09/2012	Big Ten University Towing, Inc	tow police car to Pyramid	-80.00
10/09/2012	Iowa City Tire and Service	rpr car/replace rims	-613.98
10/09/2012	Johnson County Refuse, Inc.	September recycling	-1,738.50
10/09/2012	Mediacom	online service 10/3/12-11/2/12	-69.95
10/09/2012	Metropolitan Planning Organization	FY2013 MPOJC Program assessment	-2,049.14
10/09/2012	Pyramid Services Inc.	brakes/rotors/alternator/water pump/blower m	-2,684.18
10/09/2012	Shive Hattery	engineering services for 7/1/12-8/31/12	-16,347.44
10/09/2012	Staples	printer/copier/fax machine & ink cartridge	-411.98
10/09/2012	Westport Touchless Autowash	August vehicle washes	-66.00
10/09/2012	Johnson County Sheriff	booking fees for 2 people for public intox	-120.00
10/09/2012	John McLure	reimbursement for gaffers tape	-38.85
10/09/2012	Lonette Blakley	helping video set up before October meeting	-30.00

Sep 12 - Oct 9, 12

RESOLUTION NO. 12-25

A RESOLUTION APPOINTING AN ADMINISTRATIVE POLICE CHIEF FOR THE CITY OF UNIVERSITY HEIGHTS AND ESTABLISHING DUTIES FOR THE ADMINISTRATIVE POLICE CHIEF

RESOLVED, that Ron Fort is hereby appointed Administrative Police Chief for the City of University Heights effective December 1, 2012, and continuing for a period of two years, through and including November 30, 2014.

FURTHER RESOLVED, that the Administrative Police Chief is empowered to perform all the duties of Chief of the University Heights Police Department except to the extent those duties require performance by a police officer. The Administrative Police Chief is specifically empowered to perform the following duties:

1. Establishing and communicating University Heights Police Department (hereafter "the department") policy.

2. Serving as a liaison between the department and the University Heights City Council.

3. Serving as a liaison between the department and other law enforcement agencies.

4. Attending Chief of Police meetings with the Johnson County Attorney.

5. Completing and submitting grant request forms and complying with reporting requirements of any such grants received by the department.

6. Performing internal affairs investigations.

7. Communicate with citizens regarding police matters.

8. Hiring, supervising, and firing police officers and reserve officers as needed.

9. Training police officers and reserve officers.

10. Riding with officers and reserve officers for evaluation and training.

11. Maintaining departmental personnel files and training records and updating such files as needed.

12. Reviewing reports from the department's police officers.

13. Notarizing citations.

14. Transmitting reports and tickets.

15. Preparing evidence tapes/DVDs as requested or required by subpoena.

16. Responding to animal calls.

17. Issuing parking tickets.

18. Performing school crossing guard duties.

19. Directing traffic as needed.

20. Operating marked police cars for administrative purposes including, but not limited to, obtaining parking tickets and other supplies, transporting vehicles for repair and service, attending meetings, transporting reports to prosecutors, and filing citations with the Johnson County Clerk of Court.

21. Maintaining police vehicles in proper working order.

The above list is not exclusive. The Administrative Police Chief is authorized and empowered to act as Chief of the University Heights Police Department in all other respects and to perform all other duties commonly associated with the office of Police Chief with the exception of any functions that may only be performed by a police officer. The Administrative Police Chief may not perform any function or duty that is limited or restricted by Iowa law to performance by a police officer only.

Dated this 9th day of October, 2012.

Upon motion by _____, and seconded by _____, the vote was as follows:

AYES:	NAYS:	ABSENT:	
_____	_____	_____	Haverkamp
_____	_____	_____	Hopson
_____	_____	_____	Lane
_____	_____	_____	Leff
_____	_____	_____	McGrath

PASSED AND APPROVED THIS 9th DAY OF OCTOBER, 2012.

CITY OF UNIVERSITY HEIGHTS, IOWA

BY:_____
Louise From, Mayor

_____
Attest: Christine Anderson, City Clerk

Steve/UHResolutions/Resolution 12-25 AdminPoliceChief

SHIVEHATTERY
ARCHITECTURE + ENGINEERING

MEMORANDUM

TO: University Heights, Mayor, Council, and Staff
FROM: Josiah Bilskemper, P.E.
DATE: October 8, 2012
RE: City Engineer's Report

(1) Sunset Street Wide Sidewalk [STP-E-7855(607)—8V-52]

a. At the September 2012 meeting, council approved the "8-6-4" sidewalk transition width around the northwest corner of the Benton-Sunset intersection. Design for this corner is underway, which includes the retaining wall design, and new curb ramp.

b. Last week, the consultant met with each of the (3) property owners where right-of-way acquisition and temporary construction easements are proposed. They reviewed specific characteristics of each property, and the DOT's recommended compensation estimate process for these types of acquisitions. Owners are gathering estimates for fence and landscaping work, and consultant will follow up with each owner in the next week to gather estimates and discuss acquisition costs.

c. Once completed, official offers for acquisition and temporary construction easement will be prepared by the city attorney. Once the offers are completed, they will need to be presented for council approval prior to being delivered to the property owners.

d. Project Schedule:

i. If council provides direction to the design consultant at the September council meeting with regard to the Benton corner piece of the project, the earliest bid dates available are January 2013 (remove Benton corner from the project) or February 2013 (include redesign of Benton corner), subject to securing easements and property acquisition. (September Mtg.)

ii. Dependent on decisions regarding project scope at the south end, we are currently operating in the timeframe of a January 2013 bid letting. (August Mtg.)

iii. Once the design is finalized and the construction drawings are complete and approved, the DOT will still hold the project from bidding until all easements and property acquisitions are completed. (July Mtg.)

(2) Sunset Street Wide Sidewalk – Street Trees

a. There are 15 properties along Sunset Street where there are existing or proposed new trees in the city right-of-way adjacent to their property. I have made contact with all 15 property owners, either by e-mail communication, phone calls, and/or personal visits. Each property owner received an explanation of the work to be done in the right-of-way adjacent to their property, along with a sketch of where the sidewalk is proposed to be located, which existing trees are to remain or are recommended for removal, and the location and types of new trees proposed to be planted.

Shive-Hattery, Inc. | 2834 Northgate Drive | Iowa City, IA 52245 | 319.354.3040 | fax 319.354.6921 | shive-hattery.com

b. It was communicated that the costs associated with removing existing trees and/or planting new trees in the right-of-way would be paid by the City as part of this project. It was also noted that there was no guarantee the city would pay for removal and planting costs in the future, as this is typically the responsibility of the adjacent property owner.

c. Some existing trees require removal for the sidewalk project, and a number of other existing trees were recommended for removal. Property owners were given the option to keep existing trees that were "recommended" for removal if that was their preference. They were also given the option on whether or not they wanted the proposed new trees (per the Sunset Street Tree Master Plan) to be included in the sidewalk project.

d. We have specific direction from about half of the residents on how they would like to proceed, and the other half are still making that decision.

e. During the next month, meetings will be held with individual property owners to review the proposed tree removals and new tree plantings. (September Mtg.)

(3) 2012 Pavement Markings

a. L.L. Pelling has completed the majority of the pavement markings, but there are still a few areas yet to be repainted. We conducted a field review on October 4th to confirm the status of which areas have been completed. Council will be considering the first pay application from L.L. Pelling for the pavement markings in the amount of $4,304.

b. For your consideration, L.L. Pelling has provided a quote of $5,422 for repainting of pavement markings. The FY12/13 budget has $5,000 allocated to pavement markings. (September Mtg.)

(4) 2012 Street Improvements

a. Eggleston Concrete Contractors has completed the storm sewer work on Oakcrest Avenue. Council will be considering the second pay application for the 2012 Streets Improvement project in the amount of $20,748. Retainage in the amount of 5% ($4,100) will be withheld until all final paperwork and maintenance bonds have been submitted.

b. Pay Application #1 ($56,973.86) has been submitted based on field measurements, and we have recommended approval for the September meeting.

(5) Melrose Avenue and Sunset Street Patching (ARRA Funds)

a. FYI - We received a letter dated September 21, 2012 from Iowa DOT confirming final project acceptance by FHWA.

b. We received e-mail confirmation from DOT District 6 office last week that all forms and paperwork have been completed, and they consider the project closed out. They will still send out a confirmation letter to the city in the mail at some point. All project files (both at our office and the city office) will need to be kept until at least August 13, 2015. (September Mtg.)

Please feel free to contact me if you have any questions about these or any other items.
JDB

MEMORANDUM

TO: Bill Gay, Alice Haugen, Silvia Quezada, and Karl Robertson

DATE: October 10, 2012

FROM: Pat Bauer

RE: Overviews of Subjects Possibly Warranting Consideration at University Heights Zoning Commission Work Session

A. INTRODUCTION

On July 31, 2012, Mayor From received draft zoning code amendments for bicycle parking from Kristopher Ackerson, MPOJC Assistant Transportation Planner (Attachment A). In his covering memorandum, Mr. Ackerson explained that such amendments were in furtherance of MPOJC's Metropolitan Bicycle Master Plan, were 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," and that adoption of the amendments "will likely increase the community's score on future renewal applications to the Bicycle Friendly Community Program."

Subsequently, certain concerns about the adequacy of existing zoning and housing code provisions were noted during the September 11, 2012 City Council meeting, and in the course of thinking about those concerns, I recalled a couple of other matters that might usefully be included in a "no formal action" work session to (i) develop an agenda for subsequent formal action and (ii) determine the best means of obtaining input from interested citizens about any matters the Zoning Commission may choose to pursue.

