

Gorton
Blues
Gray
Ellinger
James
Lawless
Beard
Feigel
Stinnett
McChord

A G E N D A
SPECIAL PLANNING COMMITTEE
October 27, 2009
9:30 A.M.

1. **Student Housing Task Force – Lawless** (1-32)
2. **Items Referred to Committee** (33)

“Planning Committee, to which should be referred matters relating to parks, planning and zoning, housing, transportation, grants, legislation and social services.”

Council Rules & Procedures, Section 2.102(1)

STUDENT HOUSING TASK FORCE REPORT TO LFUCG COUNCIL PLANNING COMMITTEE

SEPTEMBER 8, 2009

INTRODUCTION

OVERVIEW OF THE ISSUE

This report is submitted by the Student Housing Task Force and examines the issue of university student rentals, including single family homes, in certain geographically defined areas within residential neighborhoods in Lexington. Some aspects of this report can also be applied to other rental housing in Lexington that is not utilized by students. Most, but not all of the student rental houses which were considered in preparing this report are in neighborhoods very near the central campus of the University of Kentucky and Bluegrass Community and Technical College. This report includes a history of the issues associated with the student housing in these neighborhoods, relevant information gathered by the Student Housing Task Force and a number of possible strategies for addressing the problems associated with student housing in these neighborhoods. The Task Force also considers that these issues may impact other neighborhoods in the future, particularly those in close proximity to the proposed new site for the campus of Bluegrass Community and Technical College.

HISTORY OF ISSUES RELATED TO STUDENT HOUSING IN LEXINGTON

The issue of the impact of student rental housing on residential neighborhoods in Lexington is not new and has surfaced in a variety of contexts during the past 25 years as enrollment at the University of Kentucky has increased. In 1981, then Councilmember Ann Gabbard sought an opinion from the LFUCG Department of Law concerning the limits of the number of persons who could reside in a property zoned for single family residential use. A written opinion from then Assistant Commissioner of Law Richard Murphy concluded that based upon the fact that the single family zoning classification defined family as "two or more persons customarily living together as a "single housekeeping unit and using common cooking facilities..." there was no legal

impediment to any number of persons occupying a structure zoned single family.
[Appendix 1]

In 1998, in response to complaints about problems with conversion of single family houses to student homes in his district, Councilmember Richard DeCamp proposed a text amendment to define "family" in residential zones based upon relationships of blood or marriage. As a result of opposition to that proposal by students and landlords, the text amendment was not adopted, but the controversy led the Urban County Council to create a UK Neighborhoods Committee which met for several months. In 1999 the Committee issued a report calling for the creation of a permanent Town and Gown Commission. The Council accepted this recommendation and the Town and Gown Commission was created by Article 34 of the Code of Ordinances. The Commission is composed of landlords, students, neighbors, UK and Transylvania officials and several Councilmembers. [Appendix 2]

In 2001, in direct response to growing complaints about large party disturbances in neighborhoods near the University of Kentucky following the adoption of a "no alcohol on campus" policy, the Urban County Council passed the Lexington Area Party Plan, thereby giving the local government the authority to designate a property with multiple defined violations by its residents a "no party" property. The plan is now generally known to students and appears in its entirety on the UK Student Government website. [Appendix 3]

In recent years, various members of the Town and Gown Commission have traveled to other universities and cities to see first hand how laws and programs in those locations have been used to attempt to control problems related to student housing. In May, 2007, Councilmember David Stevens, UK Assistant Vice President for Community Engagement Lisa Higgins-Hord and UK Vice President for Facilities Management Bob Wiseman, traveled to the Borough of State College (Penn State) to discuss with local officials their home buy-back program and student home ordinance.

On November 20, 2007, Dr. Stevens presented a written report to the Planning Committee of the Urban County Council. [Appendix 4] The report contained his findings from Pennsylvania on the Borough of State College measures as well as information concerning measures taken by other communities to address student housing issues.

A memo from Paul Schoninger, Council staff member, was also included in Dr. Stevens report. Mr. Schoninger's memo referred to a 2002 article in Zoning News entitled *Coping with Colleges: How Communities Address the Problem of Students Living Off Campus* and listed the suggested solutions from that article.

Also included in Dr. Stevens report was a memo from the University Area Housing Association (UAHA) dated November 12, 2007. After hearing from neighborhood association representatives, landlords and students, the Planning Committee directed the creation of this Student Housing Task Force to examine the issues and report to the Planning Committee.

In February of 2008, representative landlords from the University Area Housing Association (UAHA) traveled to Columbus, Ohio and met with city and Ohio State University officials about the University District and Off Campus Student Services Program there. A report from UAHA was thereafter presented to the Town and Gown Commission in April, 2008. [Appendix 5]

TASK FORCE MEMBERS

The Student Housing Task Force was composed of the following members and respective constituencies:

Mike Meuser, Chair, Attorney, Aylesford resident
 Vice Mayor Jim Gray
 Council At-Large Member Linda Gorton
 5th District Councilmember Dr. David Stevens
 3rd District Councilmember Dick DeCamp
 Lisa Higgins-Hord, UK Assistant Vice President for University Engagement
 Tony Blanton, UK Dean of Students
 Robert Brown, Transylvania Director of Residence Life
 Joe Monroe, UK Chief of Police
 W. Tyler Montell, UK Student Government President
 Craig Hardin, Landlord, President of University Area Housing Association
 Bob Boone, Landlord
 Debra Hensley, former 3rd District Councilmember and Aylesford resident
 Nick Stamatiadis, UK Engineering Professor, Barberry Lane resident
 David Burton, Landlord
 Bob Kelly, Architecture Professor, North Elizabeth Street resident
 Robert Kesten, Property Manager

Following the November, 2008 Council elections, Cheryl Feigel was added to the Task Force as 5th District Council Member and Diane Lawless was added to the Task Force as 3rd District Council Member. Dr. Stevens and Mr. DeCamp were asked to remain as Task Force Members because of their long history of work and involvement on the issues.

