

AGENDA	Tuesday, June 13, 2017
Land Use Committee	4:30 PM*
Sioux Falls City Council	Carnegie Town Hall
	235 West 10th Street

*The meeting will start following the adjournment of the 4 p.m. Informational Meeting

1. Call To Order
2. Approval of Minutes
 - A. Tuesday, April 18, 2017
3. Reports and Updates
 - A. Rental Registration Ordinance by Councilor Michelle Erpenbach
Presentation: Approximately 15 minutes followed by discussion
 - B. Citizens Planning Academy by Russ Sorenson, Urban Planner; and Jason Bieber, Urban Planner; and Sam Trebilcock, Transportation/Transit Planner
Presentation: Approximately 15 minutes followed by discussion
4. Open Discussion
5. Adjournment

Date: 2017-06-13
SIRE Meeting ID: 2599
Meeting Type: Committee Meeting
Subtype: Land Use Committee
YouTube: <https://youtu.be/4JKW9xoA6rg>
Agenda Item: Not Assigned
Item ID: 84141

The following document(s) are public records obtained from the
City of Sioux Falls.

Draft minutes until approved at the next meeting.

MINUTES

Tuesday, April 18, 2017

Land Use Committee
Sioux Falls City Council

5:15 PM
Carnegie Town Hall
235 West 10th Street



Members Present: Rick Kiley, Greg Neitzert, Theresa Stehly, and Marshall Selberg

Members Absent: None

1. Call To Order

Committee Chair Rick Kiley called the meeting to order at 5:15 p.m.

2. Approval of Minutes

A. Tuesday, March 14, 2017

A motion was made by Theresa Stehly and seconded by Marshall Selberg to approve the minutes.

Committee Chair Rick Kiley called for a voice vote. All member voted yes.
Motion Passed.

3. Reports and Updates

A. Rental Housing Registration Updates by Councilor Michelle Erpenbach

Councilor Michelle Erpenbach provided a brief history of the Rental Housing ordinance, which was adopted 15 years ago. She said discussions began about two years ago regarding making changes to the ordinance. A group was created to discuss housing issues. Erpenbach spoke about the proposed ordinance changes.

Discussion followed regarding: the rental registry; advertising the ordinance; modification of the ordinance; the constitutionality of inspections and warrants; cost of citations and inspection fees; limiting designated agents to Minnehaha and Lincoln Counties; designated agent; suspension or revocation override; the difference between owner-occupied vs. non-owner occupied rentals; obtaining property records; and potential ways to promote/advertise the ordinance.

Brian Majerus, chairman of the South Dakota Multi-Housing Board, spoke about concerns regarding: the use of the term “designated agent” and use of secondary contacts; entering non-registered rental units; and it being considered

"irrelevant" that a "dwelling owner or others were not criminally prosecuted or were acquitted criminal charges for the incidents serving as the basis of the suspension or revocation." Discussion followed.

Gerald Gerken, a property owner, spoke about the City not using the rental registration list and property management.

Ron Sauby, a property owner, spoke about: why people don't register their rentals; how he found out about rental registration; how he obtained a list of non-owner occupied properties; the benefit of registering property; questions regarding the state boundary; and use of the term "agent".

Denise Hanzlik, Executive Director of the South Dakota Multi-Housing Association, spoke about the rental registration list and informing members to register their properties.

Councilor Christine M. Erickson, a property owner, spoke about: how she found out about the rental registry; the availability of other rental platforms, like airbnb; sales tax; and the designated agent. Discussion followed.

Kiley suggested once edits are made to the ordinance for it to be brought back to the Land Use Committee, before it is sent to the Council. The committee members agreed. Councilor Theresa Stehly expressed her appreciation for the allowance of public input.

4. Open Discussion

Kiley announced the next Annexation Task Force meeting will be held on Wednesday, April 26, 2017, from 5:30 p.m. to 7 p.m., in the Council Chambers.