The balance of this memo and accompanying materials sketch out some of the outer dimensions of theses subjects. Please understand that I am not intending to express preferred courses of actions or specific outcomes, but instead am merely trying to identify potentially necessary points of determination that might have to be addressed if and when the Zoning Commission were to proceed forward on particular matters.

By a separate communication, I will be soliciting individual calendar information for purposes of scheduling both an initial work session and any subsequent "formal action" Zoning Commission meetings.

B POSSIBLE BICYCLE PARKING ZONING CODE AMENDMENTS

1. Thoughts About the Appropriate Dimensions of a "Stick" Approach

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.

2. <u>Thoughts About the Alternative Possibilities of a "Carrot" Approach</u>

Given the limited number of existing properties that would be affected by any "stick" approach, it may be worth considering the possibility of coming at this issue through the use of one or more "carrots." Property 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).

C. RECENTLY IDENTIFIED CONCERNS ABOUT ADEQUACY OF EXISTING ZONING AND HOUSING CODE PROVISIONS

During the September 11, 2012 City Council meeting, questions were raised about the adequacy of existing zoning and housing code provisions on three fronts: (i) regulation of disorderly houses, (ii) paving of rear yards of residences on the east side of Olive Court, and (iii) the number of vehicles being parked at some residences. The first two concerns are at least partially addressed by existing ordinances, but we certainly could consider the need for and nature of any possible improvements. In contrast, the third concern about parking of vehicles is addressed only indirectly by existing ordinance provisions establishing both minimum and maximum limits on the amount and location of paved parking areas.

1. Regulation of Disorderly Houses

Ordinance No. 109 (enacted in 1999/amended in 2001) provides the following prohibition and means of enforcement:

AN ORDINANCE PROHIBITING KEEPING A DISORDERLY HOUSE.

Section 1. DISORDERLY HOUSE PROHIBITED. No person shall permit or continue to allow any quarreling, fighting or loud, disagreeable noises to the disturbance of the neighborhood or general public upon any premises, within the corporate limits of city of University Heights, Iowa, owned by the person or in the person's possession, without taking legal steps to prevent the same. For the purposes of this section, "General Public" includes persons beyond the subject premises and/or persons upon public places, including law enforcement officers.

Section 2. PENALTY. Any person violating the provisions of this ordinance commits a simple misdemeanor punishable by confinement for up to 30 days in jail or by a $500.00 fine or by both such confinement and fine.

Ordinance No. 125 (enacted in 2002) in turn provides that two occurrences of such conduct within a twelve month period provides a basis for one-year revocations of rental property permits:

AN ORDINANCE DEFINING AND PROVIDING FOR
THE ABATEMENT OF NUISANCE HOUSES.

* * *

SECTION 3. NUISANCE HOUSE. A nuisance house exists as follows:

* * *

B. W hen two or more of the following acts are committed within a period of twelve consecutive months upon a property, or within 1500 feet of a property, by an interested party or their permittee(s):

* * *

13. Disorderly house in violation of University Heights Ordinance 109;

* * *

The above references to provisions of the Iowa Code or the City of University Heights Code of Ordinances should not be interpreted to mean that a prosecution of the specific charge is a necessary prerequisite to an action under this chapter nor shall it be interpreted to mean that proof of the action beyond a reasonable doubt is required.

* * *

SECTION 5. VIOLATIONS - PENALTY.

* * *

D. In the case of rental property, the property owner's rental permit for that property or dwelling unit may be revoked for a period of up to one year for a violation of this chapter.

2. Paving of Rear Yards of Residences on the East Side of Olive Court

Concerns have been raised about the appropriateness of existing zoning ordinance provisions affecting the permissibility of paving and parking in rear yards of residences on the east side of Olive Court (and also residences with Melrose Avenue addresses on the east side of the alley along the rear boundaries of such Olive Court residences) (see Attachment B (aerial view)).

Ordinance 79, §§ 8.A & D. allow paving of required minimum front, side, and rear yards, but prohibit the use of such areas for the parking of motor vehicles:

A. The following minimum yards shall be provided for each building, as follows:

ZONE	*ONE FRONT YARD HAVING A DEPTH OF*	*TWO SIDE YARDS HAVING A DEPTH OF*	*ONE REAR YARD HAVING A DEPTH OF*
R-1	*25 ft.*	*5 ft.*	*30 ft.*

* * *

D. Open terraces, patios, or concrete slabs that do not extend above the level of ground may project into a required yard, provided these projections remain at least 2 feet from the adjacent lot line, ***and provided further that the terraces, patios, or concrete slabs shall not be used for parking of motor vehicles.***

(bolded second proviso added in 2009 by Ord. No. 171.)

As the same time as a parking prohibition was added to § 8.D, a related amendment strengthened the provisions of § 10.D.1 concerning parking in yards other than front yards:

> *D. Location of Parking Spaces:*
>
> *All **~~required minimum~~** yards shall remain open space free of parking and driveways unless otherwise provided as follows:*
>
> *1. In single-family residential (R-1) zones - required parking spaces may be located in the **~~required~~** front yard provided that a minimum of two-thirds (2/3rds) **of the required front** yard area shall remain **~~in~~** open space**,** free of parking **spaces** and driveways.*

(bolded deletions/additions made in 2009 by Ord. No. 171.)

Later that same year, an exception for existing non-conforming uses of rear yards was added as § 16.D.9:

> *9. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that project into a rear yard may continue to be used if they lead to or provide access to a garage with a door or opening large enough to admit automobiles; and if the door or opening faces the rear yard; and if the door or opening was in place as of December 1, 2008; and if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced, but they may not be enlarged. In the event the garage door or opening that faces the rear yard is ever closed off or otherwise abandoned, the non-conforming driveways, parking spaces, or parking areas must be removed and the rear yard shall thereafter conform to the provisions of this ordinance.*

(entire section added in 2009 by Ord. No. 173.)

These provisions may have been framed with eye towards circumstances prevailing in other parts of our community, and to the extent of any need for adaptation to the circumstances of these properties, we perhaps should consider the relative advantages of changes in the zoning ordinance or case-by-case submission of requests for variances to our Board of Adjustment. Any such action would have to address differences between existing and subsequently-initiated uses, and also presumably should include appropriate solicitation and consideration of input from the owners of all affected residences.

3. Number of Vehicles Parked at Residences

While some limitations necessarily follow from existing zoning ordinance provisions addressing (i) the required amount and permissible location of parking spaces and driveways (Ord. 79, §§10.A & D) and (ii) the impermissibility of more than one person other than family members residing in an individual housekeeping unit (Ord. No. 79, §§ 3.12 & 6.A.), University Heights apparently does not presently have any provision directly addressing the number of motor vehicles that may be parked at residences. Different residences may have differing

numbers of licensed drivers (e.g., children living at home or away at school) and as an independent matter some licensed drivers may own more than one vehicle, but the intrinsic restraints such circumstances usually entail may be evaded if any excess available parking spaces are made available on a recurring basis to non-residents either gratuitously (e.g., as a favor to friends attending or working at the University of Iowa) or for compensation (e.g., rental arrangements).

As an initial matter, absent an argument that they constitute "home occupations," paid parking arrangements in residential areas may be prohibited "business" activities. See Ordinance No. 79, §§ 3.22 & 6.A.4:

> *3.22. "Home Occupations" are an accessory use consisting of any occupation or profession carried on by a member of the family residing on the premises; provided that in connection with such occupation or profession, no sign other than one non-illuminated sign, no larger than one square foot in area is used, which sign is attached to the building; that nothing is done to make the building or premises appear in any way as anything but a dwelling; that no products are sold except those prepared on the premises; that no one is employed from outside the family residing on the premises; and that no mechanical equipment is used other than that which is permissible for purely domestic or household purposes.*
>
> *6.A. Property in an R-1 Single-Family Residential zone shall be used for the following purposes only:*
>
> * * *
>
> *4. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and d**o not include any activity conducted as a business.** Such accessory buildings shall not be used for human occupancy or living.*
>
> * * *
>
> *6. Home occupations.*

(bolded emphasis added.)

Any effort to treat paid parking as a business activity, however, presumably would have to address the resulting effects on such parking on rather widespread basis on weekends of home UI football games.

A more limited approach that could provide a solid basis of information for assessing the need for any further regulatory action might be a requirement that permits be obtained for any parking on a recurring basis of any vehicles not registered to resident persons. Unless a fee was deemed necessary to cover administrative costs, permits could be available upon an application requiring (i) identification of the vehicle and its owner and (ii) an indication whether the arrangement was gratuitous or involved receipt of payments of any sort. Exceptions for short-term or intermittent parking might be advisable, subject to any concerns about practicability of enforcement raised by officials responsible for enforcing the permit requirement.

D. CARRYOVER CONCERNS

1. Infill/Teardown Development

Four years ago the Zoning Commission considered a memo by Zoning Intern Kevin Hochhalter surveying various issues presented by the possibilities of infill/teardown development (Attachment C (primary memo*). At that time the Zoning Commission determined that no action was advisable (see Attachment D) and concerns since then conceivably have been minimized by the dampening effects of the Great Recession. The Zoning Commission may want to consider, however, whether the passage of time presents any basis for redetermining the need for any action in this area.

2. Historic Conservation

While it involves distinguishable concerns, from time to time at public meetings some residents have expressed interest in exploring the possibility of pursuing some sort of historic preservation effort. An Iowa City publication explaining its efforts in this area (Attachment E) includes some background information about the sorts of things such efforts entail.

It may well be that any efforts in such direction should await (and perhaps largely follow from) some specific indication of support for doing so by community residents. Some preliminary general discussion of the involved issues, however, may provide a useful foundation for subsequent action if and when such support may materialize.