MEETINGS AND SITE VISITS

The Task Force met on May 15, June 11, July 30, August 13, October 29, November 26, December 10, 2008, January 14, February 25, March 4, March 25, April 22, May 13, July 22 and August 26, 2009 Minutes or summaries from the meetings are attached to this report [Appendix 6] In addition to its meetings, the Task Force Members made site visits by bus to three Lexington neighborhoods on September 24, 2008. This included Big Bear Lane off Tates Creek Road, Aylesford in the area bordered by Euclid Avenue, Maxwell Street, Rose Street and Woodland Avenue and most of the North Elizabeth Street neighborhood.

PRIMARY AREAS OF CONCERN

In its initial meeting, the Task Force attempted to focus on defining the problems associated with student housing in Lexington and accountability for those problems. Neighborhood representatives expressed frustration with a lack of "respect" for their neighborhoods, citing issues related to parking, trash, poorly maintained properties and related nuisances as well as the perceived inability of the government agencies responsible for enforcing such laws to manage the day to day volume of complaints. Landlords expressed frustration with being held accountable for the behavior of their tenants and for the failures of those landlords who do not care about their properties. As a result of these initial discussions, the following questions of concern and study were addressed by the Task Force:

- Are the current laws regarding parking, trash, property maintenance, property modifications, fire and life safety, nuisances, disturbances, building inspection and zoning being enforced and are these laws presently adequate to deal with the issues of student housing?
- To what extent are any present problems with student housing simply associated with a greater density of people?
- To what extent do conversions of formerly single family dwellings to student rental units contribute to the present problems?
- What roles should the University, students, residents and landlords respectively take in attempting to resolve student housing issues?
- What possible actions can be taken to address the issues?

CHARACTER OF LAND USE

The business of creating student rental units in neighborhoods near the universities is not complex. In a typical scenario, a building constructed and formerly used as a single family home is rented to a group of students who divide the available rooms in the structure among themselves as bedrooms. According to some of the Task Force members, the current typical cost for each student in such a house is \$200 to \$350 in rent per month. It is undisputed that the conversion of formerly owner occupied homes to rental houses where there is no change to the building occurs now without triggering any government intervention or rezoning. This is because, as noted earlier in this report, the Law Department has historically taken the position that the underlying use of the property is not changing with such conversions-a traditional family has been replaced by a group of students who qualify as a "family" under the current definition in the Zoning Ordinance.

DEMAND FOR STUDENT HOUSING

Obviously, the demand for student housing around the universities has a direct impact on student housing issues in adjacent neighborhoods. The Task Force recognizes that students have lived in the neighborhoods around the University of Kentucky and Transylvania University for many decades. Transylvania's enrollment has remained small

and 75% of its student population lives on campus. In contrast, the University of Kentucky has seen a steady growth in its enrollment for a period of years and presently has in excess of 26,000 students enrolled, with 18,000 of those being undergraduate students. According to a presentation made to the Town and Gown Commission in the spring of 2007 by the UK Facilities Management office, it is the goal of University to increase its undergraduate enrollment to almost 25,000 students by 2020. In that same period, the University anticipates adding only 1500 beds to its campus housing stock. Presently, 24% of students are housed on campus while 76% of UK students live off campus and 43% reported a residence address within one mile of the center of campus. The power point presentation of the UK report is attached to this report. [Appendix 7] During its work, the Task Force members also generally observed that the new apartment housing in the South Broadway and Red Mile corridors has seemed to soften the demand somewhat for rental units in the older residential neighborhoods, but there has been no observable trend toward conversion of former rental units back to single family residences. Moreover, the demand for student housing will increase with any future growth in undergraduate enrollment.

ENFORCEMENT OF EXISITING LAWS

From a reading of applicable laws and ordinances, it is apparent that student housing is subject to the same variety of regulations as any residential dwelling unit. These include all of the following:

- *Land Use Regulations:* This includes zoning laws related to the underlying use of the property, required off street parking, sign regulations, parking lot construction and other site development, including additions and new construction. These regulations are enforced by the Division of Building Inspection.
- *Code Enforcement:* This includes regulations related to trash, debris, furniture on porches, weeds, junked cars and all building maintenance issues. These regulations are enforced by the Division of Code Enforcement.
- *Fire Inspection:* This includes all life safety requirements related to fire safety under state and local law. These regulations are enforced by the Division of Fire Prevention.
- *Parking and Criminal Violations:* This includes all criminal offenses and parking violations on front and side yards, enforced by the Division of Police. Lexpark is now responsible for on street and meter violations as well as enforcement of violations in residential permit parking areas.

In addition, the following laws and ordinances are enforced in student areas:

- Lexington Area Party Plan. As discussed above, this ordinance has resulted in fewer party complaints in student areas.
- Keg Licensing Ordinance. This ordinance is intended to prevent under-age drinking by tracing responsibility for keg rentals.

- Concentrated code enforcement. Student areas are subject to periodic concentrated code enforcement, "game day" code enforcement, and end-of-semester code enforcement.

The Task Force met collectively with all of the heads of the agencies responsible for enforcement of these existing laws. A primary focus of inquiry was whether the agencies feel they are able to enforce the existing laws which are within their charge, particularly those related to life safety issues for the tenants who live in these houses. The Task Force learned from the Divisions of Code Enforcement, Fire Prevention and Building Inspection that they have no legal power to enter the interior of any structure without the permission of the landlord or the tenants of that structure.

David Jarvis, Director of the Division of Code Enforcement, told the Task Force that his agency has periodically conducted comprehensive inspections of the rental housing near the UK campus and that it was his estimate that his inspectors had been able to inspect the interior of more than 85% of those structures by obtaining the consent of the landlords or tenants. According to Mr. Jarvis, his office attempts to do the comprehensive inspections every four years, the last one conducted around UK having been completed in 2004. The ability of his office to conduct the comprehensive inspections on this schedule is dependent on staffing and the next comprehensive inspection for the UK area is now overdue. He also reported, and the Task Force agreed, that the "game day" sweeps by Code Enforcement along with the beginning and end of semester sweeps, had been helpful in curbing code enforcement violations. In response to an inquiry from one member of the Task Force, Mr. Jarvis also sent an e-mail summarizing these matters and his thoughts on the ability of his agency to deal with enforcement issues in these neighborhoods. That e-mail is included as Appendix 8 to this report.

