

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

Item No. 7  
For Meeting of 05/05/08

**ITEM TITLE:** Resolution fixing the date of May 19, 2008 at 5:15 for a public hearing on proposed revision to Chapter 41, Zoning Code definitions and revisions to Chapter 29 – all revisions related to Maximum Occupancy in rental housing

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

**SUMMARY EXPLANATION**

Attached is a resolution setting a public hearing for an ordinance that will change Chapters 41 and 29 of the City's code as related to the maximum number of unrelated people who can live in rental unit.

The Planning and zoning Commission discussed this at its April meeting and recommends some changes to definitions, both in the City's zoning code and in the rental housing chapter.

They include:

Chapter 41

41.11. Bedroom: Any space intended for sleeping purposes in the conditioned space of a dwelling unit which is 80 square feet and greater in size and which is located along an exterior wall, but not including the following: hall; bathroom; kitchen; laundry room.

41.11. Conditioned space: An area, room or space normally occupied and being heated and/or cooled by any equipment for human habitation.

51. Family: One or more persons occupying a single dwelling unit, related by blood, marriage, domestic partnership, adoption, or other custodial arrangement.

Chapter 29

29.41 (F) Rooming House – A building offered or occupied for lodging, with or without meals, and not occupied as a one or two-family dwelling.


29.44 SCOPE. The provisions of this chapter shall be deemed to apply to all dwellings as defined in this code or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued except in such structures as are found to be substandard as defined in this code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they are separate buildings. Every rooming House or lodging house shall comply with all of the requirements of this code applicable to dwellings. However, this chapter shall not apply to single-family dwellings occupied by the owner, as defined in Chapter 41 of the Municipal Code, unless the owner is operating a rooming house.

XX. Maximum Occupancy – The maximum occupancy of a dwelling unit under this Chapter shall be either: (1) One family or (2) No more than one person per bedroom, plus one, but not to exceed three (3) unrelated persons.

Eliminate 41.65 b, 7 – boarders’ section

\_\_\_\_\_ 7. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) per building where the resident family is related by blood, marriage or adoption. Boarders or roomers will not be permitted when the resident family is not related by blood, marriage or adoption.

This would be replaced with , “29.41 f rooming house definition”

<input checked="" type="checkbox"/> Resolution _____ Ordinance ____ Contract __ Other (Specify) _____
Funding Source _____
APPROVED FOR SUBMITTAL _____  City Administrator

STAFF RECOMMENDATION: Set date of public hearing.

COUNCIL ACTION:

RESOLUTION 08-0421/101

A RESOLUTION FIXING THE DATE OF MAY 19TH, 2008 AT 5:15 FOR A PUBLIC HEARING ON PROPOSED REVISION TO CHAPTER 41, ZONING CODE DEFINITIONS AND CHAPTER 29, BUILDING & PROPERTY REGULATIONS.

**WHEREAS**, public input on revisions to the Zoning Code is an important step in the public policy process; and

**WHEREAS**, the Windsor Heights Planning and Zoning Commission reviewed and made suggestions to change and create certain recommendations related the number of unrelated persons permitted in a rental housing unit; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, IOWA** will hold a Public Hearing at 5:15 pm on May 19th, 2008 to discuss and possibly take action on the Planning and Zoning Commission recommendations.

**Passed and approved this 5<sup>th</sup> day of May, 2008.**

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Jerry Sullivan, Mayor

ATTEST:

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Marketa George Oliver, City Clerk