

November '17 – City Attorney's Report

1. **Third Consideration of Ordinances Recommended by Zoning Commission.** The Council will have third consideration of three Ordinances that have been reviewed and recommended by the Zoning Commission. [The information that follows is repeated from the October 2017 legal report.]
 - These Ordinances are the product of the Zoning Commission’s work spanning several months and many meetings. They were reviewed and discussed at the Joint Meeting of the Council and Commission June 20, 2017 (you may link to the meeting agenda here: <http://www.university-heights.org/council/17/agendas/170620agendaattach.pdf>).
 - The Ordinances (all attached) are as follows:
 - Ordinance No. 209 – amending the Zoning Ordinance to restrict building coverage;
 - Ordinance No. 210 - regulating and adopting requirements, restrictions, and procedures for subdivisions of land;
 - Ordinance No. 211 - amending Ordinance No. 191, which requires parkland dedication when certain development occurs, to not require a separate development plan or plat where parkland dedication is shown in subdivision plats to be approved by the City Council;
 - The Ordinances are summarized in a couple of documents – both attached:
 - Commission Chair Pat Bauer’s memo in advance of the Joint Meeting dated June 16, 2017; and
 - Commission Member Alice Haugen’s one-page summary of the ordinances.
 - At the Council’s direction, my office mailed materials about these Ordinances and the Council’s consideration at the September meeting to every address in the City and to every non-resident property owner. That mailing included this information:
 - Cover letter from Mayor From;
 - Notice of Public Hearing;
 - Commissioner Haugen’s one-page summary of the Ordinances; and
 - Links and directions to the City website for more information.
2. **Proposed Ordinances – Rental Housing Issues.** As noted in several prior legal reports, effective January 1, 2018, Iowa law prohibits enforcement of occupancy restrictions based upon familial status.
 - As such, the City’s enforcement of the “no more than two unrelated persons” occupancy restriction in Ordinance No. 79, which has been in place and enforced since the Zoning Ordinance was adopted in 1982, may not be enforced after the first of the year. The change is very significant: the language

in Ordinance No. 79 has been the City's chief mechanism for restricting occupancy for 35 years.

- At the Council's direction, a committee comprising Council Members Maher and Quezada, Housing Official Stan Laverman, and me met to review Stan's memorandum concerning these issues and to discuss recommended ordinance changes.
- For starters, Stan's memorandum is attached. The committee used it as a guide, prioritizing the 19 numbered items and directing recommended action – present action and future action.
- **Present Action.** The committee recommends present action on certain items. Proposed Ordinances No. 217, No. 218, and No. 219 are attached.
 - These proposed Ordinances are presented for discussion (not vote) at Tuesday's meeting.
 - Further direction is needed with respect to certain provisions; several are called out and highlighted as "Policy Questions". (As usual, Ordinance changes are shown by underline for additions and ~~strike-through~~ for deletions.)
 - After review, comment, and direction Tuesday, the committee recommends mailing notice of a summary of proposed changes to all residents and property owners so community members are informed and may provide input.
 - A public hearing is required before Ordinance No. 217 may be adopted because it amends the Zoning Ordinance. That hearing must occur at a regular Council meeting and, at the Council's direction, will be scheduled for December 12, 2017.
 - The Council may desire to schedule one or more special meetings to receive input and discuss these proposed changes so that Ordinances may be adopted before the law change January 1, 2018.
 - Ordinance No. 217 amends the City's Zoning Ordinance (No. 79). Here's a summary of the changes (items 2, 3, and 11 in Stan's memo):
 - The restriction on occupancy based on familial status (only one person not a member of a "family" may occupy) is removed based on the change in Iowa law.
 - "Rooming House" is defined as a dwelling occupied by 4 or more undergraduate students.
 - "Rooming Houses" are prohibited in the R-1 Zone.
 - **Policy Questions** are noted.
 - i. Should the definition focus only on undergraduate students?