Dewey Crowe, Director of the Division of Building Inspection, stated that with regard to interior remodeling of rental housing, his inspectors are only able to pursue requiring permits for such work if they actually observe the remodeling activities taking place. Even when such activity is observed through a window, for example, his office must still obtain the consent of the owner to enter the building to confirm the need for permits for the work. The Task Force has been advised by the Division of Building Inspection that such interior modifications of rental housing have occurred without permits from the Division of Building Inspection.

Mr. Crowe also reported that the creation of illegal parking lots through the use of gravel is subject to enforcement by his office and that recent advances in satellite imagery had helped that effort. However, there is currently no prohibition against parking in rear yards, only front and side yards. He also stated that it was often difficult to prove when a gravel lot was created. However, it was the view of several neighborhood members of the Task Force that a number of illegal gravel parking lots have not been abated.

The Task Force also examined the underlying problem of forcing property owners to "abate" what they have been denied or failed to obtain a permit to undertake and several examples of ordinance violations which have never been

corrected were cited. One example was the graveling of yards after that material was banned as an acceptable parking surface in 1998 and the failure of the government to take any action to require the offending owners to remove the material. The Task Force also discussed the fact that some existing laws, particularly some of the provisions of the Code Enforcement ordinance relating to trash and debris, may not be effective in their current form. Specifically, the Task Force discussed a rental property which had been cited on three occasions for trash and debris and thereafter fined by the Division of Code Enforcement. The property owner simply passed the fines on to the tenants as a cost of doing business without abating the trash and debris nuisance. According to David Jarvis, the property in this example is owned by a landlord with hundreds of rental properties. Even though the fines can reach the \$1000 level, Mr. Jarvis stated that some landlords with this number of properties simply consider the fines a cost of doing business. It should be noted that although such cases are limited to a few landlords, these same landlords often own large numbers of rental properties. Thus these few landlords can create a severe impact on a neighborhood. This highlighted the need to consider amending the ordinances to increase the applicable fines. The Task Force views the foregoing issues to be a serious problem if the government is to effectively promote compliance with existing laws and resolve these problems with rental properties.

It was generally the opinion of the Division Directors that the administrative hearing and fine process has been much more effective in dealing with Code Enforcement and Building Inspection violations than the District Court.

The Division of Fire Prevention reported to the Task Force that it cannot currently assure the public of compliance with fire and life safety laws in rented houses because they do not inspect single family dwellings. This only occurs if the landlord applies for a building permit to add a kitchen or for other work or they are asked to inspect the building by the owner or tenant. If the building permitting process is not activated, and there is no request by an owner or tenant for inspection, no inspection can or will be conducted. Fire Inspector James Branham also provided the Task Force with statistics on student fire deaths nationally. [Appendix 9]

The representatives of the Division of Police reported to the Task Force that most of the difficulties they face in enforcement in student housing areas relate to too many people being in one place at one time. The Task Force believes that the Lexington Party Plan has been effective in reducing the number of problems associated with parties in the University neighborhoods. This was largely confirmed by the comments of neighborhood residents and the Police. It appears this effect has been largely deterrent: that is the fear of students that they will be cited and their knowledge of the existence of the ordinance have discouraged these activities.

The Task Force also learned that there is currently no attempt to regulate student homes as "boarding houses" under the zoning laws because unless the Division of Building Inspection or Code Enforcement somehow enters the

building and confirms that there are separate locks on the interior doors, it does not meet the legal definition of a "boarding house."

The Task Force also considered the existence of certain non-conforming uses related to the University and their impact on neighborhood conditions. Fraternities were mentioned specifically. Tony Blanton, UK Dean of Students, reported that under the Code of Student Conduct which was revised in 2005 by action of the Board of Trustees, individual students can be disciplined for off campus conduct that is prejudicial to the character and welfare of the University, as follows: a. any activity sponsored, conducted or authorized by the University or a registered organization; b. conduct that poses a possible serious threat to the safety, security or well-being of any member of the University community; c. conduct that involves academic work or the forgery, alteration, or misuse of any University document, record, key, electronic device or identification; and d. conduct that is considered disorderly and/or causes substantial destruction to property belonging to the University or members of the University community. While the Dean of Students office acts in direct supervision of campus groups with off campus facilities, including fraternities and sororities, it should be noted that there is no definition of "fraternity or sorority house" in current zoning ordinances. Until such a definition is included in the ordinances, it will be difficult for either the University or the local government to address such non-conforming uses. As a result, the Task Force is including among its recommendations in this report, that an appropriate definition of "fraternity house" and "sorority house" be added to the zoning ordinance to attempt to address this issue.

CONCLUSION

During its meetings, the Task Force has developed serious concerns about whether existing laws are currently being adequately enforced. Moreover, it is apparent that there is a serious problem related to the fact that the LFUCG does not appear to be effective in requiring abatement or the "undoing" of actions taken by property owners in violation of existing land use and zoning laws. In the case of the Division of Code Enforcement this problem has been exacerbated in part by "cycling" of available funds for hiring contractors to abate code enforcement violations. The existing Code Enforcement ordinance allows the Division to hire private contractors to remedy conditions and charge the cost to the offending property owner. When such funds are unavailable, the existing ordinance cannot be utilized to remedy the condition. David Jarvis reported that his office regularly runs out of abatement funds by April or May of each year. Moreover, none of the civil penalties or abatement funds recovered by his office are returned to his office, but rather are placed in the General Fund. In 2008, for example, his office recovered \$197,600.00 in penalties and abatement costs. The total abatement fund for the same period was less than \$100,000 and those funds were exhausted in early May. The problem of property owners who refuse to correct violations under the applicable ordinances may be the most serious matter related to enforcement of existing laws because it not only results in offending

property owners flaunting the law, it also undermines the entire legal incentive for other property owners to comply with the same laws. While some landlord members of the Task Force believe that existing code enforcement, building inspection, zoning, fire and life safety laws are adequate and that they are being aggressively enforced with respect to student rental housing, this was the minority view among members of the Task Force. On the question of life safety, the landlord members maintain that if Code Enforcement is inspecting the interiors of 85% of these buildings every 3 to 5 years, this is adequate to protect tenants. Subject to the limitations of their ability to inspect the interiors of these structures, the agencies charged with enforcement of these laws largely agree with this conclusion. David Jarvis reported that his inspectors regularly check for life safety compliance during the comprehensive inspections including smoke alarms, GFI protectors near water sources, secure and operable means of egress and adequate venting for furnaces and water heaters.