---

* Full version with various attachments available on City web site:

http://www.university-heights.org/misc_pdf/Infill-Development-Memo.pdf

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.

ATTACHMENT B

MEMORANDUM

To: University Heights Zoning Commission

From: Kevin Hochhalter, Zoning Ordinance Revision Intern

Date: May 5, 2008

Re: Regulating Infill/Teardown Development

Teardown/rebuild development is a difficult issue. On one hand, it is a natural result of economic forces—progress, some might say. On the other, it is often labeled a destroyer of community character as smaller traditional homes are replaced with large-box McMansions that tower over their neighbors and make no effort to fit in with existing neighborhood character.

Teardowns most often occur in areas with aging housing stock (especially homes built in the 1940's or earlier) and increasing land values. The natural economic response to increasing land values is to increase the intensity of use of the land by building larger buildings or increasing density of housing. With most teardowns, existing zoning will not allow increased density, so larger buildings are the natural response. Teardowns are also a market response to the way housing preferences have changed over time. Today's homebuyers are predominantly looking for large kitchens, open living spaces, and master suites with walk-in closets. Most older homes do not have these things. Providing these features generally requires a larger home, and often starting from scratch is easier than custom-designing a renovation plan around the existing home.

The most reliable predictors of whether a neighborhood is prone to teardowns are: high land values, aging housing, single-story homes, and lots where the existing home covers less than 60% of the allowable building pad. Such homes are prone to be replaced by new, two- or even three-story homes that fill the allowed building pad. These monster homes stick out like a sore thumb, clashing with the character of the neighborhood. Despite marring the neighborhood in this way, the new homes serve as a sign of the desirability of a community, and land values continue to rise. This leads to potential for more teardowns, especially as neighbors' tax assessments increase, possibly driving them to sell to a developer. Communities are often divided as some residents fight to maintain the character of the old neighborhood, while others seek opportunities to profit and move on to a new home.

Community Survey

The results of the recent community survey indicate that the community seems fairly well united in wanting to maintain its existing character. The City's Comprehensive Plan recommends a careful increase in commercial uses and residential redevelopment in order to increase the property tax base while not drastically changing the character of the community. The line between "careful increase" in redevelopment and "not drastically changing" community character may be difficult to draw. Residents are not united as to which of the Plan's three scenarios best draws that line.

Residents are united, however, in a desire to adopt development standards that will maintain the existing character of the community. When asked whether the City should regulate the size and/or design of new construction (including teardowns), 93.3% of respondents favored such regulations.

ATTACHMENT C

Many favored regulation of both size and design for proposals that would be significantly larger than surrounding homes.

Excerpts from the survey results are attached to this memo. A few key results are worth highlighting:

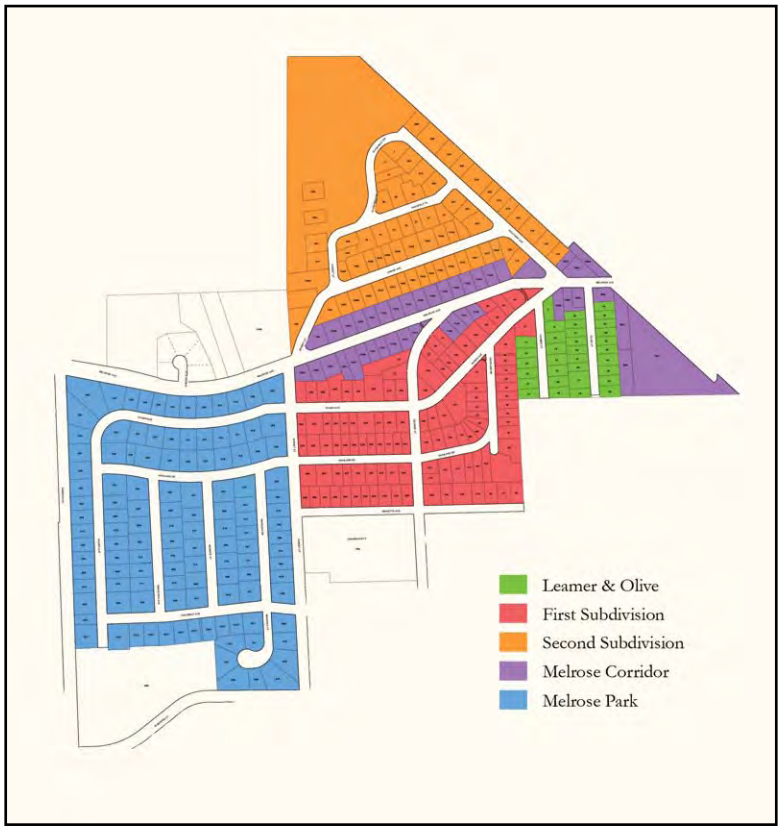
- While residents are very pleased with the overall quality of life in University Heights, they are least satisfied with the cost of housing, which has been increasing over the past few years. A major driver of this is increasing land values, likely due to increasing pressures of the growth of the University and of the greater Iowa City area. Affordability of housing in University Heights may be an issue worthy of consideration during the process of revising the Zoning Ordinance.
- Over one third of responding residents feel that the quality of life in University Heights has been getting worse. Two thirds of these residents are most concerned with problems related to rental properties. One fourth are most concerned with game-related problems.
- Three-fourths of residents would prefer for the City to increase revenues rather than decreasing services if the budget gets too tight. The possible effects of any Zoning Ordinance changes on City revenues should be considered.
- Residents do not agree on a plan for future land use. A plurality of residents prefer Comprehensive Plan Scenario 1, which maintains land use in the City for the most part as it is today. Some residents favor Scenarios 2 and 3, largely because of the revenue that commercial and mixed use development would bring to the City. Many residents are opposed to all three scenarios, presumably preferring to keep things exactly as they are now. Residents' written comments indicate a strong community preference against multifamily development and rental properties.

Data and Methodology

In order to better understand the character of the community in a way that can be concretely regulated, I collected data on existing housing stock in the City. The full data set is attached to this memo. All data were drawn from the Johnson County Assessor's office and Johnson County GIS. Data for all homes in the City include assessed property value, year built, living area, and building type (a rough description of building mass: one-story, two-story, split level, etc.). I divided the homes into neighborhoods, starting with the original subdivisions as recorded in the assessor's data. I made a few minor adjustments to that original division in order to place each home where it seemed to belong best. The Birkdale and Grandview condos are kept as separate "neighborhoods." I also created a separate neighborhood group for those homes that face Melrose Ave, as that street seemed likely to deserve special treatment in the zoning ordinance. The easternmost lots that access Melrose by private drive didn't fit well in any neighborhood but seemed closest in character to the Melrose Corridor homes. The adjoining map outlines the neighborhood divisions.

(see next page)

I drew a random sample of about 20% of the homes (excluding the condos) for further analysis. For this smaller number of homes I was able to collect additional data, including assessed building and land values, lot area, and existing front and side yard measurements. Using rough floor plans from the assessor's office, I created an adjusted floor area measurement for each home. This total floor area includes floor area for all above-ground stories, including garages, attics that could be used as living space, and basements that are at least halfway above ground (as in a split-level home). The total floor area measurement is intended to provide an approximation of the total building mass. Lot area measurements are taken from the assessor's records, which are not always perfectly accurate but do provide a very close approximation. I double-checked irregular shaped lots on Johnson County GIS and adjusted any measurements that were far off.



Regulatory Tools

Common tools for regulating teardown development are summarized below.

Setbacks: Increasing setback (yard) requirements will reduce the size of the allowable building pad. New homes will cover less ground, leaving more space between buildings. Teardowns can compensate by building taller (up to the maximum height limit). Increased setbacks are likely to force many existing homes into nonconforming status.

Lot Coverage: Coverage is generally expressed as a percentage of the lot area that can be covered by buildings, though it could also be an absolute measurement. Permitted coverage should be smaller than the building pad defined by current setback requirements, allowing a home to be placed anywhere within the current building pad so long as it only covers the permitted total area. Again, new homes will cover less ground, but builders can compensate by building taller. Since setbacks remain the same as before, there is less danger of creating nonconforming homes with this new regulation.

Height restrictions: To prevent new homes from being built unusually tall, maximum height limits could be decreased. Height limits can be expressed in terms of an absolute measurement or in stories.

Floor Area Ratio (FAR): FAR incorporates height regulation into lot coverage by measuring the area of each floor. The floor area of each floor of the home is added together (vaulted areas can be counted as floor area on the second floor) and divided by the total area of the lot.

ATTACHMENT C

FAR is generally expressed as a percentage. FAR regulation allows builders more flexibility in home design but still limits the overall size of the home to fit with the rest of the neighborhood. Taller homes will have to cover less area, allowing more space between the new home and its existing neighbors. Alternatively, a single-story home will cover more area and be closer to its neighbors, but will not tower over them.

Staggered setbacks: Setting different setback requirements based on building height can help make sure that no home will loom over its neighbors. As an example, a single story home may be built to a five foot setback, but a two-story home will require a fifteen foot setback. Such a scheme will ensure that larger homes are farther away from their neighbors, using the open space to mitigate the effect of a large home built next to a smaller one.

Impervious Surface Coverage: Part of neighborhood character is in the amount of landscaping vs. paved areas. Impervious surfaces include buildings, driveways, walkways, decks and patios—anything that will not allow water to drain into the ground below it. Limiting the coverage of impervious surfaces is one way to ensure a minimum amount of foliage. It also can help prevent oversized garages or driveways that harm neighborhood character.