- ii. Should “Rooming Houses” be prohibited in other zones?
 - iii. Should existing uses be “grandfathered” and, if so, under what conditions and for how long?
 - The number of allowed rental permits is limited for each of 5 “neighborhoods”.
 - Here are the “neighborhoods” – they are depicted in the attached map:
 - i. Leamer & Olive
 - ii. First Subdivision
 - iii. Second Subdivision
 - iv. Melrose Corridor
 - v. Melrose Park
 - These “Neighborhoods” have been used in various Zoning and other City materials since 2008. They may, of course, be expanded, changed, or otherwise altered.
 - Rental permits are limited to a percentage of all dwellings in each “Neighborhood”.
 - **Policy Questions** are noted.
 - i. Are the “neighborhoods” as defined reasonable for the purpose of limiting the number of rental permits? Do they make sense? Should they be changed?
 - ii. What is the appropriate percentage limitation – 30%, 35%, something else?
 - iii. Should existing uses be “grandfathered” and, if so, under what conditions and for how long?
 - The Board of Adjustment is empowered to hear applications for exceptions to the minimum area (square footage) requirements for bedrooms – 100sqft (change proposed to the Building Code in Ordinance No. 219). The exception only applied to owner-occupied dwellings.
- Ordinance No. 218 amends the City’s Rental Housing Code (No. 110). Here’s a summary of the changes (items 4, 6, 8, 10, and 11 in Stan’s memo):
 - Rental permits are prohibited for “rooming houses” in areas where the Zoning Ordinance prohibits them.
 - Rental permits are prohibited if issuance would violate the limitation on permits established in the Zoning Ordinance for the applicable “neighborhood”.
 - Rental permits are prohibited for dwellings that, as owner-occupied dwellings, received an exception to minimum area (square footage) requirements for bedrooms (change proposed to the Building Code in Ordinance No. 219). The exception only applies to owner-occupied dwellings, and the exception

parameters make clear that if an exception is granted, the dwelling may not receive a rental permit in the future.

- Rental permits are prohibited where floor space (square footage) of bedrooms exceeds 35% of total dwelling floor space in either of these circumstances:
 - The applicant seeks a “new” permit (as opposed to a renewal); and/or
 - Bedrooms have been added since the last time a rental permit issued.
- For new permits (not renewals), bedrooms must be at least 100 square feet (not 70) in floor space.
- Parking requirements are changed.
 - One (1) parking space must be provided for each resident over 18 years of age.
 - No more than two (2) spaces may be “double stacked” (meaning they are located immediately behind another parking space and block access to and from that other space).
 - **Policy Questions** are noted.
 - i. Should different requirements apply to Grandview Court?
 - ii. Should different requirements apply to OUP?
 - iii. Elsewhere?
- Parking spaces must be hard-surface (not gravel).
- Parking spaces may only be used as tenants or occupants of the respective dwelling.
 - **Hawkeye home game days** are excepted.
 - **Policy Questions** are noted.
 - i. Should the prohibition against “renting” parking spaces to nonresidents of the property be limited to rental properties?
 - ii. Or should “renting” of parking spaces apply to owner-occupied dwellings as well?
- Ordinance No. 219 amends the City’s Building Code (No. 192). Here’s a summary of the changes (item 8 in Stan’s memo):
 - Bedrooms added or constructed at all dwellings (rental and owner-occupied) must have at least 100 square feet of floor space.
 - Owner-occupied properties (not rentals) may apply to the Board of Adjustment for exceptions under specified criteria.
 - The Board of Adjustment may grant exceptions for bedrooms to be no less than 70 square feet.
 - Once condition of obtaining an exception is that the property may not obtain a rental permit in the future. The

purpose of this condition is to balance the ability of a family to have smaller bedrooms, particularly for children, and the health and safety concerns posed by rental properties of inadequate size.