Members of the Task Force believe that enforcement, particularly from the Division of Building Inspection, has not been adequate on many complaints of law violations. The current limitations on the inspection powers of several of these divisions can create a compromise of life safety issues for the tenants living in these houses.

DENSITY AND ITS IMPACT

The Task Force members with the exception of three landlords believe that there is a direct correlation between the ratio of student homes to owner occupied homes in any neighborhood and that as student homes become the predominant land use in the neighborhood, the scope and frequency of problems related to student housing increases. This was best exemplified by the serious situation that confronted officials in the North Elizabeth Street neighborhood after a UK football game in 2007, an area which has had almost all its housing stock converted to student rentals. Local historic districts in some university neighborhoods and the infill ordinance have both created a measure of indirect control on density by limiting the size and capacity of additions to existing houses. However, the Task Force believes that even in these areas, the increased demands of a large group of people living in a structure formerly used as a single family residence, often pushes the capacity of these properties beyond their limits. The direct impacts include high demand for additional parking and an increase in trash and other nuisance related complaints.

The Task Force was repeatedly reminded that there is currently no established way for students to "have a stake" in what happens in these neighborhoods, which leaves the owner occupants and landlords to deal with problems, whether or not caused by the student tenant. The Task Force recognizes that the passing on of fines by some landlords to tenants for property violations and the recent efforts of UK's Fusion program to increase positive student involvement in the areas around the UK campus have been positive developments. However the fewer permanent residents in any neighborhood, the more acute the problems can become. Moreover, in neighborhoods where student

housing is densely clustered, these conditions overburden the resources of the Lexington Fayette Urban County Government to address legal violations and similarly adversely impact the infrastructure. The Task Force also believes that the conversion of formerly owner occupied single family residences into multi student houses is having a dramatic impact on parking problems. This is because most students today each have their own automobile and there is simply not adequate off street parking available on many of these properties without creating illegal or unsightly additional parking in rear yards.

ENFORCEMENT AND POLICY OPTIONS FOR LEXINGTON

This Section outlines possible policy and enforcement action options that have been identified or proposed by various members of the Task Force and which may be viable choices for the Planning Committee to consider recommending to the Urban County Council. In presenting these options, it is important to note that Lexington has initiated several measures, including the Town and Gown Commission and the Lexington Party Plan to attempt to address some of the issues in this report. As this report indicates, however, these measures have not been adequate to address the problems. The site visits by the Task Force confirmed that student housing clusters are now also appearing in suburban locations as well which may well mean the issues in this report are causing concern in new areas of the community. The Task Force enforcement options are listed below and first, separate from the policy options. It was the consensus of the Task Force members that all of the enforcement options can and should be undertaken immediately by the LFUCG and that an immediate positive impact on the problems cited in this report would result from these actions.

The Task Force ranked the policy options in order based upon the amount of support expressed by Task Force members for each policy option. The final ranking was determined by allowing each Task Force member to vote for three of the policy options using weighted votes of three (3), two (2) and one (1) points, respectively. The ranking which appears below represents the final ranking assigned to all the policy options based upon the votes collected from members of the Task Force at its July and August, 2009 meetings. The total number of points assigned by the Task Force to each policy option also appears below.

The details of most of the policy options are referenced by materials included in the appendix to this report. This includes the Preferred Student Housing Pilot Program drafted by Officer Keith Gaines of the LFUCG Division of Police which is included here as Appendix 14, but was not ranked by the Task Force because it was received after the votes had been collected. The final section of this report sets forth the special recommendation of the Task Force to the University of Kentucky, Blue Grass Community and Technical College and other stakeholders which the Task Force believes is fundamental to insuring the success of any of the policy options.

EXPANDED ENFORCEMENT

Enforcement Options for Immediate Action

1. APPROVE ADEQUATE ABATEMENT FUNDING EACH BUDGET CYCLE FOR THE DIVISION OF CODE ENFORCEMENT
2. LIFT HIRING FREEZE ON APPROVED ADDITIONAL POSITIONS IN THE DIVISION OF CODE ENFORCEMENT
3. RESUME AND CONDUCT REGULAR COMPREHENSIVE "SWEEPS" BY THE DIVISION OF CODE ENFORCEMENT IN AFFECTED NEIGHBORHOODS
4. INCREASE FINES FOR KEY PROPERTY VIOLATIONS, INCLUDING UP TO DOUBLE THE CURRENT TOTAL MAXIMUM FINES FOR MAXIMUM MULTIPLE VIOLATIONS WITHIN A 12 MONTH PERIOD AND FOLLOWING THE LOSS OF AN ADMINISTRATIVE APPEAL
5. CREATE SYSTEM FOR CIVIL FINES, ABATEMENT AND PLACEMENT OF LIENS ON OFFENDING PROPERTIES FOR VIOLATIONS OF ANY CODE ENFORCED BY DIVISION OF BUILDING INSPECTION
6. CREATE CIVIL FINES FOR ACTIVITIES UNDERTAKEN WITHOUT A PERMIT FROM DIVISION OF BUILDING INSPECTION
7. IMPROVE SYSTEM TO BETTER DOCUMENT VIOLATIONS AND INSURE SHARING OF INFORMATION ABOUT COMPLAINTS BETWEEN RESPONSIBLE DIVISIONS OF LFUCG
8. DRAFT AND ADOPT A DEFINITION OF "FRATERNITY HOUSE" AND "SORORITY HOUSE" TO BE ADDED TO THE ZONING ORDINANCE SIMILAR TO FIRST SAMPLE DEFINITION INCLUDED IN MATERIALS SUBMITTED BY UK DEAN OF STUDENTS (APPENDIX 10)

