



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Michael Nintean, Director of Building and Housing Inspection
Date: October 28, 2013
Re: Amendments to the Ordinance Regarding Residential Rental Parking

Subject Matter/Background

It has come to staff's attention that an inconsistency exists between the terms of the Ordinance Regarding Residential Rental Parking and the Motor Vehicle Traffic and Parking Ordinance. The Motor Vehicle Traffic and Parking Ordinance establishes the Town's parking regulations that include a fee table for various violations. This ordinance also requires that fines due are doubled if not paid within 10 days of issuance. The Ordinance Regarding Residential Rental Parking does not contain the doubling provisions, which has led to some confusion with respect to enforcement. Also, staff has identified an issue based on the transient nature of some tenants that are affected by the Residential Rental Parking Ordinance. Some of these tenants have claimed that they were not aware of the off street parking requirements because their landlords had not informed them of the existence of the regulation.

Staff suggests two modifications to alleviate future confusion:

- 1) Revise the language in the Ordinance Regarding Residential Rental Parking to allow a fine to double 10 days after issuance if not paid in full; and
- 2) Require the posting of the approved parking site plan at each affected dwelling unit, and allow the landlord to be cited for a violation of this provision.

Financial Impact

These changes should have minimal financial impact with some additional revenue collected as a result of enforcement.

Legal Review

The Town Attorney has reviewed this proposal and concluded that it is legally sound and may be enacted by the Council and implemented by Town staff.

Recommendation

If the Council wishes to consider the proposed amendments to the Ordinance Regarding Residential Rental Parking, it can refer the proposal to an ordinance development and review subcommittee or schedule a public hearing to solicit public comment on the proposed changes.

In this case, as the proposed changes are relatively minor in scope, staff recommends that the Town Council schedule a public hearing.

If the Council supports this recommendation, the following motion is in order:

Move, effective October 28, 2013, to schedule a public hearing for 7:30PM at the Town Council's regular meeting on November 12, 2013, to solicit public comment regarding the proposed amendments to the Ordinance Regarding Residential Rental Parking.

Attachments

- 1) Ordinance Regarding Residential Rental Parking (current)
- 2) Proposed Amendments to the Ordinance Regarding Residential Rental Parking (deletions ~~crossed-out~~, additions **bold/underline**)

Chapter 152. RENTAL PROPERTY

Article II. Off-Street Parking

§ 152-9. Title.

This article shall be known and may be cited as the "Ordinance Regarding Residential Rental Parking."

§ 152-10. Legislative authority.

This article is enacted pursuant to the provisions of C.G.S. § 7-148 et seq., as amended.

§ 152-11. Findings and purpose.

The Town Council of the Town of Mansfield finds that motor vehicle parking at numerous residential rental properties, particularly those with one, two or three dwelling units, has created, on a regular and frequent basis, unsafe, blighted and congested conditions and other negative neighborhood impacts within the Town. This situation has been most common on properties within the Town's Rental Certification Zone that do not have adequately sized and delineated parking areas that safely accommodate all residents and their guests. The requirements set forth in this article will promote neighborhood compatibility and the general safety, health and welfare of the people of Mansfield by helping to ensure safe vehicular and pedestrian ingress and egress, safe emergency vehicle and personnel ingress and egress and the preservation and enhancement of neighboring property values.

§ 152-12. Definitions.

For the purposes of this article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LOT

A tract, plot, parcel or other unit of land having fixed boundaries designated on a plot, survey or assessor's map, or in a deed.

RESIDENTIAL RENTAL PROPERTY

Any lot containing one, two or three rental dwelling units.

§ 152-13. Applicability.

This article shall apply to any such residential rental property situated within the Rental Certification Zone of the Town of Mansfield established in the Housing Code, § 130-35 of the General Code of the Town of Mansfield, except residential rental property owned by the State of Connecticut and residential rental property containing a dwelling unit which is the primary place of residence of the owner in which he or she remains for more than one-half of the calendar year, which are exempt. To qualify for exemption, any such owner-occupant must be the record owner of a minimum 50% fee simple interest in said residential rental property in his or her personal individual capacity only.