- **Future Action.** The committee recommends action be deferred (in many cases only into 2018) on these items to give the Council, community, landlords, and tenants the opportunity to have additional input and to allow for current leases to expire before new regulations take effect (numbering follows Stan’s memo):
 - 1 – adopting the International Property Management Code.
 - 5 – defining “parking lot” and requiring screening, setbacks, and storm water runoff measures.
 - 9 – amending the Building Code to require that smoke alarms be interconnected if in all rental properties and also in all homes have more than 4 bedrooms .
 - 12 – requiring owners of rental properties with a specified number of complaints in a 12-month period to meet with City representatives (a newly created board or perhaps the Board of Adjustment) to establish a maintenance plan.
 - 13 – creating a safety valve for temporary rental of property that has been owner-occupied for a specified time (perhaps two years).
 - 14 – regulating short-term rentals (Airbnb, VBRO, etc.).
 - 15 – determining whether “owner-occupied” applies to the equitable owners of entities that hold title (for example, shareholders of a corporation-owner or member of an LLC-owner).
 - 16 – adopting a rent abatement ordinance permitting tenants not to pay rent where landlords fail to provide essential services or do not have a valid rental permit.
 - 17 – requiring permanent physical separation for duplex uses that continue as “grandfathered uses” (all other duplex uses are prohibited by the Zoning Ordinance).
 - 18 – fostering/establishing a plan to convert rental properties into owner-occupied properties.
 - 19 – encouraging reinvestment in owner-occupied dwellings.
 - The committee recommends present action on the remaining items.

3. **Regulating Wireless Telecommunications Equipment.** As noted in several prior legal reports, the Iowa Legislature adopted legislation this year that significantly restricts the authority of local governments, including the City, to regulate small wireless facilities. The Council will consider Ordinance No. 215, regulating use of City right-of-way and restricting the location of certain equipment. Ordinance No. 215 will be circulated when it is completed.

4. **OUP – Extending Services Agreement with Siders Development on Hourly Basis.**

The City’s Agreement with Siders Development, LLC expires November 30, 2017; it was originally set to expire June 6 (90 days after commencement), but was extended in May to November 8, 2016, then in November to May 9, 2017, and then in May to November 30, 2017.

- At Tuesdays’ meeting, the Council will consider Resolution No. 17-43, which extends the agreement to June 30, 2018, assuming the Council desires to extend the Agreement (the Council has no obligation to extend).
- The Resolution changes the compensation from \$1,350.00 per month to \$62.50 per hour.
- Even with an extension of the expiration date and the change in compensation, the Agreement may be terminated by the City on 30 days’ written notice to Glenn Siders.
- The Resolution is attached.

5. **Approving Annual Financial Report.** The Council will consider Resolution No. 17-44, approving the City’s Annual Financial Report for the Fiscal Year Ended June 30, 2017. The Resolution is attached. Steve Kuhl will provide the Report itself at the meeting.

6. **Permitting Chief of Police to Consider Some Parking Ticket Appeals.** The Council will have first consideration of Ordinance No. 216, which permits the Chief of Police to consider appeals of certain parking tickets.

- The Chief of Police is authorized to consider appeals of tickets issued to anyone who is not an elected City official or City employee or contracted service provider.
- The Ordinance preserves the right of appeal to the Council but provides persons not affiliated with the City the opportunity to appeal to the Chief of Police if they desire.
- The Council directed preparation of this Ordinance in October, so that certain appeals could be heard administratively by the Chief of Police as opposed to having the Council be the only opportunity for review.
- The Ordinance is attached.

7. **Approval of 2017 Street Improvements and 2017 Sidewalk Repair Projects.** City Engineer Josiah Bilskemper confirms that work on the 2017 Street Improvements Project and the 2017 Sidewalk Repair Project has been completed. As such, Josiah recommends acceptance and approval of the work and release of retainage to the

respective contractor. The Council will consider Resolution No. 17-45 (approving the streets project) and Resolution No. 17-46 (approving the sidewalk project). The Resolutions are attached.

University Heights

To: University Heights Council Members & Staff
From: Stan Laverman, Housing Inspector for University Heights
CC: City Staff, Council Members, & Council Candidates
Date: 10/5/2017
Re: Healthy neighborhoods and the regulation of occupancy in University Heights

Last spring the legislature adopted HF 134 amending Iowa Code Section 414.1 to prohibit municipalities, after January 1, 2018, from adopting or enforcing any regulation or restriction related to occupancy of residential rental property that is based upon the existence of familial or nonfamilial relationships between the occupants of such rental property. Because of this action, University Heights will need to amend its Code of Ordinances to be in compliance with State Code.