EXPANDED POLICY

Policy Options

1. (Twenty-one (21) points) ADOPT SPACING OR DENSITY LIMITS ON STUDENT HOMES IN GEOGRAPHICALLY DEFINED AREAS (APPENDIX 11)

2. (Nineteen (19) points) ADOPT RENTAL LICENSING ORDINANCE
All rental properties would be licensed through the LFUCG. Regular inspections would be conducted and funded through license fees. Action could be taken against license holder for failure to comply with existing laws and regulations
3. (Sixteen (16) points) ADOPT PORTIONS OF "OHIO STATE" PLAN BY CREATING AN OFFICE OF "OFF CAMPUS HOUSING" AT UK (PART I OF OHIO STATE PLAN TAILORED TO LEXINGTON, ATTACHED APPENDIX 12)
4. (Thirteen (13) points) CONSIDER OFF CAMPUS HOUSING FEE TO BE PAID BY UK AND BCTC STUDENTS TO FUND INITIATIVES RELATED TO OFF CAMPUS HOUSING
Fee would be assessed to all full-time University students by the University and funds used to enhance enforcement in areas around campus and for infrastructure improvements
5. (Twelve (12) points) REVISE DEFINITION OF FAMILY IN ZONING ORDINANCE
Draft and adopt new definition of family in non-discriminatory framework to replace existing definition
6. (Nine (9) points) AMEND ORDINANCES TO PROHIBIT PARKING IN REAR YARDS EXCEPT ON APPROVED SURFACES THAT ARE PERMEABLE IN COMPLIANCE WITH ALL OTHER ORDINANCES
7. (Four (4) points) CREATE "UNIVERSITY DISTRICT" OVERLAY ZONE WITH MODIFIED ZONING RESTRICTIONS, INCREASED ENFORCEMENT FUNDED BY SPECIAL TAXING DISTRICT (APPENDIX 13)

Special Recommendations to University of Kentucky and stakeholders in Student Housing Issues

CONSIDER WAYS TO MAKE SURE ANY INITIATIVE IS A COLLABORATIVE EFFORT BETWEEN THE CITY, THE UNIVERSITIES, THE LANDLORDS AND THE NEIGHBORHOODS, INCLUDING THE EXPECTATION OF FINANCIAL CONTRIBUTIONS FROM EACH FOR ANY SUCH INITIATIVE

APPENDIX 10

Zoning Definitions: Fraternity/Sorority House

✓ Greenville County, SC

"Fraternity/Sorority House – A house or structure occupied by a college or university fraternity or sorority containing sleeping rooms, bathrooms, common rooms and a central kitchen and dining area maintained exclusively for members of the fraternity or sorority and their guests or visitors."

Centre County, PA (Penn State)

"A building designed for use as a residence of students or members of a Pennsylvania State University-affiliated fraternity or sorority."

Dallas, TX

"College Dormitory, Fraternity, or Sorority House – A college resident hall or a facility for housing a social or service organization of college students."

✓ Burlington, IA

"Lodging House - A building that contains lodging rooms or rooming units, which accommodate persons and where lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house, dormitories and other similar uses not otherwise defined as a bed and breakfast."

APPENDIX 11

Student Homes

This strategy would diminish the collective effects of dense student housing and its associated problems of litter, noise, parking, demolition by neglect of housing stock and alcohol abuse. Student houses would need a permit from the LFUCG with a small annual fee that would pay the costs of periodic inspections every two or three years for life safety codes. This would identify the student homes and allow revocation of the permit if repeated violations of the law should occur. Also it would allow a density standard to be established. Most university communities have found that if 50% or less of houses in a neighborhood are occupied by undergraduate students, the problems cited above are ameliorated sufficiently to attract single family home owners to purchase property and live in the area. This would sustain neighborhoods for both the students and the permanent residents. Permits would be grandfathered so that homes could remain as a student use unless the permit lapses.

Associated with this is a home buy back program when student use ceases. The city would buy the home, rehabilitate it for R1 or R2 use, retain the land in a land bank and sell the structure with the stipulation that the buyer occupy the structure. This would create properties at an affordable level and for the Live Where You Work Program.

APPENDIX 12

OFFICE OF OFF-CAMPUS STUDENT SERVICES

This Proposal is modeled after a successful program currently being used at the Ohio State University (OSU). The details are listed in Appendix 4 specifically as Roman numeral one only. OSU had been down this road many years before Lexington due to the size of its university and the success of its athletics programs which included many alumni returning to campus to visit their children living in off campus housing. OSU developed this program to help give better service to the 80% of students that live off campus and to build better relationships with the entire community. Ohio State established an office of "Off Campus Student Services" and hired a director to coordinate the services. This director, through his authority over the students and his relationship to community leaders, has been the key to the success of this office.

Primary aspects of the program include; 1) Commuter Student Services; 2) Housing Services; 3) Rideshare & Carpool Listings; 4) Community Ambassadors Program (like RA's in the dorm); 5) CampusTrades.osu Buy, Sell, Trade; 6) A newsletter ("CONNECTION") for communication to off-campus students.

Lexington's role would be to assist UK officials in recognizing that they already perform approximately 75% of these services and in recognizing the need to have them re-organized into one program that would be a "win-win" for the entire community. The focus would be primarily on 2) Housing Services that:

- Conducts a voluntary program for campus area landlords, property managers and realtors with ethics standards and safety requirements for all student housing.
- Provides listings on a website of available off-campus housing with links.
- Hosts an annual housing fair to educate students on do's and don'ts of renting off campus.
- Assists students with move-in and move-out inspections.
- Provides a ratings list of landlords, property managers, and realtors (based on on-line voting by students). This helps students & parents make better housing choices and creates competition among landlords to better serve students.
- Helps assure that units are in good repair, meet safety requirements and gives notices to landlords of deficiencies, but does not report to code officials unless in the defense of a student.
- Provides a lease checklist, and legal clinic that offers free lease reviews for students.
- Holds regular meetings with landlords to keep them informed of programs and create good will.
- Runs a Community Ambassadors program, in which student ambassadors are paid a modest monthly stipend by the University. Duties are similar to a resident advisor (RA) in a campus dormitory, and the office tries to locate at least one ambassador per block in the university area. Concept is to retain trustworthy RA's that wish to leave dormitory life and create leaders that have a positive community influence.