Prohibition on Lot Consolidation: When limits to the size of new homes are imposed, the threat of lot consolidation increases. Rather than buying one lot and building a small home within the imposed limits, builders may buy two neighboring lots to consolidate into a single home site. This will allow a large home to be built notwithstanding the new regulations. A prohibition of this kind of consolidation will foreclose that opportunity.

Demolition Permits: Some communities require a city-issued demolition permit before an existing home can be torn down. If issuance of the permit is conditioned on the planned replacement structure meeting certain requirements, the city can prevent undesirable rebuilds.

Design Standards: Basic architectural design standards can be set to ensure that new development fits within the look and feel of the existing neighborhood. Objective standards are safest against legal challenges, but may require city staff with design expertise to administer the standards. More subjective standards are in place in many cities and may allow some leverage in influencing the design of new construction, but can be prone to legal attack.

Analysis of Current Housing

Summary statistics from the full-city data (shown in table below) show a deceptive amount of uniformity across neighborhoods. The average home in the Second Subdivision or Melrose Park neighborhoods is slightly larger and more expensive than that in other parts of the City. Homes in the original neighborhoods (Leamer & Olive and the First and Second Subdivisions) are significantly older than other parts of the City, which is exactly what should be expected given the historical development of the City. Since older homes are more prone to teardown development, we might suspect that these neighborhoods are particularly vulnerable. Leamer & Olive and the First Subdivision also have the largest proportion of single story homes, a housing type prone to teardowns. The key insight we can draw from this table is that the Leamer & Olive neighborhood is entirely composed of single story homes, making it the only neighborhood where a tighter building height restriction prohibiting 2-story homes could ever be appropriate. Other regulatory tools that could be applied city-wide will certainly need to be considered.

Subdivision	Average Assessed Value	Median Assessed Value	Avg Bldg Age	Med. Bldg Age	Average Living Area	Median Living Area	Total # of Homes	1-story	Over 1-story
Leamer & Olive	$200,086	$198,500	64	62	1,169	1,142	33	33	0
First Subdivision	$203,836	$200,220	64	67	1,264	1,196	107	86	21
Second Subdivision	$279,288	$264,150	64	65	1,879	1,650	64	44	20
Melrose Corridor	$209,716	$189,550	48	44	1,372	1,241	38	23	15
Birkdale Condos	$483,317	$455,950	4	4	1,927	1,923	6	6	0
Melrose Park	$233,130	$223,180	43	44	1,730	1,666	121	82	39
Grandview Condos	$68,146	$74,900	41	56	787	628	130	0	130
City-wide	$188,827	$196,380	51	56	1,341	1,213	499	274	225
City-wide (no Grandview)	**$231,343**	**$213,810**	**54**	**51**	**1,537**	**1,406**	**369**	**274**	**95**

Statistics from the random sample are more revealing. The key reason for higher home values in the Second Subdivision is not the value of the dwellings, but the value of the land itself. In contrast, the higher value of Melrose Park homes is due to the value of the dwellings. In considering teardowns, it is the low value of a dwelling in comparison to its land that makes it attractive for rebuilding. To more easily see the potential threat in each neighborhood, I computed a "Land Value Ratio" for each home in the sample. The land value ratio is the percentage of the total value of the property that comes from the land itself. As the land value ratio approaches or exceeds 50% (meaning at least half of the property's value is in the land, not in the home), the property is in danger of being torn down and redeveloped. From the table below, we see that the average land value ratio of homes in the Second Subdivision is significantly higher than in other neighborhoods, and very close to 50%. Thus, while it may be good to protect the entire City against teardowns, it is most urgent in the Second Subdivision.

Subdivision	Average Dwelling Value	Average Land Value	Avg Land Value Ratio (% of total)	Land Value ($/sqft)
Leamer & Olive	$121,722	$74,376	38.27%	$10.66
First Subdivision	$145,291	$72,829	33.73%	$8.77
Second Subdivision	$142,418	$114,781	46.91%	$11.02
Melrose Corridor	$123,533	$68,800	37.02%	$7.51
Melrose Park	$157,196	$69,083	31.20%	$5.74
City-wide	**$144,061**	**$77,847**	**35.74%**	**$8.24**

Taking a closer look at the potential for teardowns, I calculated the percentage of homes in the sample that are coming close to being in danger of teardowns (where land is at least 40% of total property value), and the percentage already in danger (where land is over 50% of total property value). As shown in the table below, there are homes in every neighborhood that are approaching danger, but only the Second Subdivision has homes that are currently in danger.

ATTACHMENT C

Subdivision	% homes nearing danger of teardown	% homes currently in danger of teardown
Leamer & Olive	22%	0%
First Subdivision	14%	0%
Second Subdivision	73%	55%
Melrose Corridor	33%	0%
Melrose Park	4%	0%
City-wide	**22%**	**8%**

It must be remembered, however, that the new home that is to be built on a teardown lot must still be profitable, which means that after rebuild the land should be only 20-30% of total property value. In order to accomplish this, a larger home is required. So if the zoning ordinance sufficiently limits the size of homes that can be built, teardown development will no longer be an option. It will be important at the same time to allow a reasonable amount of expansion of existing homes in order to meet the needs of homeowners. This requires a balancing act in the zoning ordinance to allow some increase in home size, but not so much that teardowns become an attractive option.

Potential Impact of Current Zoning Ordinance

The current zoning ordinance fails to strike any balance at all. Currently, home size is regulated only by required minimum front, back, and side yards. In most cases, these requirements leave a sizeable allowed building pad. If a builder wants to maximize profits, he or she may choose to build a home that fills the entire building pad. Height requirements in the current zoning ordinance allow for two story homes. If the builder submits plans to fill the building pad with a two-story home, there is nothing in the ordinance to keep those plans from being approved. The resulting home will dwarf its neighbors and has no chance of fitting in with the character of the community. The sample-based table below shows the average home sizes, in total above-ground floor area, that the current zoning ordinance would allow in each neighborhood. In a City with average floor areas under 2,000 square feet, there is no way such homes could fit in.

Subdivision	Rebuild Floor Area Under Current Zoning
Leamer & Olive	6,349
First Subdivision	8,315
Second Subdivision	10,983
Melrose Corridor	8,867
Melrose Park	12,500
City-wide	**9,918**

ATTACHMENT C

Analysis of Regulatory Options

The simplest regulatory solution is often to take the tools that are currently in place and adjust them in a way that accomplishes the desired goal. In this case that would mean increasing minimum yard sizes, and possibly reducing height restrictions. That would be a simple solution, but it is important to consider the consequences. The current minimum yards are 25' front, 5' side, and 30' rear. The average yards in the City are larger than the minimums. But, as shown in the sample-based table below, even a small increase in the minimum front and side yards, to 30' and 10', respectively, would mean that over half of the homes in the City would not be in compliance with the new requirements. It is usually best, where possible, to avoid creating non-conforming lots, and certainly such a large percentage of the City should never be non-conforming.

Subdivision	Avg Front Yard	Avg Side Yard	% non-conforming with 30' front	% non-conforming with 10' side
Leamer & Olive	29	8	44%	67%
First Subdivision	30	6	59%	86%
Second Subdivision	32	11	45%	55%
Melrose Corridor	29	8	80%	80%
Melrose Park	29	11	54%	33%
City-wide	**30**	**9**	**55%**	**61%**

Increasing the minimum rear yard is another possibility. However, with historical expansion of many homes, there is still a threat of creating a large number of non-conforming homes. With the variation in lot sizes and shapes that exist in the City, it would be impossible to reach a perfect minimum yard to apply city-wide and achieve the desired results. It may be possible to reach some acceptable numbers if each neighborhood is treated as its own zone with unique yard requirements. Even so, there are enough irregular lots, especially in the First and Second Subdivisions, to allow the threat of monster homes on those lots to continue. A wholesale increase in minimum rear yard requirements would also take away the flexibility that landowners currently have in placing a home or in how they choose to expand their homes.

Lot Coverage or Floor Area Ratio limits would be more flexible tools that are still fairly simple to administer. Since FAR has the added feature of incorporating height considerations by adding up the measurements of each floor, I only calculated the possibilities for FAR and not Lot Coverage, though either tool may be appropriate to the City's needs. FAR has the further advantage of allowing the property owner the flexibility of building the largest allowed home according to his or her own tastes—whether one-story, two-story, or split level makes no difference so long as the total floor area doesn't exceed the allowed FAR. In order to maximize the size of a home under Lot Coverage regulation, the builder is forced to build two stories. Lot Coverage regulation is most effective at guaranteeing a minimum amount of open land, while FAR is better at guaranteeing a maximum home size in relation to the lot.

To set a baseline for consideration of FAR regulation, I calculated the current FAR of all homes in the sample. The table below shows that FARs are fairly consistent across the City, with an average of about 20%.

Subdivision	Average Lot Area	Average Total Floor Area	Avg Floor Area Ratio (FAR)
Leamer & Olive	6,980	1,447	20.50%
First Subdivision	8,541	1,783	21.74%
Second Subdivision	10,705	2,032	20.10%
Melrose Corridor	9,167	1,437	15.21%
Melrose Park	12,146	2,357	19.68%
City-wide	**9,930**	**1,942**	**20.10%**

In order to prevent the creation of non-conforming homes and to allow a reasonable amount of room for home expansion in the future, it will be necessary to set the maximum FAR at something higher than 20%. In order to provide some idea of the potential results of different maximum FARs, I calculated the average maximum floor areas that would be allowed in each neighborhood under maximum FARs of 25%, 30%, and 40%, shown in the table below.