5. Adjournment

Committee Chair Rick Kiley adjourned the meeting at 6:20 p.m.

Denise D. Tucker, MMC
Assistant City Clerk

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1st Reading: _____
2nd Reading: _____
Date Adopted: _____
Date Published: _____
Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 150 BUILDING: RENTAL HOUSING.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 150.176 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.176 DEFINITIONS.

For the purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RESIDENTIAL RENTAL UNIT. Any building or structure including the real property upon which it is located, which is rented or offered for rent as living quarters. It does not mean homes that qualify for owner-occupied classification under SDCL 10-13, on-campus housing, hospital units, nursing home units, or hotels or motels with daily rental units, all of which shall be exempt from any requirements of this subchapter.

SHORT TERM RENTAL UNIT. A residential rental unit that is rented for 28 consecutive days or less.

Section 2. That Section 150.177 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.177 PERMIT REQUIREMENTS

(a) No residential rental property owner shall allow to be occupied, advertise for occupancy, solicit occupants of, or let to another person for occupancy any residential rental unit within the city that has not been permitted as residential rental unit by the city. All owners of a residential rental unit shall have filed a permit application with the city. Failure to make truthful disclosures of the information required under division (b)(5) below, or if the information disclosed reveals three or more health, nuisance or other code violations resulting in citations and fines payable to the city within the previous three calendar years, shall be cause for the city to elect to deny the permit. Application for permit for a residential rental unit shall be made on forms furnished by the city. A residential rental property owner and/or the designated agent shall notify the city in

writing within ~~15~~30 calendar days after any change to the information provided on the application.

(b) The application and supporting forms shall require the following information:

(1) Name, mailing address and phone number of the property owner, ~~and, if the owner is not a natural person, the name, address and phone number of a designated agent for the owner;~~

(2) ~~If the property owner does not reside fifty (50) miles from Sioux Falls city limits, the~~ name, phone number and mailing address of the responsible party, who shall reside within Minnehaha or Lincoln counties, and be any person authorized to make or order repairs or services for the property; if in violation of city ordinances or state law, ~~if the person is not the owner;~~

(3) The street address of the residential rental unit;

(4) The number and type of units; i.e., dwelling units or sleeping rooms; and

(5) Whether the owner or responsible party as defined by § 40.002 of this Code, have, within the previous three calendar years, been in violation and failed to make timely corrections of health, nuisance or other code violations, excluding any notices or violations issued pursuant to § 96.100 or §§ 94.041, 94.043 and 94.044 of this Code, to any property or properties in any municipality, including the city.

Section 3. That Section 150.178 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.178 PERMIT REVOCATION.

(a) Each permit may be revoked upon the city's issuance of any notice of a fourth health, nuisance or other violation when the permit holder has been subject to three health, nuisance or other code violations resulting in citations and fines payable to the city within the previous three calendar years, excluding any notices or violations issued pursuant to § 96.100 or §§ 94.041, 94.043 and 94.044 of this Code, as to any property in the city.

(b) No action revoking a permit pursuant to this subchapter for a residential rental unit shall be undertaken by the city without notice and a reasonable opportunity for the owner to bring the unit into compliance with applicable city ordinances. The chief building services official or any other person appointed by the mayor shall have the authority to revoke any permit for a particular residential rental unit if it is determined that the property is in serious and continued substantial noncompliance with any applicable city ordinance.

(c) Appeals from a decision revoking a permit for a residential rental unit shall be pursuant to the appeals process of the International Property Maintenance Code and §§ 30.040 through 30.046 of this Code. No action revoking a permit for a residential rental unit shall be deemed effective until all appeals have been exhausted, including any appeal to circuit court, or the time for filing any appeal shall have passed without an appeal being filed.

(d) Once revoked, an owner of a residential rental unit in the city shall make an application for a renewal permit. A permit or renewal permit shall not be issued until completion of the following:

(1) Abatement of any health, nuisance or other code violation at the property;

(2) Satisfactory city inspection and approval of the dwelling unit's habitability; and

(3) Payment of all outstanding code enforcement citations issued by the city to the owner or responsible party for the subject property.