This program attempts to address both behavioral issues and maintenance issues. It emphasizes personal responsibility as it applies pressure directly on the violators whether that is the student or the property owner.

Possible financing sources discussed are: 1) Creating an off-campus student fee; 2) Initial capitalization from private sources (landlords, business community); 3) Community neighborhood grants; 4) State /Federal grant programs; 5) UK appropriation; 6) City; 7) Collaborative Funding Schedule, such as the following:

Year	Landlords	Neighborhoods	City	UK
1	1/3	1/3	1/3	0
2	1/6	1/6	1/6	1/2
3	1/12	1/12	1/12	3/4
4	0	0	0	1

APPENDIX 13

UNIVERSITY DISTRICT

This proposal flows from two premises: (1) that it is beneficial for the larger community to have University of Kentucky students clustered tightly around the University; and (2) it is necessary to impose certain restrictions and obligations upon areas with high concentrations of University students in order to ameliorate the impacts of clustering large numbers close to the University.

The proposal would require identifying those areas that have a certain percentage (e.g., 50%) or more of the properties devoted to student housing. Such areas would be placed within a student housing overlay zone which would permit reduced open space, reduced side and back yard requirements (except where student housing abuts non-student housing), and increased side yard parking on approved surfaces.

The zone would be placed in a special housing district, with an appropriate increment to the property tax from which owners of non-rental properties could claim exemption. The proceeds of the tax would be dedicated to additional safety lighting, additional garbage/solid waste collections at typical move-in and move-out times, acquisition and development of permit only off-street parking sites, stepped up police patrolling, trash and debris policing, etc. Within the district, there would be limits on the number of full-time occupants per building based upon the number of bedrooms, periodic fire safety inspections, and off-street parking requirements. The district would also have special regulations imposing various types of liabilities and fines directly upon tenants under appropriate circumstances, including enhanced fines for littering and subsequent offenses of trash and debris on properties. The tenants would also be liable for fire safety violations, including disabling or dismantling smoke detectors, blocking exits, and so forth.

The University district also envisions a number of private sector actions, including the establishment of a property owner's code of conduct, property maintenance standards, and a property certification process, and the creation of a tenant code of conduct and responsibility, as well as other matters which could be made uniform in all student housing leases.

APPENDIX 14

This program is based on some ideas from the OSU model. We would start with no more than 50 individual addresses, which should have a very minimal cost to get started. We would have an initial inspection of the properties and then have following inspections annually as more locations are added that would start to stagger the inspections so that they are not all due at the same time. I would like to see the program grow and incorporate more of the OSU model in time but be modified for UK and Lexington.

Benefits:

Rental units inspected and provide a safe environment to live.

Voluntary but will economically influence other property owners to participate.

Renters required to maintain a higher standard.

Possibly increase rent to preferred locations.

Promotes UK

Etc...

Landlords:

Student housing will be inspected for safety issues and held to a set of standards above the current minimum standards. Landlords/property management will also include above minimum standards in their leases agreements with students who rent from the preferred student-housing list. (Current standards?)

- Provide contact information for every person on the lease (phone #, Email, secondary address)
- Limit the amount of persons for a gathering without notice to the property owner.
- Beer kegs or large volume dispensers (above 1 liter) not allowed on the premises.
- Trash and debris including cigarette butts are not allowed to be in the yard.
- Residents and guests are prohibited from placing any furniture or other material on the roof or accessing the roof area other than for fire or similar type emergency.
- Residents will maintain the leased premises in a clean and sanitary condition at all times, including disposing of garbage and all other

waste promptly by placing it in plastic trash bags in the roll cart or dumpster provided and making sure the same are taken to and from the street curb at the proper times so they may be emptied.

- Property owners will have a pre-defined set of fees/fines that will be levied against residents if federal, state, local laws and/or ordinances are violated.
- Landlords will limit resident density.
- Property management will respond the following day to survey for any property damage, trash and debris violations, and provide notification to the occupants of the residence when there has been a police call to the listed address.

University of KY:

The University will:

- Provide a list of properties that can be accessed by parents and students that will list the address and contact information of the property.
- Promote these locations as preferred properties that have met more than minimum standards when inspected. This list will be maintained and updated periodically. (Determine how often to update; who will provide information).
- At some point in the future, the University will take over the role of Program Coordinator.

Residents:

Residents will be held to higher standards. Residents will be expected to follow all federal, state, and local laws and ordinances mandated by the city of Lexington, KY and obey all provisions of the apartment lease/contract. In the event residents break any of these laws, ordinances or provisions, the owner may issue a fee/fine to the residents for each occurrence depending upon the nature of the offense and considering the owner's administrative costs. Residents may also be required to pay any civil penalty along with any legal costs the owner may incur as a result of the residents infraction.

Residents will be required to adhere to the following:

- Residents will abide by all lease agreements.
- Provide contact information for every person on the lease (phone #, Email, secondary address)
- Limit the amount of persons for a gathering without notice to the property owner.
- Beer kegs or large volume dispensers (above 1 liter) not allowed on the premises.

- Trash and debris including cigarette butts are not allowed to be in the yard.
- Residents and guests are prohibited from placing any furniture or other material on the roof or accessing the roof area other than for fire or similar type emergency.
- Residents will maintain the leased premises in a clean and sanitary condition at all times, including disposing of garbage and all other waste promptly by placing it in plastic trash bags in the roll cart or dumpster provided and making sure the same are taken to and from the street curb at the proper times so they may be emptied.

City:

The City will provide resources for inspections such as Code Enforcement, Building Inspection, Fire Marshal, etc.