Subdivision	Rebuild Floor Area if FAR = 25%	Rebuild Floor Area if FAR = 30%	Rebuild Floor Area if FAR = 40%
Leamer & Olive	2,094	2,443	2,792
First Subdivision	2,562	2,989	3,417
Second Subdivision	3,211	3,747	4,282
Melrose Corridor	2,750	3,208	3,667
Melrose Park	3,644	4,251	4,858
City-wide	**2,979**	**3,476**	**3,972**

For comparison, consider the rebuild that was recently completed on Grand Avenue, pictured here. According to the Johnson County Assessor's floor area measurements, it is a 3,762 square foot home, situated on a 65' wide by 125' deep lot (for a total lot size of 8,125 square feet). It is far from the monster that the current zoning ordinance would have allowed, but with a FAR of 46.3%, it is still much larger than nearby homes on similarly sized lots.

Height restrictions will still be important. At the very least, current height restrictions should remain in force to prevent anything higher than two stories. It is possible to increase restrictions in the Leamer & Olive neighborhood to prevent the introduction of any two-story homes, but the Commission and Council should consider whether that is desirable. The proposed development of the Neuzil property consists of single story homes, so a restriction on Leamer & Olive would keep the area consistent. Neighborhood land values may increase with the addition of that upscale development, making the neighborhood increasingly prone to redevelopment.

A number of possible regulatory tools are not likely to work well for University Heights. Staggered setbacks suffer the same limitations as normal setback restrictions, discussed above. Impervious area coverage addresses neighborhood character in terms of open/green space, but will have little impact on building size. It requires much more complicated computations and definitions that may be more than the City can handle with limited staff. Demolition permits may be a useful way to deter teardown development, but it may be prone to failure. The rebuild on Grand, for example, is characterized on the building permit as a "second story and two-story addition," meaning that the original home, or at least parts of it, are purported to still be in there somewhere. A very large addition of that kind is just as disruptive of community character as a complete rebuild. Since demolition permits will not prevent large additions, they may simply be added administrative work with no real impact.

A prohibition on lot consolidation is worth considering. Floor area ratios will do a good job of keeping homes sized reasonably to their lots. But if two neighboring lots can be combined, a very large home could still be built—it would just need a very large yard. The City should consider whether this is equally disruptive of community character. If it is, a prohibition on consolidating lots would be useful.

UNIVERSITY HEIGHTS, IOWA **1004 Melrose Ave.**

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.

ATTACHMENT D

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 substantitive 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.

ATTACHMENT D

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)

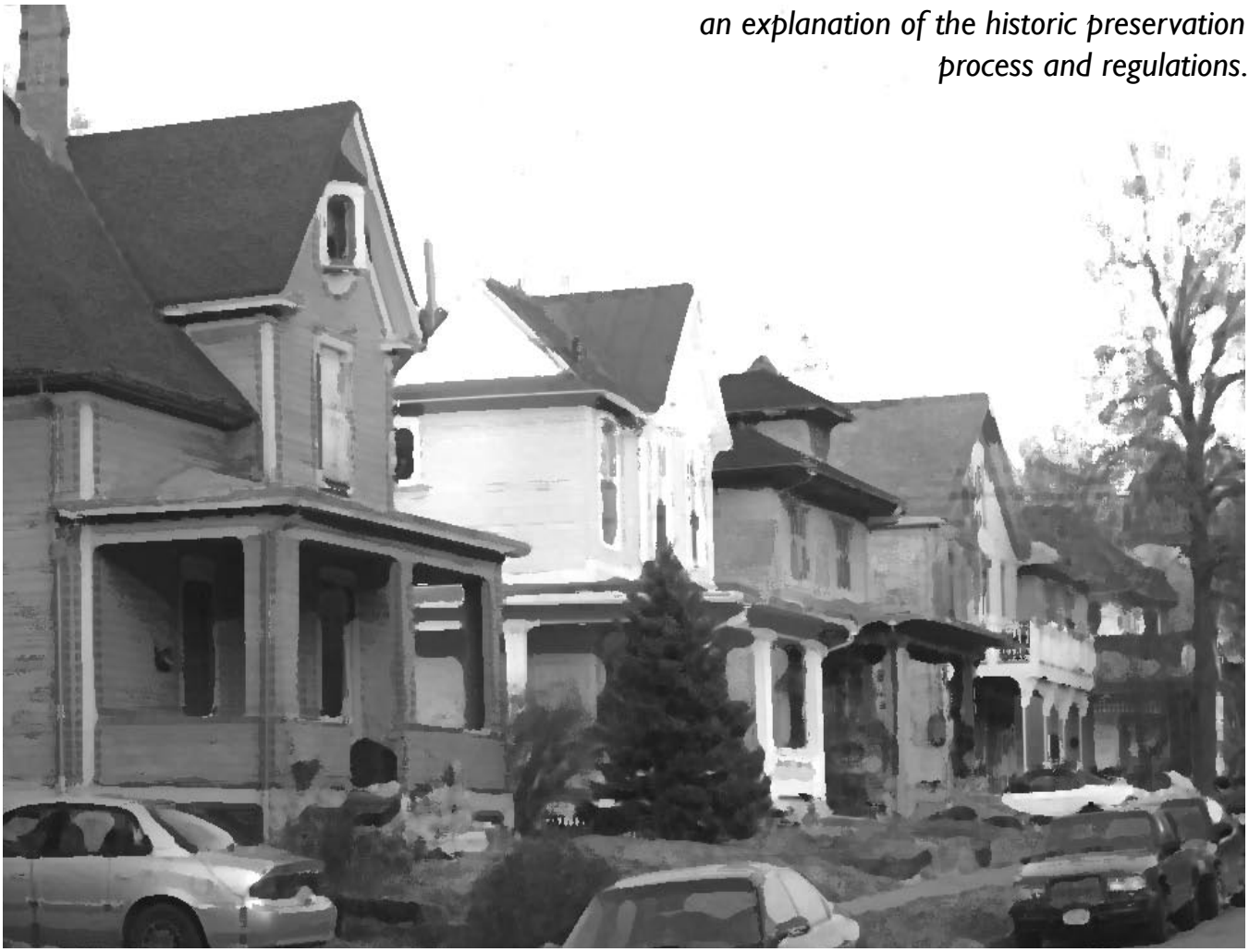
3. Design Review (memo attachments ("Why Do Site Plan Review" and Provo, UT/Fort Collins, CO design standards) and "A Pattern Book for West Des Moines Neighborhoods" (available at http://www.wdm-ia.com/Index.aspx?page=117&recordid=147&returnURL=%2Findex.aspx)

ATTACHMENT D

Iowa City Historic Preservation Handbook

Adopted June 20, 2000
Revised February 3, 2004

Contains guidelines for the historic review of properties in historic and conservation districts and historic landmarks, and an explanation of the historic preservation process and regulations.



ATTACHMENT E

Table of Contents

1.0 Historic Preservation and Conservation in Iowa City
- 1.1 "Why should a community like Iowa City care about historic preservation?"
- 1.2 The Iowa City Historic Preservation Commission
- 1.3 Districts and Landmarks
- 1.4 Classification of Properties in Districts
- 1.5 Historic Designation Process

2.0 Historic Review
- 2.1 When is Historic Review Required?
- 2.2 Historic Review Process
- 2.3 Application for Historic Review
- 2.4 Major Review and Certificates of Appropriateness
- 2.5 Alternative Review in Conservation Districts
- 2.6 Certificate of No Material Effect
- 2.7 Appeals

3.0 About the Guidelines for Historic Preservation
- 3.1 Iowa City Guidelines
- 3.2 Exceptions to the Iowa City Guidelines
- 3.3 Exceptions for Nonhistoric Properties
- 3.4 Additional Historic Preservation Guidelines
- 3.5 Building Code and Zoning Ordinances
- 3.6 Alternative Designs

4.0 Iowa City Guidelines for Alterations
- 4.1 Foundations
- 4.2 Masonry
- 4.3 Wood
- 4.4 Mass and Rooflines *(includes dormers)*
- 4.5 Siding
- 4.6 Paint and Color
- 4.7 Windows *(includes shutters & storm windows)*
- 4.8 Doors *(includes garage doors)*
- 4.9 Porches
- 4.10 Balustrades and Handrails
- 4.11 Gutters and Downspouts
- 4.12 Chimneys
- 4.13 Site and Landscaping *(includes fences, parking and access)*

5.0 Iowa City Guidelines for Additions
- 5.1 Expansion of Building Footprint
- 5.2 Decks and Ramps

6.0 Iowa City Guidelines for New Construction
- 6.1 New Primary Structures
- 6.2 New Outbuildings

7.0 Iowa City Guidelines for Demolition

ATTACHMENT E

8.0 Neighborhood District Guidelines
- 8.1 Longfellow Neighborhood
- 8.2 College Hill Neighborhood
- 8.3 Woodlawn
- 8.4 Northside Neighborhood

9.0 The Secretary of the Interior's Standards for Rehabilitation

10.0 Design Guidelines for Multi-Family Buildings
- 10.1 Mandatory Compliance Items
- 10.2 Design Point Items

11.0 Residential Architectural Styles of Iowa City
- 11.1 Italianate
- 11.2 Queen Anne
- 11.3 Colonial Revival
- 11.4 Craftsman
- 11.5 Craftsman Bungalow
- 11.6 American Foursquare
- 11.7 Prairie School
- 11.8 Period Revival Cottages and Houses
- 11.9 Vernacular
- 11.10 Eclectic

12.0 Historic Landmarks

13.0 Historic and Conservation Districts

14.0 Longfellow Neighborhood Districts
- 14.1 Governor-Lucas Street Conservation District
- 14.2 Summit Street Historic District
- 14.3 Clark Street Conservation District
- 14.4 Longfellow Historic District
- 14.5 Dearborn Street Conservation District

15.0 College Hill Neighborhood Districts
- 15.1 College Hill Conservation District
- 15.2 College Green Historic District
- 15.3 East College Street Historic District

16.0 Woodlawn Historic District

17.0 Northside Neighborhood Districts
- 17.1 Brown Street Historic District

Appendices
- **A.1 Definitions**
- **A.2 Architectural Terms**
- **A.3 Historic Preservation Documents**

ATTACHMENT E

1.0 Historic Preservation and Conservation in Iowa City

1.1 "Why should a community like Iowa City care about historic preservation?"