Attached to this document are two staff reports from the City of Ames and Iowa City. Their content will not be regurgitated in this memo. Interested parties are encouraged to read those documents in their entirety as their analyses of the issues are sound and provide good background information. Moving forward, it is important that University Heights adopts ordinances that are defensible, grounded in fact, work to create more stable neighborhoods in University Heights, and conform to the requirement of the State Code.

The following changes are recommended to address the issue of occupancy and stable neighborhoods in University Heights:

1. Adopt the International Property Maintenance Code (IPMC) to replace the existing rental housing code. The University Heights Rental Housing Code is outdated. The IPMC works hand in hand with our existing building codes and would allow for better enforcement of housing issues in University Heights. It is important to note that this new code would cover ALL residential property in University Heights—not just rental property. This is needed as there are issues with owner-occupied properties that are detrimental to the stability of the neighborhoods.
2. Add a definition of Rooming Houses to the zoning code. A dwelling occupied by 4 or more students enrolled in post-secondary education would be considered a rooming house.
3. Prohibit Rooming Houses in the R1 zones.
4. Require one (1) off-street parking space for each resident over the age of 18 residing at a rental dwelling. Required parking shall be located outside of the front yard, or if in the front yard, leading to a conforming stacking space outside of the front yard. Allow for no more than two cars double stacked. For example, 2 cars in a garage and 2 cars stacked behind would be permissible for the required parking. However, one car parked in a garage with three cars behind it would not. While there may be room for more vehicles, that space could not be used for the required parking.
5. Define over 4 parking spaces as a parking lot and set parking lot standards such as screening, set back, and storm water runoff. This will help eliminate de facto commercial parking lots in our neighborhoods.

6. Regulate the use of parking spaces at rental properties. Parking spaces should exist for the use of the tenants and occupants of the dwelling. De facto commercial parking lots contribute to the destabilization of our neighborhoods.
7. Verify that rear lot coverage standards are in place. Healthy dwellings have a mix of parking spaces, dwelling space, and outdoor space. Healthy dwellings contribute to a healthy neighborhood.
8. Change building code to require additional bedrooms to be a minimum of 100 sq. ft. This is designed to prohibit overcrowding and the creation of de facto rooming houses. Current code requires 70 sq. ft.
9. Change building code to require interconnected smoke alarms when there are 4 or more bedrooms in a dwelling. (If you're adding bedrooms - you need to interconnect all smoke alarms in the dwelling.) This is a current code requirement for all new construction and an important update to the code that larger older dwellings would benefit from.
10. Bedroom square footage should be limited to not more than 35% of the dwelling in new rental properties, or if adding bedrooms to existing rental properties. The National Association of Home Builders reports that the average home has 30% bedroom square footage for homes of all sizes. The recommendation would be to set the limit at 35%. Again, this would assist in preventing dwellings from becoming de facto rooming houses.
11. Limit single and duplex household dwellings to 30-35% of all single/duplex household dwellings in each neighborhood. Please see the staff reports from Iowa City and Ames for the rationale behind this recommendation.
12. Require rental properties with 3 complaints (certain criminal and certain nuisance complaints) within a 12-month period to meet with a newly created board or board of adjustment to set a required property maintenance plan. If additional complaints happen within the next 12 months, rental permit may be suspended or revoked (code compliance settlement agreement - borrow from Iowa City). Because of the rental permit cap, properties with continual nuisance complaints would lose their ability to rent.
13. Set safety valve for rental of property. If they have been owner-occupied for 2 years, a rental permit may be granted to properties under certain conditions on a temporary basis.
14. Create regulations for bed & breakfast/Airbnb/homestay/VRBO. Require all properties with "Bed & Breakfast Occupancy Permits" to be owner-occupied.
15. Define owner-occupied as being occupied/owned by a real person or a member of the trust owning the property. I would recommend not allowing Limited Liability Corporations (LLC) to owner-occupy a property.
16. Adopt a rental abatement ordinance as permitted by Section 364.17(3)(a)(8) of the Code of Iowa. This grants municipalities the authority to abate rent if a dwelling does not comply with the housing code. University Heights would issue an order to abate rent under the following conditions: 1) the property owner failed to provide an essential service (water, sewer, electricity, heat); 2) failed to remedy a condition that poses a substantial risk to the health or safety of the tenant; or 3) rented a dwelling unit without a rental permit.
17. Require permanent physical separation between units in existing duplexes. Where single-household dwellings have two kitchens and two bathrooms configured in such a fashion that they may be used as two separate dwellings, require two means of egress from each side of the de facto two-household dwelling unit. This is designed to offer greater protection to the residents of these properties.
18. Explore the purchase and conversion of rental properties to owner-occupied housing. Model program on Iowa City's UniverCity Neighborhood Partnership. See website for more details.
<https://www.icgov.org/UniverCity>