Neighborhood Involvement:

Neighborhoods will provide volunteers to personally meet students at their residences. They will provide a positive contact and give each student a welcome packet containing information such as the Student Source Book, neighborhood association materials, contact information and other resource material. They will continue to outreach to student residents for ongoing communication. They may possibly have neighborhood events such as Seven Parks. Efforts should be directed at involving students so that they will cultivate responsibility, ownership, and pride in where they are living.

Program Coordinator:

The Program Coordinator

Will work with landlords, the University, students, the City and the neighborhoods.

The Program Coordinator will:

- Pull a list of daily police calls for service to monitor any calls involving preferred property addresses.
- Notify the property management of those addresses. Property management will respond the following day to survey for any property damage, trash and debris violations, and provide notification to the occupants of the residence.
- Maintain files on landlords who want to participate in the program.
- Provide safety tips.
- Follow up to determine the nature of the call and its disposition.
- Assist with mediating disputes.

- Coordinate a housing fair with the University in the fall.
- Develop Community Ambassador Program (like RA's in the dorm)

Notes

Cooperation from Code Enforcement to write up tenants and not property owners

Properties will be stickered or have some type of designation placed on the door/window. If an officer responds to this address, he/she will know to contact the Program Coordinator. The PC would then follow up with the landlord/property management.

Fines/administrative costs - initially fines would go to the Neighborhood Association that the property is found within or could go towards the program to assist with being self-sustaining or at least partially fund it. Initially the majority of properties that participate in the pilot project would need to be in a geographically diverse area

What is above current standards?

- smoke detectors in every room, although they wouldn't have to be hardwired
- CO2 detectors
- fire extinguishers
- Safe by design project
- etc(Minimal cost impact)

ADMINISTRATIVE FEES LIST FOR THE LANDLORD. THERE WOULD BE AN ADDITIONAL FINE THAT WOULD GO TO THE NEIGHBORHOOD ASSOCIATION/ PROGRAM (not listed at this time in the chart)

Picking up Trash, Limbs & Other Debris	\$5-\$50/occurrence
Picking up Cigarette Butts off ground	\$5 each
Pacing Trash Containers to & from Curb	\$5/occurrence
Placing Recycling Containers to & from Curb	\$5/occurrence
Keeping Porches & Decks Neat and Clean	\$5/occurrence
Issuance of a "Party Plan Property" designation or unauthorized party	\$100/Resident
Exceeding the number of allowed people on the premises	\$25-100/Resident
Issuance of an alcohol or noise ordinance violation	\$100/occurrence
Violating any portion of the Gatherings/Parties clause	\$25/occurrence + damages
Driving across or Parking in undesignated areas or unpaved surfaces	\$50/occurrence
Disconnection of any smoke detector for any reason	\$20/occurrence + damages
Using charcoal grilles on decks or wood porches	\$25/occurrence + damages
Involvement of Owner by Law Enforcement for any reason	\$100/occurrence
Involvement of Owner by Code Enforcement	\$25-100/occurrence & as charged by city
Climbing on any roof or gutter	\$25/occurrence + damages
Any type of Fines, fees or civil penalty issued by the City	\$5-100/occurrence & As charged

STUDENT HOUSING in PARTNERSHIP PROGRAM (SHIPP)

This program is based on various models and practical experience. The current market offers an ideal time to provide a financial incentive to build property owner participation in a voluntary program called the Student Housing in Partnership Program, or SHIPP. SHIPP would start with a pilot program of no more than 50 individual addresses with more properties to be added within 3-6 months. SHIPP should have a very minimal cost to start and operate.

Two levels of SHIPP participation would be offered to property owners who rent to students, either BASIC or PREFERRED. Additional requirements as well as additional benefits would be part of PREFERRED participation.

1. BASIC Program Participation

- a. Primary contact person established for each property.
- b. Contact phone number and email required (kept current by participant).

Benefits:

- Informal timely notification of issues on property
- Silver identification sticker for property as "BASIC SHIPP MEMBER"

2. PREFERRED Program Participation

- a. Primary contact person established for each property.
- b. Contact phone number and email required (kept current by participant).
- c. Make available contact information for every person on the lease (phone number, email, secondary address).
- d. Participation in voluntary inspection process to exceed basic housing safety codes.
- e. Agreement to include required language in all student leases.
- f. Agree to Quick response action requirements.
- g. Agree to collect and distribute tenant fines mandated by the SHIPP program coordinator
- h. Agree to property owner code of ethics.
- i. Agree to one-year time participation.
- j. Premature drop or ejection from program makes property ineligible for a minimum of one year.

Benefits:

- Informal timely notification of issues on property.
- Identification Sticker for property as "PREFERRED SHIPP MEMBER"
- Promotion as "Preferred Housing Provider" having exceeded safety inspection requirements.
- Recognition by Code Enforcement & Fire Marshall for possible Opt-out capability for sweeps
- Apartment communities can negotiate with coordinator to have representative inspections (not every unit)

Q&A

What does "above current standards" mean?

The SHIPP-required standards will be developed with input from stakeholders. Examples will likely include:

- Smoke detectors in every room, although they wouldn't have to be hardwired
- Carbon monoxide detectors
- Police residential safety survey conducted

How often will inspections be conducted?

Properties will undergo an initial safety inspection by both the LFUCG Division of Fire and the Division of Code Enforcement (housing) and be held to a set of standards above the current minimum standards. A subsequent inspection would be required in a year. Thereafter, code inspections would be conducted annually and fire inspections would be conducted on 3-5 year schedule.

What language will be required in the leases to meet the "above-minimum" standards?

The language would require renters to adhere to specific standards, such as:

- *Beer kegs or large volume alcohol dispensers (above 2 liters) not allowed on the premises.*
- *Trash and debris including cigarette butts are not allowed to be in the yard.*
- *Residents and guests are prohibited from placing any furniture or other material on the roof or accessing the roof area other than for fire or similar type emergency.*
- *Residents will maintain the leased premises in a clean and sanitary condition at all times, including disposing of garbage and all other*

waste promptly by placing it in plastic trash bags in the roll cart or dumpster provided and making sure the same are taken to and from the street curb at the proper times so they may be emptied.