"The simple answer is that conserving old buildings and neighborhoods makes a good community better. Iowa City is blessed with a collection of fine, well-maintained older neighborhoods and individual landmarks which are recognized and appreciated by the entire community. Historic preservation has the potential to enhance the quality of life and economic well-being of current and future residents."

Marlys Svendsen
Iowa City Historic Preservation Plan

In 1992, the Iowa City City Council adopted the *Iowa City Historic Preservation Plan* that was prepared by architectural historian Marlys Svendsen. The plan carefully and thoughtfully evaluated Iowa City's historic buildings and neighborhoods and set forth a plan of action for their stewardship. Historic neighborhoods and buildings are protected by the designation of historic districts, conservation districts and historic landmarks. Designation provides for the careful management of these resources by the Iowa City Historic Preservation Commission through the historic review process. The purpose of historic review is to preserve or conserve historic architectural resources by discouraging alterations that either destroy the unique characteristics of a building or alter the character of historic neighborhoods.

1.2 The Iowa City Historic Preservation Commission

The Iowa City Historic Preservation Commission was created by local ordinance in December 1982. Its mission statement as described in the Iowa City Historic Preservation Plan is "To identify, protect, and preserve the community's historic resources in order to enhance the quality of life and economic well-being of current and future generations." Its members are citizen volunteers appointed by the City Council. Many of the members reside in historic districts and have expertise in fields related to historic preservation.

The Commission is responsible for surveying historic neighborhoods and recommending to City Council neighborhoods that should be designated as conservation or historic districts, as well as individual properties that should be designated as historic landmarks. Once districts and landmarks are identified and designated, the Commission reviews proposed changes to the exteriors of these properties through the historic review process.

1.3 Districts and Landmarks

Historic and conservation districts, and historic landmarks, are designated by ordinance by the Iowa City City Council with recommendations from the Historic Preservation Commission, the State Historical Society of Iowa, and the Planning and Zoning Commission. Recommendations for the historic designation of districts and properties are also received from professional architectural historians following an intensive survey and evaluation of a neighborhood's historic properties and resources.

Historic Districts

Historic districts are geographically cohesive areas with significant concentrations of buildings and other resources that possess a high degree of historic integrity. Historic districts are typically first nominated to and listed on the National Register of Historic Places, and then designated as local historic districts. Designation as a local district provides the Historic Preservation Commission with the authority to review changes to properties that may affect the historic character of the property and the district. The overall character of a historic district must convey a distinct sense of time and place.

ATTACHMENT E

Conservation Districts

Conservation districts are neighborhoods that appear similar to historic districts in character. However, because they have fewer properties that retain a high degree of historic integrity or contribute to a distinct sense of time and place within the neighborhood, they do not qualify as historic districts based on State Code. Because they are still considered worthy of protection, City Council may designate these neighborhoods for historic conservation.

Iowa City Historic Landmarks

Historic landmarks are buildings that are individually significant for their architectural and/or cultural merits. Like historic districts, these properties are typically listed on the National Register of Historic Places, or are eligible for listing on the National Register.

1.4 Classification of Properties in Districts

Properties in conservation and historic districts are classified based on their historic and architectural significance and integrity. Because neighborhoods change over time, these districts typically have some structures that are not historic or that have been severely altered. Buildings in historic or conservation districts may range from outstanding historic landmarks to architecturally incompatible, modern structures. Depending on the classification of a property, certain exceptions to the guidelines or financial incentives may be applicable.

To determine the classification of a specific property in a historic or conservation district, refer to the *Table of Contents* to locate the appropriate district map that indicates the property's classification. To determine if a property has been designated a historic landmark, see section *12.0 Historic Landmarks.*

Contributing and Noncontributing Properties

When districts are evaluated and nominated for preservation and conservation, individual properties are classified as either contributing or noncontributing to the historic character of the proposed district.

Contributing Properties

In historic districts, to be classified as a contributing property the primary building must (1) have an architectural style and character that is clearly evident and (2) was constructed during the district's period of significance and relate to a significant historic context in the neighborhood's history. The period of significance and the historic context(s) for each district are determined by professional consultants prior to designation. Contributing properties in historic districts may be eligible for Federal, State and local tax incentives for substantial rehabilitation.

Conservation districts tend to exhibit a greater variety of building styles from different time periods and are less culturally cohesive, so their historic contexts are more loosely defined. The primary determining factors in classifying a property in a conservation district are (1) the historic integrity of the primary building and (2) the age of the primary building, which typically must be at least 50 years old at the time a district is designated.

Noncontributing and Nonhistoric Properties

Properties that are not classified as contributing are classified as noncontributing. Noncontributing properties have a primary building that has been significantly altered or that is nonhistoric. Nonhistoric buildings are buildings constructed after a district's period of significance and were generally less than 50 years old at the time the district was designated.

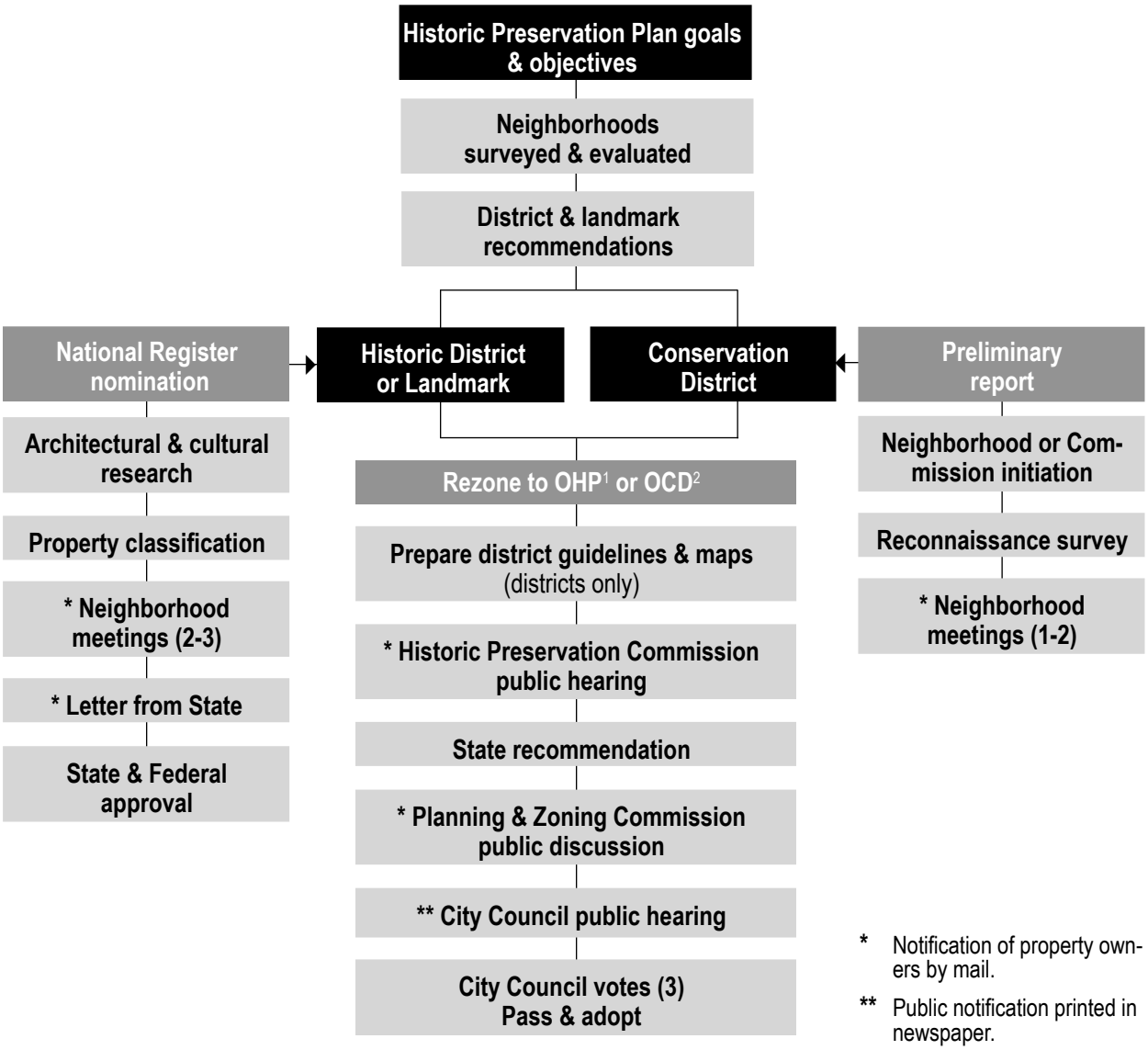
These properties are **NOT exempt** from historic preservation regulations, but exceptions to the guidelines are applicable. The rehabilitation of noncontributing historic buildings is encouraged. The demolition of existing nonhistoric buildings and construction of new, more architecturally compatible buildings is allowed.

During the process of preparing the survey and evaluation for each historic neighborhood and, for historic districts, the National Register of Historic Places nomination, each property is visually inspected and historically researched by a professional architectural historian. The Commission uses this information to determine the classification of each property. However, the Commission may vote to change the classification of a property under the following conditions:

1. Additional information is discovered that documents it has greater cultural significance than originally determined.
2. It is determined that the original research and inspection did not conclusively or accurately document the architectural or historic fabric of the property.
3. A property has been substantially altered since it was originally classified.