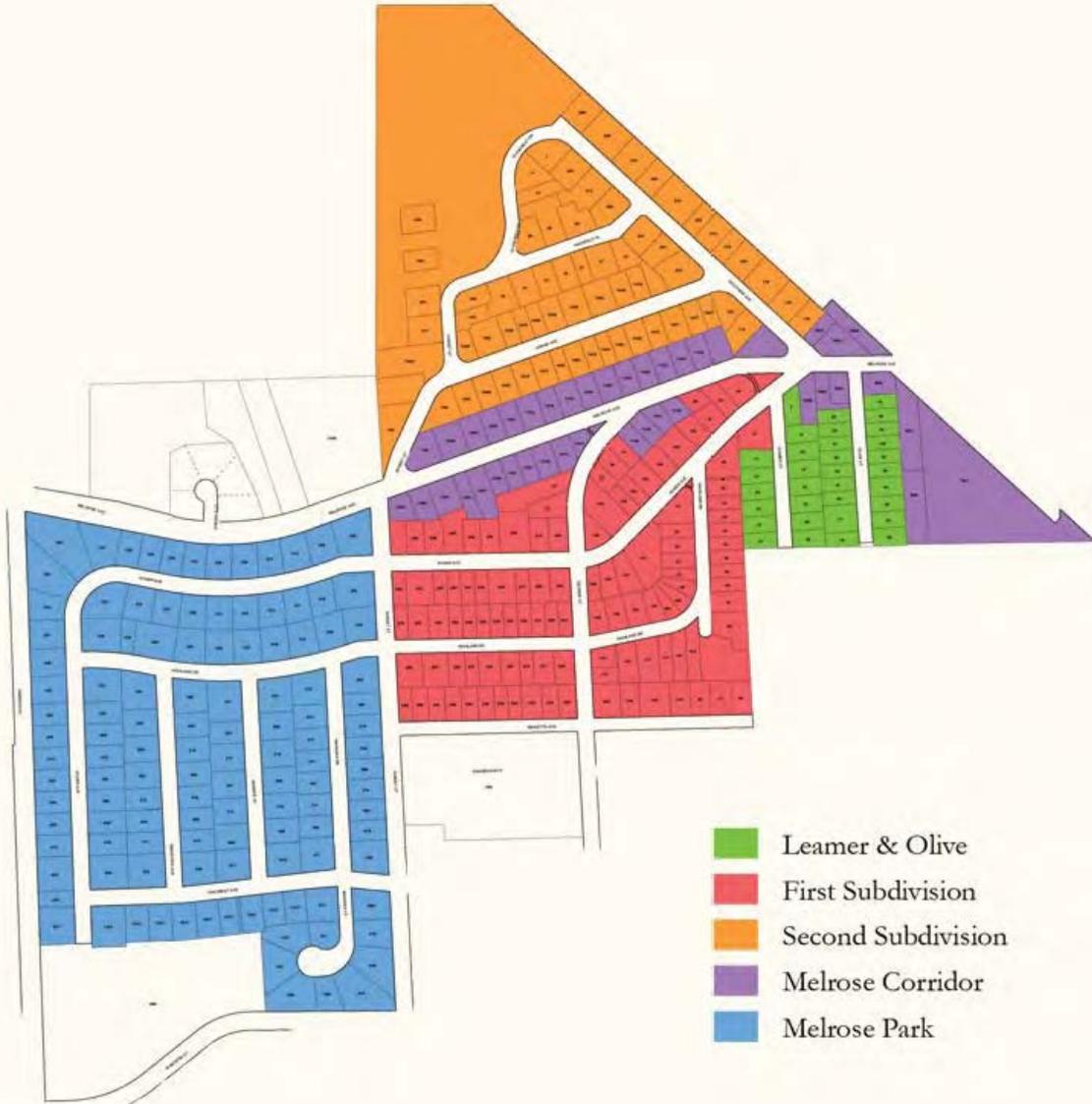
19. Encourage reinvestment in owner-occupied dwellings. Explore tax exemption for renovations and provide matching funds for energy efficiency improvements. In exchange for deed-restricting homes to owner-occupied use, allow for greater lot area coverage or habitable spaces in detached structures.