- *Property owners will have a pre-defined set of fees/fines that will be levied against residents if federal, state, local laws and/or ordinances are violated.*

Can the lease agreements with renters be more restrictive than the SHIPP requirements?

Yes. Property owners would be held to the SHIPP standards but would be able to make lease agreements more restrictive if they wish.

What are "quick response action requirements"?

Property owners will be required to promptly address any deficiencies or violations noted, such as prompt abatement of trash and debris violations, removal of improper furniture that is outdoors, etc.

What kinds of things would cause tenants to receive a fine?

The property owners and the SHIPP program coordinator will jointly develop a list of violations and administrative fines. Some examples of potential fines include:

- *Picking up Trash, Limbs & Other Debris - \$5-50/occurrence*
- *Picking up Cigarette Butts off ground - \$5 each occurrence*
- *Placing Trash Containers to & from Curb - \$5 each occurrence*
- *Placing Recycling Containers to & from Curb - \$5 each occurrence*
- *Keeping Porches & Decks Neat and Clean - \$5 each occurrence*
- *Issuance of a "Party Plan Property" designation or unauthorized party - \$100/Resident*
- *Issuance of an alcohol or noise ordinance violation - \$100/occurrence*
- *Violating any portion of the Gathering/Parties clause - \$25/occurrence + damages*
- *Disconnection of any smoke detector for any reason - \$20/occurrence + damages*
- *Using charcoal grills on decks or wood porches - \$25/occurrence + damages*
- *Involvement of Owner by Law Enforcement for any reason - \$100/occurrence*
- *Involvement of Owner by Code Enforcement - \$25-100/occurrence & as charged by the city*

- *Climbing on any roof or gutter - \$25/occurrence + damages*
- *Any types of Fines, fees or civil penalty issued by the city - \$5-100/occurrence & as charged*

What happens to the money collected for tenant fines?

65% of the fine will go to the property owner; 25% will go to SHIPP to support the program; and 10% will be distributed to qualified neighborhood associations.

SHIPP offers the following benefits:

Rental units inspected and provide a safe environment to live.

Resource database of safe student housing options

Voluntary but will economically influence other property owners to participate.

Renters required to maintain a higher standard.

Promotes UK

Maximizes city resources.

Stakeholders

University of KY

The University will:

- Provide a list of properties that can be accessed by parents and students that will list the address and contact information of the property.
- Promote these locations as preferred properties that have met more than minimum standards when inspected. This list will be maintained and updated periodically. (Determine how often to update; who will provide information).

Residents

Residents will be held to higher standards. Residents will be expected to follow all federal, state, and local laws and ordinances mandated by the city of Lexington, KY and obey all provisions of the apartment lease/contract. In the event residents break any of these laws, ordinances or provisions, the owner may issue a fee/fine to the residents for each occurrence depending upon the nature of the offense and considering the owner's administrative costs. Residents may also be required to pay any civil penalty along with any legal costs the owner may incur as a result of the residents infraction.

City

The City will provide resources for inspections such as Code Enforcement, Building Inspection, Fire Marshal, etc.

Neighborhood Involvement

Neighborhoods will provide volunteers to personally meet students at their residences. They will provide a positive contact and give each student a welcome packet containing information such as the Student Source Book, neighborhood association materials, contact information and other resource material. They will continue to outreach to student residents for ongoing communication. They may possibly have neighborhood events such as Seven Parks. Efforts should be directed at involving students so that they will cultivate responsibility, ownership, and pride in where they are living. The neighborhood will have a direct point of contact (the SHIPP Program Coordinator) to mediate or resolve issues.

SHIPP Program Coordinator

The Program Coordinator will work with landlords, the University, students, the City and the neighborhoods. The Program Coordinator will:

- Notify the property management of those addresses if there are issues. Property management will respond the following day to survey for any property damage, trash and debris violations, and provide notification to the occupants of the residence.
- Maintain files on landlords who want to participate in the program.
- Provide safety tips.
- Follow up to determine the nature of the call and its disposition.
- Assist with mediating disputes.
- Assist with promotion of PREFERRED SHIPP housing (Jan/Feb)
- Develop Community Ambassador Program (like RA's in the dorm)

Planning Committee- Issues Outstanding

09/16/09

Issue	Member Referred	Date Referred	Status
• Liberty Road Project Status	Stinnett	Jan 06	Bi Monthly Written Report
• Newtown Pike Status	Blues	Feb 06	Bi Monthly Report
• Loudon Avenue Phase 1 Status	James	Oct 06	Bi Monthly Written Report
• Student Housing Issues	Lawless	Sept 07	Fall 09
• Fence Regulations- Sight Distance Issues	Blues	Dec 07	Nov 09
• Mobile Home Trailer Park Quality of Life	James	Dec 07	On Hold
• Infill Redevelopment Committee Recommendations	Gray	Feb 08	Unknown
• Tree Protection Ordinance	James	Mar 08	Unknown
• Downtown Master Plan	Lawless	Apr 08	Review Recommendations
• Management Audit Recommendations	Crosbie	May 08	Subcommittee Formed
• Review Civil Penalties/Impose Fines on Property Owners Who Operate a Home Office/Occupation in Violation of the Zoning Ordinance			
• Impose Restrictions on Issuing Permits to Individuals/Property Owners When There are Pending Written Complaints Regarding Violations of Zoning Ordinances	Henson	July 08	Working Group
• Place Reasonable Time Limits for Completion of Construction Projects Approved for Existing 1/2 Family Residential Building Permits and Fence/Retaining Wall Permits	Henson	July 08	Working Group
• Art 16 Zoning Ordinance re Rear Yard Parking in Residential Areas	Henson	July 08	Working Group
• Parks Master Plan	Henson		
• Downtown Lexington Building Inventory	Henson		
• Residential Additions	Stinnett	Apr 09	Fall- Winter 09
• Mobile Food Vendor Permits	Feigel	Feb 09	Financing Sub Committee Formed
• Commercial Signage Text Amendment	Lawless	June 09	Fall 09
• Residential Zoning Ordinances	Henson	Sept 09	Fall-Winter 09
	Martin	Sept 09	
	Stinnett	Oct 09	
		Oct 09	