§ 152-14. Parking space site plan requirements.

Any residential rental property within the Town's Rental Certification Zone shall contain designated and approved parking spaces set forth in a parking space site plan in compliance with the following standards:

- A. All nonexempt on-site parking on any residential rental property within the Town's Rental Certification Zone shall be in spaces designated in a parking space site plan submitted by the property owner and approved by the Town per the requirements of this section as set forth below. Any parking violation of any such plan may subject such parking violator to citation and fine pursuant to § 152-18 of this article.
- B. Subsequent to that date which is 30 days after written notification by the Town to a residential rental property owner of the requirements of this article and its applicability to the owner's residential rental property, no certificate of compliance required by the Housing Code of the Town of Mansfield may be issued to an owner of such residential rental property or renewed, unless the owner has submitted a parking space site plan to the designated Town official and gained official approval of the plan. Any violation of this subsection may subject any such property owner to citation and fine pursuant to § 152-18 of this article.
- C. All site work required to implement an approved parking space site plan shall be completed within 90 days of said approval unless an extension of time is sought and secured pursuant to § 152-17 of this Article. Any violation of this subsection may subject any such property owner to citation and fine pursuant to § 152-18 of this article.
- D. To satisfy the requirements of this article, any residential rental property owner within the Town's Rental Certification Zone shall submit to the designated agent of the Town of Mansfield for approval a drawn-to-scale parking space site Plan of the owner's residential rental property that depicts property lines, driveways, sidewalks/bicycle paths, dwellings and structures, all proposed on-site parking spaces, existing and proposed landscaped areas, trees over 12 inches in diameter (measured five feet above grade) within the area where parking is proposed, fencing, and other site features that may affect parking locations. In addition, the site plan shall detail the surface material of the proposed spaces. Any failure to satisfy the requirements of this Section is a plan violation which may subject

such owner to a citation and fine pursuant to § 152-18 of this article. To be approved, any such parking space site plan shall meet the following criteria, except that a modification of the criteria may be sought and secured in proper circumstances, per § 152-16 of this article:

- (1) The number of proposed on-site spaces shall be adequate for all tenant vehicles and a limited number of guest vehicles. Depending on site and occupancy characteristics, a minimum of two exterior spaces and a maximum of six exterior spaces shall be provided per dwelling unit.
- (2) No parking space shall be located within five feet of a roadside sidewalk or bicycle path.
- (3) Parking spaces shall be a minimum of eight feet wide and 18 feet long.
- (4) Parking spaces shall be designed so that a backing-up movement onto an adjacent street is not required.
- (5) Except for parking areas immediately adjacent to an existing site driveway or parking areas situated over 100 feet from a street, parking shall not occur between the street and the subject dwelling.
- (6) Parking spaces shall be paved or surfaced with an acceptable dust-free surface such as compacted stone, stone dust or gravel. Lawn areas or other landscaped areas are not acceptable surfaces for parking spaces.
- (7) No existing landscape area or lawn area shall be disturbed and no tree over 12 inches in diameter shall be removed to create new parking spaces, unless no other acceptable parking spaces can be established on site.
- (8) Parking spaces shall be designed and graded to address potential drainage and/or winter icing problems, and suitable areas shall be provided for snow storage.
- (9) There shall be a permanent barrier or barriers separating the parking area from the rest of the site.
- (10) Any necessary Inland Wetland Agency or Public Works Department permits shall be obtained prior to parking space site plan approval pursuant to this article.

§ 152-15. Fees.

A parking place site plan review fee in the amount of \$35 per dwelling unit must be submitted to the Town along with the proposed site plan. No review will be done and no approval will be granted prior to payment in full of this fee.

§ 152-16. Modification of parking space site plan.