When the State passed the code amendment, they strongly encouraged the Cities to regulate the nuisance. I can see wisdom in that suggestion. I also can see wisdom in putting upper limits on certain occupancies so the nuisance does not become overwhelming before the issues are corrected. I believe a combination of the changes proposed will lead to healthier neighborhoods in University Heights.

City of University Heights

**Map Showing "Neighborhoods" as Defined in Prior Zoning Commission Discussions/Presentations
Submitted for Consideration with Ordinance No. 217**

November 14, 2017



ORDINANCE NO. 217

AN ORDINANCE AMENDING ORDINANCE NO. 79
(ZONING)

Part I: AMENDMENTS:

University Heights Ordinance No. 79 is amended as follows (with additions indicated by underline; deletions indicated by ~~strike-through~~; omissions by "****"):

Section 3. Definitions. For the purpose of this ordinance certain terms of words used herein shall be interpreted or defined as follows:

28. "Dwelling" means a building or portion thereof which is designed or used for a residential purpose.

39. "Rooming House" means a dwelling occupied by four (4) or more students enrolled in post-secondary education.

POLICY QUESTIONS FOR COUNCIL

- A. Restrict only 4 or more undergraduates?
- B. Restrict only if at least one occupant is an undergraduate?
- C. Permit 4 graduate students?

Section 5. Districts and Boundaries Thereof.

- A. In order to classify, regulate and restrict the location of residences ****, the City of University Heights, Iowa, is hereby divided into Seven (7) zones, to-wit:
 - 1. R-1 Single-family residential.
 - 2. R-3 Multiple-family residential.
 - 3. B Business.
 - 4. C Commercial.
 - 5. PUD Planned Unit Development.
 - 6. Multiple-Family Commercial.
 - 7. CH Commercial Hotel.

Section 6. Uses. Use of property in the City of University Heights shall be limited to those uses set forth as follows:

- A. Property in an R-1 Single-Family Residential zone shall be used for the following purposes only:
1. One single-family dwelling per lot.
 2. Public schools, public libraries, public parks and public playgrounds.
 3. Churches and places of worship and parochial schools.
 4. Other customary accessory uses and Accessory Structures, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such Accessory Structures shall not be used for human occupancy or living.
 5. ~~All persons occupying the premises must do so as part of an individual housekeeping unit. One person not a member of the family as defined herein may occupy the premises as part of the individual housekeeping unit.~~
 6. Home occupations.
 7. Rooming Houses are prohibited.

POLICY QUESTIONS FOR COUNCIL

- A. What about other zones?
1. R-3 Multiple-family residential (Grandview Court)?
 2. B Business (Stella building)
 3. C Commercial (Athletic Club)
 4. PUD Planned Development (Birkdale Court)
 5. Multiple-Family Commercial (OUP)
- B. "Grandfather" existing uses?
1. So long as they continue?
 2. Only through current lease year (say, July 31, 2018)?
 3. Not at all?

Section 6A. Neighborhoods and Limitations on Rental Permits.

- A. To facilitate limitations on rental permits, the following neighborhoods are identified and defined as depicted on the "Neighborhood Map" attached to this Ordinance:
1. Leamer & Olive.
 2. First Subdivision.

3. Second Subdivision.

4. Melrose Corridor.

5. Melrose Park.

B. The number of rental permits issued for each neighborhood shall not exceed XZ% of the total dwellings in that neighborhood.

POLICY QUESTIONS FOR COUNCIL

A. Are these "neighborhoods" reasonable and appropriate for the purpose of limiting the number of rental permits? Should they be modified?

B. What about other neighborhoods?

1. Grandview Court?
2. Athletic Club
4. Birkdale Court
5. OUP

C. What percentage restriction?

1. 30%?
2. 35%?
3. Other?