If an owner feels his or her property has been incorrectly classified, the owner may submit a letter to the Preservation Planner requesting that the property be re-evaluated. The Preservation Planner will submit the request, along with a report and recommendation, to the Commission for a determination.

1.5 Historic Designation Process



[1] Historic districts and landmarks are designated by rezoning a property or area to Historic Preservation Overlay (OHP).

[2] Conservation districts are designated by rezoning an area to Conservation District Overlay (OCD).

Landmarks and Key Properties

Landmarks are properties that are individually significant because of their architectural quality, integrity and historic or cultural significance. Iowa City has over 40 local historic landmarks that are subject to the historic preservation regulations. Properties classified as key are either landmarks or are eligible for designation as landmarks. Key properties are subject to the same historic preservation guidelines as contributing buildings in historic districts. Key properties and landmarks may be eligible for Federal, State and local tax incentives for substantial rehabilitation. See section *12.0 Historic Landmarks* for a complete list of landmarks. Key properties are illustrated on the district maps in sections 14.0 through 17.0. For a list of properties located outside existing districts that are eligible for landmark designation, contact the Preservation Planner.

2.0 Historic Review

The historic preservation guidelines contained in this handbook will be used by the Historic Preservation Commission to determine if a proposed change to a landmark or property in a district is compatible with the historic character of the district and property. The intent of the historic review process is:

- To ensure that changes to landmarks and properties in districts do not substantially alter or destroy the defining architectural character of the building, site or neighborhood.
- To provide property owners, contractors and consultants with technical assistance and alternatives to ensure that proposed projects conform with the historic preservation guidelines.

2.1 When is Historic Review Required?

Historic review by the Commission is required for all construction projects that require a regulated permit, and change the exterior features of any property in a historic or conservation district, or any historic landmark. The proposed project must be approved by the Commission before a building permit will be issued by Housing and Inspection Services. Examples of common projects that require a regulated permit and historic review are:

- Application or reapplication of new siding.
- Replacement or addition of windows (including sash replacement).
- Porch construction, reconstruction or replacement.
- Construction of new dormers.
- Construction of additions.
- Construction of decks and ramps.
- Adding skylights.
- Demolition of a garage or other outbuilding.
- Removal of porches, trim, brackets, chimneys, dormers or other defining architectural features.
- Construction of a new garage.

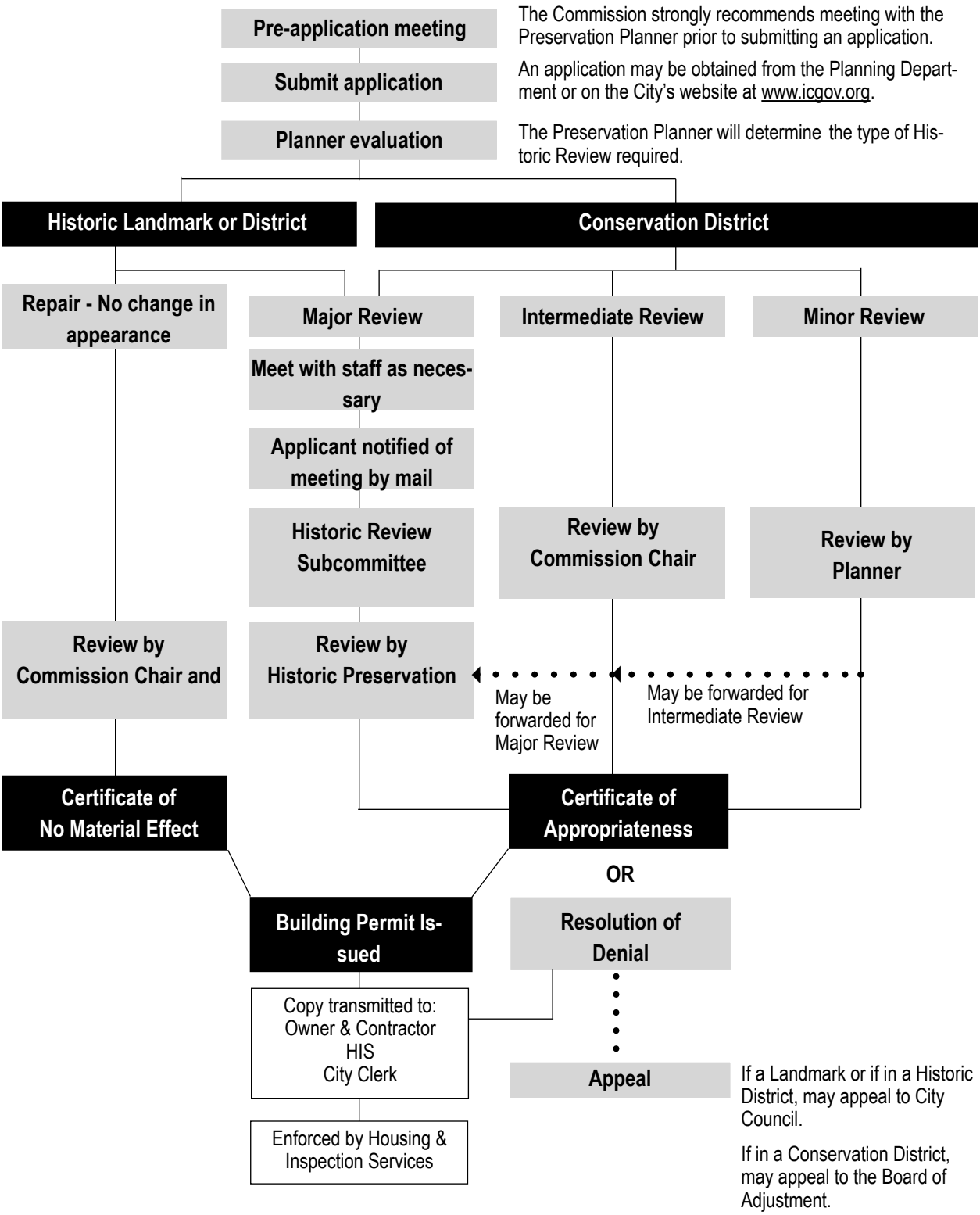
NOTE: The application of siding, window replacement, and demolition of portions of a building require a building permit for properties within districts and landmarks. For properties that are not within a historic or conservation district, and that have not been designated landmarks, these actions do not require a permit.

Examples of common projects that may not require a regulated permit and need not be reviewed by the Commission are:

- Exterior painting.
- Reapplication of roof shingles.
- Installation of new storm windows.
- Replacement of external gutters and downspouts.
- Window repair (excluding sash replacement).
- Construction of fences that are less than 6 feet high.
- Construction of accessory structures, such as garden sheds, less than 144 square feet in area.

A complete list of work exempt from permit can be found in *Amendments to: International Residential Code, International Building Code,* which is available through Housing and Inspection Services.

2.2 Historic Review Process



ATTACHMENT E

2.3 Application for Historic Review

An application for historic review must be submitted to the Preservation Planner. The application should include dimensioned drawings, sketches, photographs, text, product samples, or other exhibits that accurately portray the work to be done. The Commission may request additional information if it cannot fairly evaluate the application as submitted. A pre-application conference with the Preservation Planner is recommended to help ensure that a proposed project will comply with the guidelines. Application forms may be obtained from the Planning and Community Development Department, Housing and Inspection Services or on the web at www.icgov.org.

2.4 Major Review and Certificates of Appropriateness

Most applications for landmarks and properties in historic districts, and applications for significant changes in conservation districts, will require major review. These applications will be reviewed by the Historic Review Subcommittee, which is composed of three members of the Historic Preservation Commission. The Subcommittee will make recommendations to the Historic Preservation Commission and a quorum of the Commission will vote to approve or deny the application at its next regularly scheduled meeting. If a majority of the Commission votes to approve the application, a Certificate of Appropriateness will be issued to the owner and contractor, and will be filed with Housing and Inspection Services and the City Clerk.

2.5 Alternative Review in Conservation Districts

In conservation districts, there are two alternative types of review that are intended to shorten the historic review process. Intermediate review and minor review may be used to approve Certificates of Appropriateness for certain types of projects. The applicant, Preservation Planner, or Commission members may request that a minor review be treated as an intermediate review or that an intermediate review go to the full Commission.

Intermediate Review

For *contributing properties* in a conservation district, the following items may be approved by the Preservation Planner and Commission Chair or the Chair's designee:

- Alterations: All alterations except changes in window type, pattern or dimension, and addition of dormers.
- Additions: Decks located behind the primary structure.
- New construction: New outbuildings, provided they are located behind the rear plane of an existing primary structure.
- Demolition: Nonhistoric outbuildings and nonhistoric features of a primary building.
- Certificates of No Material Effect.

Minor Review

For *noncontributing properties* in a conservation district, the following items may be approved by the Preservation Planner:

- Alterations: All alterations except changes in window type, pattern or dimension, and addition of dormers.
- Additions: Decks located behind the primary structure and ramps.
- New construction: New outbuildings, provided they are located behind the rear plane of an existing primary structure.
- Demolition: Nonhistoric outbuildings and nonhistoric features of a primary building.
- Certificates of No Material Effect.

2.6 Certificates of No Material Effect

The Commission Chair and the Preservation Planner or their designees may issue a Certificate of No Material Effect if the work contemplated in the application will have no effect on the appearance of significant architectural features and review by the full Commission is not required.