Section 3. That Section 150.179 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.179 CORRECTION OF DEFECTS AND ENFORCEMENT.

Whenever the city determines that a residential rental unit, ~~whether permitted or not~~, has failed to meet the requirements of any applicable city ordinance, the city shall proceed with enforcement as provided within the applicable ordinance. The city may also proceed to revoke or suspend any permit issued for a residential rental unit for serious and continuing substantial noncompliance with any applicable city ordinance. In addition to all other remedies, the city may seek to enjoin any unit from being operated as a residential rental unit that is not properly permitted by the city.

Section 4. That Section 150.180 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 150.180 PROPERTY TRANSFERS.

To transfer a permit for a residential rental unit from one owner, owner's responsible party or Management Company to another, the applicant shall give written notice, including the name and address of the transferee, to the city of the transfer within ~~60~~30 days after the transfer.

Date adopted: _____.

Mayor

ATTEST:

City Clerk

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City of Sioux Falls Citizens' Planning Academy

June 13, 2017



City Council Land Use Committee

Citizens' Planning Academy

Citizens' Planning Academy would:

- Provide another opportunity to showcase Planning and Building Services' efforts to implement our vision and mission statements.
- Encourage citizen participation and empowerment to achieve better understanding of community planning
- Offer an educational forum in community building
- Increase public awareness about October 2017 being National Planning Month

Citizens' Planning Academy

Description

- An educational program accessible to any resident who is interested in learning more about the role planning plays in building community.
- The goal is to empower citizens to achieve a better understanding of community planning, and its language and processes, so they can effectively engage in planning efforts both in their neighborhood and the city.

2017 Academy during October Planning Month

Planning 101

- Estimate 20–25 people.
- Two sessions
 1. Monday, October 2
 2. Monday, October 30
- 5:30 to 7:30 p.m.
- Downtown Library, Meeting Room B



Planning 101, October 2 and 30, 2017

Session 1 of 2: What is City Planning? (Comprehensive Plan and Zoning Ordinance)

1. Ice breaker exercise (15 min.)
2. History, national and local (15 min.)
3. What is land use and zoning? (15 min.)
4. Components and tools for a well-planned city and growth management (Comprehensive Plan and Zoning Ordinance) (30 to 40 min.)
5. Other related topics and questions of interest from participants, as time permits (30 to 40 min.)

Planning 101, October 2 and 30, 2017

Session 2 of 2: Beyond the Basics (Planning in Our City)

1. Planning applications (30 min.)
2. Public hearing process (30 min.)
3. Neighborhood issues: property values, compatibility, drainage, and traffic (30 min.)
4. Other related topics and questions of interest from participants, as time permits (30 to 40 min.)



Citizens' Planning Academy Registration

- To gauge citizen interest
- To accommodate any space and accessibility needs
- To better engage and address citizen topics of interest



Proposed Timeline

Outreach (May to September)

June 13: Meeting with Land Use Committee

Mid-July to September: News releases and informational blitz to citizens, focus groups, and neighborhood associations via social media and open houses

August 2: Planning Commission Meeting
informational item

Mid-August: Registration for academy begins.



Proposed Timeline

Value (October to November)

October 2: Citizen's Planning Academy, Session 1, at Downtown Library, Meeting Room B

October 3: City Council Meeting—Proclamation of National Planning Month

October 30: Citizens' Planning Academy, Session 2 at Downtown Library, Meeting Room B

November 7: City Council Meeting—Recognition of participants by the City of Sioux Falls





Citizens' Planning Academy

Questions?

Planning and Building Services

Presenters: Jason Bieber, Urban Planner
Russ Sorenson, Urban Planner
Sam Trebilcock, Transportation Planner

Contact: Russ Sorenson, Urban Planner, rsorenson@siouxfalls.org, 367-8888