D. "Grandfather" existing uses?

1. So long as they continue?
2. Only through current lease year (say, July 31, 2018)?
3. Through some other date - July 31, 2019 or 2020 or another year?
4. Not at all?

Section 11. Planned Unit Development (PUD).

B. Development Regulations and Restrictions. Property in the PUD Zone may be developed pursuant to the following regulations and restrictions:

3. All persons occupying the premises must do so as part of an individual housekeeping unit. ~~No more than one person not a member of the family as defined herein may occupy each dwelling unit as part of the individual housekeeping unit.~~

Section 13. Multiple-Family Commercial PUD.

- B. Development Regulations and Restrictions. Property may be developed as a Multiple-Family Commercial PUD Zone pursuant to the following regulations and restrictions:

4. All persons occupying the premises must do so as part of an individual housekeeping unit. ~~No more than one person not a member of the family as defined in Section 3 of this Ordinance may occupy each dwelling unit as part of the individual housekeeping unit.~~

Section 15. Board of Adjustment Created. A Board of Adjustment is hereby created. **** The procedures, duties and powers of the Board shall be as follows:

3. Powers. The Board shall have the following powers:

- a) To hear and decide appeals ****.
- b) To hear and decide the following special exceptions to the terms of this ordinance:

- c) To authorize upon appeal in the following specific cases such variance from the terms of this ordinance as will not be contrary to the public interest ****:

- d) Hear and decide appeals concerning fences as provided in Ordinance No. 105.

- e) Hear and decide applications for exceptions to the minimum area (square footage) requirements for bedrooms as set forth in the City of University Heights Building Code.

PART II: SAVING CLAUSE:

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

PART III: EFFECTIVE DATE:

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

Adopted by the University Heights City Council this _____ day of _____, 201_, and approved this _____ day of _____, 201_.

Louise From, Mayor

(SEAL)

ATTEST: _____
Christine M. Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the ____ day of _____, 201_, before me, a notary public in and for the state of Iowa, personally appeared Louise From, Mayor, and Christine M. Anderson, Clerk of the City of University Heights, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that said instrument was acknowledged and sealed on behalf of the City, and that Louise From and Christine M. Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 201_.

Christine M. Anderson

Signed and sworn to before me on the ____ day of _____, 201_, by Christine M. Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa

ORDINANCE NO. 218

AN ORDINANCE AMENDING ORDINANCE NO. 110
(RENTAL HOUSING CODE)

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

Part I: AMENDMENTS:

University Heights Ordinance No. 110 is amended as follows (with additions indicated by underline; deletions indicated by ~~strike-through~~; omissions by "*****"):

110.05 STRUCTURE COMPLIANCE AND RENTAL PERMIT PROCEDURES.

10. Rental Permit Prohibited. No rental permit shall be issued for any property in any of the following circumstances:
- A. The property includes a "Rooming House" in the R-1 Single-Family Residential Zone.
 - B. The maximum percentage of permitted rental property in an **area/neighborhood**, as established by the City of University Heights Zoning Ordinance, has already been met by existing permits.
 - C. The Board of Adjustment has granted one or more exceptions for the property regarding the minimum area (square footage) requirements for bedrooms as set forth in the City of University Heights Building Code.
 - D. The square footage of bedrooms in the dwelling(s) at the property constitute more than thirty-five percent (35%) of floor space for the dwelling and either or both of the following circumstances exist:

1. The rental permit sought is an initial or a new rental permit (not a renewal of an existing rental permit); and/or
2. Bedrooms have been added to the dwelling(s) at the property since the last time a rental permit was issued for the property.

[Current subsection 10 will be renumbered as 11.]

110.19 STRUCTURE COMPLIANCE STANDARDS.

10. Space, density, use and location requirements.

- C. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first two (2) or ~~less~~ fewer occupants, and at least fifty (50) square feet of additional floor space for each additional occupant thereof; provided, however, that after [the effective date of Ordinance No. 219], for properties for which an initial or a new rental permit is sought (not a renewal of an existing rental permit), every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least one hundred (100) square feet of floor space for the first two (2) or fewer occupants, and at least fifty (50) square feet of additional floor space for each additional occupant thereof. A maximum occupant load shall be assigned based on subsections "A" and "C" of this section.