2.7 Appeals

Applicants may appeal decisions of the Commission to the City Council for properties in historic districts and landmarks, and to the Board of Adjustment for properties in conservation districts. The Certificate of Appropriateness, or the Resolution of Denial, which states the reason for the decision, will be filed with the City Clerk within five days of the decision. The applicant has 10 days from the time it is filed with the Clerk to file a letter with the Preservation Planner requesting an appeal. The City Council or Board of Adjustment will determine if the decision of the Historic Preservation Commission was arbitrary or capricious, but neither the Council nor the Board has the authority to override a decision by the Commission if it is determined that it was not arbitrary or capricious.

3.0 About the Guidelines for Historic Preservation

The purpose of the historic preservation guidelines is to:

- Provide comprehensive design guidelines for construction projects to landmarks and properties within each district.
- Provide property owners with design criteria that will be the basis for approving or denying Certificates of Appropriateness.
- Identify the defining characteristics of each individual historic or conservation district.

In writing the historic preservation guidelines, the Historic Preservation Commission has made every effort to clarify the criteria for historic review. However, not every situation can be anticipated. The Commission, at its discretion, may allow some flexibility for unique properties and situations. The Preservation Planner is available to answer any questions, assist an owner or contractor with their project, and provide additional preservation information.

3.1 Iowa City Guidelines

These guidelines were written by the Iowa Historic Preservation Commission to address specifically the historic preservation issues in Iowa City and to provide more detailed guidance to property owners and builders as they design their construction projects. The guidelines are based on *The Secretary of the Interior's Standards for Rehabilitation,* which can be found in section 9.0. The *Iowa City Guidelines* are the guidelines that will be used to evaluate most projects. If there are issues that are not addressed in these guidelines, then the Historic Preservation Commission will use *The Secretary of the Interior's Standards for Rehabilitation* and the *Guidelines for Rehabilitating Historic Buildings,* which are guidelines for interpreting the *Standards.*

Typically, there are four types of projects that modify the exterior of landmarks or properties within districts. The *Iowa City Guidelines* are divided into four sections that correspond to these project types. These are:

4.0 Iowa City Guidelines for Alterations
5.0 Iowa City Guidelines for Additions
6.0 Iowa City Guidelines for New Construction
7.0 Iowa City Guidelines for Demolition

Alterations

Alterations are modifications to a site or to the exterior of a building that do not increase the size of the building's footprint. Most maintenance and remodeling projects such as siding repair, reconstruction or repair of historic porches, adding dormers to convert an attic space to a living space, and replacing doors and windows are considered alterations. These projects will be evaluated using *4.0 Iowa City Guidelines for Alterations*.

Additions

Construction that results in a larger building footprint, increases the building's overall height, or adds an attached structure to a building are additions. Additions include construction of a new room, porch, or deck. These projects will be evaluated using *5.0 Iowa City Guidelines for Additions* as well as *8.0 Neighborhood District Guidelines.*

Setback Additions

A setback addition is constructed behind an existing building, opposite the street facade, and is set back eight inches or more from the side walls. The roof of a setback addition can be no higher than the roof of the existing building. This results in an addition that is narrower and no taller than the building to which it is attached, and is therefore not highly visible from the street. Setback additions are encouraged because they have less impact on a historic building and district. Therefore, the guidelines for these structures are less stringent. Setback additions will be evaluated using *5.0 Iowa City Guidelines for Additions* as well as *8.0 Neighborhood District Guidelines.*

New Construction

Although most lots in conservation and historic districts are developed, there may be occasions where a new primary building or outbuilding is constructed. Outbuildings include garages, garden sheds, gazebos and other accessory structures that require a building permit. Under most circumstances, nonhistoric buildings and structures may be demolished and the lot redeveloped. However, the new building and the demolition must be approved by the Historic Preservation Commission before any building or demolition permits are issued. These projects will be evaluated using *6.0 Iowa City Guidelines for New Construction* , *8.0 Neighborhood District Guidelines* and if applicable *7.0 Iowa City Guidelines for Demolition.*

Demolition

Demolition involves the complete removal of a building or a portion of a building. Removal of dormers, decorative trim, porches, balusters, chimneys and other significant features requires a building permit for demolition, and therefore historic review. Demolition projects will be evaluated using *7.0 Iowa City Guidelines for Demolition.*

3.2 Exceptions to the Iowa City Guidelines

In order to provide flexibility for changes to properties in conservation districts, noncontributing properties in historic districts, and setback additions, a number of exceptions to the *Iowa City Guidelines* have been created. These exceptions are intended to provide additional flexibility in cases where a proposed construction project does not significantly affect the architectural character of a historic structure. These exceptions, where applicable, are listed at the end of each section of the guidelines.

3.3 Exceptions for Nonhistoric Properties

The historic preservation regulations are intended primarily to protect the character and integrity of historic properties and districts. The great majority of properties located in historic and conservation districts are historic properties, and were constructed in or before 1945. For the relatively small number of properties that are classified as nonhistoric properties and were constructed after the period of significance of a district, the Historic Preservation Commission may grant exceptions to the *Iowa City Guidelines*. In order to qualify for an exception, the proposed change to the exterior of a nonhistoric property must comply with the following criteria:

1. Does not further detract from the historic character of the district.
2. Does not create a false historic character.
3. Is compatible with the style and character of the nonhistoric property.

Examples of exceptions that may be granted for nonhistoric properties are:

- Use of vinyl and vinyl clad wood windows and snap-in muntin bars for replacement windows.
- Installation of sliding patio doors or other modern-style doors.
- Use of synthetic siding on existing buildings provided the replacement siding is similar in appearance to the original siding.
- Use of synthetic siding on new accessory structures.
- Use of concrete for a porch floor provided the floor is less than 18 inches above grade.
- Use of dimensional lumber for porch floor boards provided the gap between boards is no more than 1/8 inch.
- Alternative baluster and handrail designs.

3.4 Additional Historic Preservation Guidelines

Neighborhood District Guidelines

The size and location of a primary building on a site are some of the defining characteristics of historic and conservation districts. The size of buildings, lots and yards, as well as the architectural character of the buildings varies by district. Section *8.0 Neighborhood District Guidelines* deals specifically with site, scale, structure location, and architectural style for properties within individual historic or conservation districts.

The Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation and the *Guidelines for Rehabilitating Historic Buildings* are national standards for historic preservation. The Secretary of the Interior defines rehabilitation as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural value." The goals of the *Standards* can be summarized as follows:

1. Identify and preserve those materials and features that are important in defining the building's historic character.
2. Undertake routine maintenance on historic materials and features. Routine maintenance generally involves the least amount of work needed to preserve the materials and features of the building.
3. Repair damaged or deteriorated historic materials and features.
4. Replace severely damaged or deteriorated historic materials and features in kind.

The *Iowa City Guidelines* are base on the *Standards*, but they provide more specific guidance. Occasionally alterations are proposed to properties that were not anticipated in the *Iowa City Guidelines*. When this occurs, the Historic Preservation Commission will refer to the *Standards* when deciding on a Certificate of Appropriateness. The *Standards* are located in section 9.0.

Design Guidelines for Multi-Family Buildings in the Central Planning District

These guidelines are based on the *Multi-Family Residential Design Standards in the Central Planning District* of the Iowa City Zoning Code and apply to the construction of buildings with three or more dwelling units. Typically, a new multi-family building would be evaluated by the Staff Design Review Committee. However, if it is located within a historic or conservation district, the Historic Preservation Commission is responsible for design review and has adapted the

ATTACHMENT E

original guidelines to be more applicable to districts. Within districts, more weight is given to the architectural style of the proposed building and its compatibility with other historic structures. The *Design Guidelines for Multi-Family Buildings* are located in section 10.0.

3.5 Building Code and Zoning Ordinances

The requirements of the building code and the zoning ordinance must be met in addition to the requirements of the *Iowa City Guidelines*. For certain requirements such as mass, scale, size, siting considerations, and setbacks from the street, the *Iowa City Guidelines* may be more stringent than the building code or the zoning ordinance. The Historic Preservation Commission does **NOT** review projects for compliance with the building code or zoning ordinance. Please consult with Housing and Inspection Services to ensure the project complies with these regulations.

3.6 Alternative Designs

Alternative design solutions or exceptions to the *Iowa City Guidelines*, the *Design Guidelines for Multi-Family Buildings*, or the *Neighborhood District Guidelines* may be considered by the Historic Preservation Commission. The intent in considering alternative designs is to allow architectural flexibility in exceptional circumstances. The intent is not to reduce the scope or quality of work required by these guidelines.

University Heights October 2012 eGovernment Report

U-H Website Updates/Statistics September 1- 30, 2012

- **September 23, 2012**
  - City Council 9/11 meeting webcast
- **September 19, 2012**
  - Garden Club Plant Swap info and forms
- **September 16, 2012**
  - Community Picnic Photos
- **September 11, 2012**
  - Sept. 11 Council meeting agenda & attachments (15)
  - Aug. 14 Council meeting minutes
- **September 9**
  - Sept. 11 Council Meeting AGENDA
  - F12 Budget Financial Review
- **September 5, 2012**
  - Sunset Master Tree Plan
  - Sept. 11 Council Meeting

Monthly Statistics for September 2012 from Webalyzer

Total Hits	**29,404**
Total Files	**14,461**
Total Pages	**7,520**
Total Visits	**4,347**
Total KBytes	**4,078,404**
Total Unique Sites	**1,998**
Total Unique URLs	**1,075**
Total Unique Referrers	**550**
Total Unique User Agents	**464**

Web Statistics from Stat Counter September 2012

	Page Loads	Unique Visits	First Time Visits	Returning Visits
Total	926	650	483	167
Average	31	22	16	6