In a situation where a parking area without observable or known traffic safety or neighborhood impact problems was established prior to the effective date of this article, or if lot size or configuration, structure locations, topography and other site constraints or other

documented factors would make strict compliance with the criteria of § 152-14 unreasonable, the Town-designated official(s) reviewing a parking space site plan is authorized to approve modifications of the § 152-14 criteria. No modification shall be approved that would result in an unsafe situation or one that would be inconsistent with the findings and purpose contained in § 152-11. The details of any modification permitted by this section must be recorded and entered into an appropriate Town file.

§ 152-17. Extension of time; temporary waiver of compliance.

Any applicant who has a written contract for the performance of work necessary to comply with this article but whose implementation of required parking improvements is delayed may submit a written petition to an authorized Town official seeking a temporary waiver of compliance. The petition shall include information reasonably necessary for the Town official to make a decision and include a signed statement by the contractor specifying the date of beginning and expected date of completion of the work. If the Town official finds that the delay is reasonable, said official may issue a temporary waiver of compliance expiring on the date when the work should be completed. The applicant shall request a site inspection by the Town official on or before such date of completion. Upon notification that the required improvements have been completed, the designated Town official shall inspect the property and either confirm compliance or list any violations of this article that remain. Failure to complete improvements within an authorized extension of time may subject the property owner to citation and fine pursuant to § 152-18 of this article.

§ 152-18. Enforcement; violations; citations and fines.

- A. The Town Manager shall designate in writing one or more Town officials empowered to take enforcement or other action authorized by this article.
- B. Any person violating the provisions of this article by failing to file or gain approval of a parking space site plan, by failing to complete site work required by an approved parking space site plan within the time period required or authorized by this article, or by parking in an area on residential rental property not designated for parking in a Town-approved parking space site plan shall be deemed to have committed an infraction and may be issued a citation. Said citation shall inform the person named therein of the allegations against him or her, the amount of the fine due, and the date on which payment of the fine is due, which shall be no later than 10 days after the date of the citation. Said citation shall be hand delivered, affixed to the vehicle or property, or mailed by certified mail, return receipt requested, addressed to the person named therein at his or her last known address. Citations shall be punishable with a fine of \$90 for each violation. Each separate day that a violation exists after the issuance of a citation shall be subject to a separate additional fine without the issuance of a separate citation. Any initial violation or infrequent violation may be addressed through the issuance of a warning rather than a citation, unless a significant safety or neighborhood impact problem is observed or significant damage has been done to a lawn or other landscape area due to parking in an unauthorized area.

C. In addition to any other remedy authorized by this article, if any such fine issued pursuant to the provisions of this article is unpaid beyond the due date, the Town may initiate proceedings under the authority of C.G.S. § 7-152c and Chapter 129 of the General Code of the Town of Mansfield, Hearing Procedure for Citations, to collect any such fine.

§ 152-19. Appeals procedure.

Any person fined pursuant to this article may appeal such fine pursuant to the provisions of the Town of Mansfield Hearing Procedure for Citations set forth in Chapter 129 of the General Code of the Town of Mansfield.

§ 152-20. Word usage.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of either gender shall include both genders.

152-14 Parking Site Plan Requirements

Any residential rental property within the Town's Rental Certification Zone shall contain designated and approved parking spaces set forth in a parking space site plan in compliance with the following standards:

A. All nonexempt on-site parking on any residential rental property within the Town's Rental Certification Zone shall be in spaces designated in a parking space site plan submitted by the property owner and approved by the Town per the requirements of this section as set forth below. Any parking violation of any such plan may subject such parking violator to citation and fine pursuant to § 152-18 of this article.

B. Subsequent to that date which is 30 days after written notification by the Town to a residential rental property owner of the requirements of this article and its applicability to the owner's residential rental property, no certificate of compliance required by the Housing Code of the Town of Mansfield may be issued to an owner of such residential rental property or renewed, unless the owner has submitted a parking space site plan to the designated Town official and gained official approval of the plan. Any violation of this subsection may subject any such property owner to citation and fine pursuant to § 152-18 of this article.

C. All site work required to implement an approved parking space site plan shall be completed within 90 days of said approval unless an extension of time is sought and secured pursuant to § 152-17 of this Article. Any violation of this subsection may subject any such property owner to citation and fine pursuant to § 152-18 of this article.

D. To satisfy the requirements of this article, any residential rental property owner within the Town's Rental Certification Zone shall submit to the designated agent of the Town of Mansfield for approval a drawn-to-scale parking space site Plan of the owner's residential rental property that depicts property lines, driveways, sidewalks/bicycle paths, dwellings and structures, all proposed on-site parking spaces, existing and proposed landscaped areas, trees over 12 inches in diameter (measured five feet above grade) within the area where parking is proposed, fencing, and other site features that may affect parking locations. In addition, the site plan shall detail the surface material of the proposed spaces. Any failure to satisfy the requirements of this Section is a plan violation which may subject such owner to a citation and fine pursuant to § 152-18 of this article. To be approved, any such parking space site plan shall meet the following criteria, except that a modification of the criteria may be sought and secured in proper circumstances, per § 152-16 of this article:

(1) The number of proposed on-site spaces shall be adequate for all tenant vehicles and a limited number of guest vehicles. Depending on site and occupancy characteristics, a minimum of two exterior spaces and a maximum of six exterior spaces shall be provided per dwelling unit.

(2) No parking space shall be located within five feet of a roadside sidewalk or bicycle path.

(3) Parking spaces shall be a minimum of eight feet wide and 18 feet long.

(4) Parking spaces shall be designed so that a backing-up movement onto an adjacent street is not required.

(5) Except for parking areas immediately adjacent to an existing site driveway or parking areas situated over 100 feet from a street, parking shall not occur between the street and the subject dwelling.

(6) Parking spaces shall be paved or surfaced with an acceptable dust-free surface such as compacted stone, stone dust or gravel. Lawn areas or other landscaped areas are not acceptable surfaces for parking spaces.

(7) No existing landscape area or lawn area shall be disturbed and no tree over 12 inches in diameter shall be removed to create new parking spaces, unless no other acceptable parking spaces can be established on site.

(8) Parking spaces shall be designed and graded to address potential drainage and/or winter icing problems, and suitable areas shall be provided for snow storage.

(9) There shall be a permanent barrier or barriers separating the parking area from the rest of the site.

(10) Any necessary Inland Wetland Agency or Public Works Department permits shall be obtained prior to parking space site plan approval pursuant to this article.

E. Upon approval, a copy of the approved site plan must be posted and maintained within the dwelling unit.

152-18 Enforcement, Citations, Violations and Fines

Any person violating the provisions of this article by failing to file or gain approval of a parking space site plan, by failing to complete site work required by an approved parking space site plan within the time period required or authorized by this article, **failing to post and maintain a copy of the approved site plan within the dwelling unit**, or by parking in an area on residential rental property not designated for parking in a Town-approved parking space site plan shall be deemed to have committed an infraction and may be issued a citation. Said citation shall inform the person named therein of the allegations against him or her, the amount of the fine due, and the date on which payment of the fine is due., ~~which shall be no later than 10 days after the date of the citation.~~ Said citation shall be hand delivered, affixed to the vehicle or property, or mailed by certified mail, return receipt requested, addressed to the person named therein at his or her last known address. Citations shall be punishable with a fine of \$90 for each violation. ~~Each separate day that a violation exists after the issuance of a citation shall be subject to a separate additional fine without the issuance of a separate citation.~~ **The amount of any fine not paid within 10 days shall be doubled.** Any initial violation or infrequent violation may be addressed through the issuance of a warning rather than a citation, unless a significant safety or neighborhood impact problem is observed or significant damage has been done to a lawn or other landscape area due to parking in an unauthorized area.