11. Exterior Requirements.

- B. Off Street Parking.

(1) One (1) off street parking space shall be required for each resident over 18 years of age. No more than two (2) parking spaces (whether required or not) may be configured such that they are "double stacked" (meaning they are located immediately behind another parking space and block access to and from that other space).

POLICY QUESTIONS FOR COUNCIL

- A. Different requirement for Grandview Court?
- B. Different requirement for OUP?
- C. Elsewhere?

(2) The size of all parking spaces at properties with rental permits shall meet the requirements of the Zoning Ordinance in effect at the time of the application for rental permit or renewal of such permit.

(3) All parking spaces at properties with rental permits shall be constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free material suitable for off-street parking of motor vehicles.

(4) All parking spaces at properties with rental permits may be used only by occupants of the respective dwelling; spaces may not be rented to or otherwise used by those who do not live at the dwelling served by the parking spaces. This restriction does not apply on days on which The University of Iowa plays football games in Kinnick Stadium.

POLICY QUESTION FOR COUNCIL

- A. Prohibit "renting" parking spaces to nonresidents of the property only at "rental properties"?

B. Or prohibit "renting" parking spaces everywhere (rental properties and owner-occupied dwellings)?

~~(1) The number and size of the spaces shall meet the requirements of the Zoning Ordinance in effect at the time of building permit issuance.~~

~~(2) The spaces and drives and aisles serving these spaces shall be hard surfaced; however, any dwelling with gravel covered off-street parking on the effective date of this code is hereby exempt from this requirement so long as the parking areas are continuously maintained as gravel covered.~~

~~(3) The spaces shall be well marked.~~

~~12. Each dwelling and dwelling unit must be configured in such a way as to comply with the occupancy restrictions of the zoning ordinance.~~

PART II: EFFECTIVE DATE:

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

Adopted by the University Heights City Council this _____ day of _____, 201_, and approved this _____ day of _____, 201_.

Louise From, Mayor

(SEAL)

ATTEST: _____
Christine M. Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the ____ day of _____, 201_, before me, a notary public in and for the state of Iowa, personally appeared Louise From, Mayor, and Christine M. Anderson, Clerk of the City of University Heights, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that said instrument was acknowledged and sealed on behalf of the City, and that Louise From and Christine M. Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 201_.

Christine M. Anderson

Signed and sworn to before me on the ____ day of _____, 201_, by Christine M. Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa

ORDINANCE NO. 219

AN ORDINANCE AMENDING ORDINANCE NO. 192 (BUILDING CODE)

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

Part I: AMENDMENTS:

The International Building Code and the International Residential Code, adopted by Ordinance No. 192, together with certain respective appendices, are hereby amended as follows:

1. All bedrooms added or constructed and all rooms or spaces otherwise remodeled or converted to bedrooms after the effective date of this Ordinance shall have a minimum of one hundred (100) square feet of floor space except as provided in Section 2 below.

2. Owners of properties without rental permits may seek an exception to this requirement from the University Heights Board of Adjustment, which may grant such exception where the Board finds that all of the follow circumstances exist:
 - a. The proposed exception does not pose life or safety hazards;

 - b. Strict enforcement of this Ordinance will result in unnecessary hardship;

 - c. The proposed exception provides for bedrooms with a minimum of seventy (70) square feet of floor space; and

 - c. The applicant-property owners agree in writing in recordable form that if an exception is granted, the property will be ineligible for a rental permit thereafter.

PART II: EFFECTIVE DATE:

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

Adopted by the University Heights City Council this _____ day of _____, 201_, and approved this _____ day of _____, 201_.

Louise From, Mayor

(SEAL)

ATTEST: _____
Christine M. Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the ____ day of _____, 201_, before me, a notary public in and for the state of Iowa, personally appeared Louise From, Mayor, and Christine M. Anderson, Clerk of the City of University Heights, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that said instrument was acknowledged and sealed on behalf of the City, and that Louise From and Christine M. Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 201_.

Christine M. Anderson

Signed and sworn to before me on the ____ day of _____, 201_, by Christine M. Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa