

## MEMORANDUM

**TO:** University Heights Zoning Commission

**FROM:** Steven E. Ballard, City Attorney

**DATE:** June 14, 2015

**Re: Review of Proposed Urban Renewal Plan related to  
One University Place rebate TIF**

### INTRODUCTION

- The University Heights City Council adopted a resolution May 27, 2015, directing its bond counsel, John Danos with Dorsey & Whitney in Des Moines, to initiate action for the City to consider a rebate TIF for One University Place in an amount not to exceed \$4 million in principal.
- The Council adopted a resolution June 9, 2015 setting a public hearing on a proposed Urban Renewal Plan for 7:00 p.m. July 14, 2015 – the Council’s next regular meeting.
- Iowa law requires the City’s “planning commission” – here, the University Heights Zoning Commission – to review and make recommendations to the Council concerning the proposed Urban Renewal Plan and its conformity with the City’s general plan for development.
- The Zoning Commission will consider the proposed Urban Renewal Plan – draft version attached – at its meeting June 16, 2015 – and make recommendations to the Council concerning the plan.

### IOWA CODE AND UNIVERSITY HEIGHTS ORDINANCE CONSIDERATIONS

- Iowa law provides that before the Council approves a proposed Urban Renewal Plan, the plan must be submitted to the City’s “planning commission”. Iowa Code § 403.5(2)(a).
  - The University Heights “planning commission” is the City’s Zoning Commission.
  - The proposed Urban Renewal Plan is submitted to the Zoning Commission “for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole”. Iowa Code § 403.5(2)(a).
  - The Zoning Commission is to submit written recommendations to the Council with respect to the proposed Urban Renewal Plan.

- The City’s “general plan for the development of the municipality as a whole” is set forth in the City’s Comprehensive Plan and its Zoning Ordinance.
  - You may link to the City’s Comprehensive Plan, as adopted in November 2006 and amended in May 2010, here: <http://www.university-heights.org/CompPlan10/CompPlanRevised5-2010.pdf>.
  - You may link to the Zoning Ordinance here: <http://www.university-heights.org/ord/ord079.pdf>.
  - The most-recent amendments to the Zoning Ordinance (as recommended by the Zoning Commission) are found in Ordinance No. 187 – attached.
- You are encouraged to review and consider all aspects and provision of the Comprehensive Plan and Zoning Ordinance. With regard to the proposed Urban Renewal Plan, I particularly call your attention to these specific provisions (emphasis supplied):

**Comprehensive Plan**

- FUTURE LAND USES (p. 9)
  - Since University Heights is almost entirely developed, few major changes in land use patterns are anticipated in the immediate future. However, the community must decide the most appropriate use of the large parcel in northeastern University Heights, as well as several larger residential lots. The potential for conversion to commercial or institutional uses must also be evaluated.
- “MIXED USE” definition (App. 2)
  - The provision of complementary uses, such as residential and commercial, on the same site or within the same structure.
- PROPERTY REHABILITATION AND DEVELOPMENT (p. 29)
  - The City of University Heights takes pride in its housing diversity and is interested in maintaining a community with limited mixed uses. Most of the community is composed of single-family residences. University Heights is fortunate to have a well-maintained housing stock with relatively high property values. Most of these structures are owner occupied, however rental properties are becoming more common.
- FUTURE DEVELOPMENT (p. 31)



## **CONCLUSION**

- The Zoning Commission's task is to review and make recommendations to the City Council regarding the proposed Urban Renewal Plan and its conformity with the City's Comprehensive Plan and Zoning Ordinance.
- The Commission is to make written recommendations to the Council.
- The Commission's recommendations have no procedural impact on the Council's consideration and decision whether to adopt the proposed Urban Renewal Plan. Unlike a proposed amendment to the Zoning Ordinance, which would have to be approved by a three-fourths majority of the members of the Council if the Zoning Commission recommended against approval, the proposed Urban Renewal Plan may be adopted by the Council by majority vote, whether the Zoning Commission recommends in favor of approval, against approval, or otherwise.
- I have invited Jeff Maxwell and members of his development team to attend the Zoning Commission's June 16 meeting in the event Commission members have questions about the proposed Urban Renewal Plan.

RESOLUTION NO. 15-30

**RESOLUTION APPROVING ON CONDITIONS THE MULTIPLE-FAMILY COMMERCIAL PUD PLAN APPLICATION SUBMITTED BY JEFFREY L. MAXWELL CONCERNING PROPERTY CURRENTLY OWNED BY ST. ANDREW PREBYTERIAN CHURCH AND PROPERTY ADJACENT TO THE EAST**

**WHEREAS**, University Heights Ordinance No. 79, as amended, provides for development of property in the Multiple-Family Commercial Zone pursuant to the Multiple-Family commercial Planned Unit Development (PUD) regulations and requirements set forth in Ordinance 79(13); and

**WHEREAS**, pursuant to Ordinance 79(13), Jeffrey L. Maxwell (“the Developer”) submitted a Multiple-Family Commercial PUD Plan Application dated April 7, 2015, as modified May 19, 2015 (“the PUD Plan Application”); and

**WHEREAS**, the University Heights City Council held a public hearing on the PUD Plan Application on May 27, 2015, pursuant to published notice; and

**WHEREAS**, the University Heights City Council has solicited comment from the public, from City staff, and from providers of various City services; and

**WHEREAS**, University Heights Ordinance 79(13)(C)(3) permits the University Heights City Council to approve, deny, or approve on condition the PUD Plan Application; and

**WHEREAS**, having considered the PUD Plan Application and the comment from the public, City staff, and providers of City services, the University Heights City Council finds and concludes that the PUD Plan Application should be approved on condition,

**IT IS, THEREFORE, RESOLVED** by the University Heights City County that the Multiple-Family Commercial PUD Plan Application submitted by Jeffrey L. Maxwell dated April 7, 2015, as modified May 19, 2015 (“the PUD Plan Application”) is hereby approved on the following specific conditions:

1. Approval by the City Council of a Development Agreement with Jeffrey L. Maxwell (“the Developer”) pursuant to Ordinance No. 79(13)(E); and
2. Approval by the City Council of a Sensitive Areas Site Plan, Development Plan, and Grading Plan if and to the extent required by Ordinance No. 128, which regulated development of Sensitive Areas; and
3. Approval by the City Council of any request to develop Protected Slopes as required by Ordinance No. 128; and

4. Approval by the City Council of a Storm Water Management Plan and/or variance to the extent required by Ordinance No. 169; and
5. Approval by the City Council of a Storm Water Pollution Prevention Plan and issuance by the City Council of a Construction Site Runoff Permit to the extent required by Ordinance No. 155; and
6. Approval by the City Council of an agreement and execution of such agreement by the City and the Developer providing that the Developer shall be responsible for maintenance, repair, and replacement of any retaining wall associated with the development that is located within the City's street right-of-way or otherwise upon City-owned property; and
7. Approval by the City Council of a Landscaping Plan showing the type, quantity, and locations of trees and landscaping features shown in the PUD Plan Application and renderings, unless the City Council agrees to such other trees and landscaping features;
8. Approval by the City Council of an economic assistance agreement with the Developer and execution of such an agreement by the City and Developer; and
9. This Conditional Approval of the PUD Plan Application shall not be construed as authority to commence construction or occupy the proposed development, such activity to be addressed by a future Building Permit Application and a future Occupancy Permit Application to be submitted by the Developer; and
10. The PUD Plan Application may be modified only by written instrument approved by the City Council and the Developer; and
11. Approval of the PUD Plan Application is specifically and expressly conditioned on the foregoing items.

Upon motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the vote was as follows:

	AYES:	NAYS	ABSENT
Aldrich	_____	_____	_____
Haverkamp	_____	_____	_____
Lane	_____	_____	_____
Miller	_____	_____	_____
Quezada	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 9<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
Louise From, Mayor  
City of University Heights

ATTEST:

\_\_\_\_\_  
Christine M. Anderson, City Clerk

RESOLUTION NO. 15-31

**RESOLUTION APPROVING ON CONDITIONS AND AUTHORIZING THE MAYOR TO SIGN AND THE CLERK TO ATTEST A DEVELOPMENT AGREEMENT FOR ONE UNIVERSITY PLACE, THE PROJECT CONTEMPLATED BY THE MULTIPLE-FAMILY COMMERCIAL PUD PLAN APPLICATION SUBMITTED BY JEFFREY L. MAXWELL CONCERNING PROPERTY CURRENTLY OWNED BY ST. ANDREW PREBYTERIAN CHURCH AND PROPERTY ADJACENT TO THE EAST**

**WHEREAS**, University Heights Ordinance No. 79, as amended, provides for development of property in the Multiple-Family Commercial Zone pursuant to the Multiple-Family commercial Planned Unit Development (PUD) regulations and requirements set forth in Ordinance 79(13); and

**WHEREAS**, pursuant to Ordinance 79(13), Jeffrey L. Maxwell (“the Developer”) submitted a Multiple-Family Commercial PUD Plan Application dated April 7, 2015, as modified May 19, 2015 (“the PUD Plan Application”); and

**WHEREAS**, University Heights Ordinance 79(13)(D) requires that, before development occurs pursuant to the Plan Application, the City and the Developer enter into a Development Agreement establishing certain development requirements and addressing certain other items,

**IT IS, THEREFORE, RESOLVED** by the University Heights City Council that the Mayor is authorized to sign and the Clerk to attest the Development Agreement attached hereto as Exhibit “A” for One University Place, the project contemplated by the Multiple-Family Commercial PUD Plan Application submitted by Jeffrey L. Maxwell dated April 7, 2015, as modified May 19, 2015 (“the PUD Plan Application”) SUBJECT TO the following specific conditions:

1. Approval by the City Council of a Multiple-Family Commercial Planned Unit Development (PUD) pursuant to Ordinance No. 79(13)(C); and
2. Approval by the City Council of an economic assistance agreement with Jeffrey L. Maxwell (“the Developer”) and execution of such an agreement by the City and the Developer; and
3. Approval by the City Council of an agreement and execution of such agreement by the City and the Developer providing for the reimbursement by the Developer to the City of the City’s reasonable professional and clerical fees and expenses related to the development proposed in the Developer’s Multiple-Family Commercial PUD Plan Application and the financing of that proposed development; and
4. This Conditional Approval of the Development Agreement shall not be construed as authority to commence construction or occupy the

proposed development, such activity to be addressed by a future Building Permit Application and a future Occupancy Permit Application to be submitted by the Developer; and

- 5. The Development Agreement may be modified only by written instrument approved by the City Council and the Developer; and
- 6. Approval of the PUD Plan Application is specifically and expressly conditioned on the foregoing items.

Upon motion by \_\_\_\_\_, and seconded by \_\_\_\_\_, the vote was as follows:

	AYES:	NAYS	ABSENT
Aldrich	_____	_____	_____
Haverkamp	_____	_____	_____
Lane	_____	_____	_____
Miller	_____	_____	_____
Quezada	_____	_____	_____

Upon Roll Call thus recorded, the Resolution is declared adopted this 9<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
Louise From, Mayor  
City of University Heights

ATTEST:

\_\_\_\_\_  
Christine M. Anderson, City Clerk

ORDINANCE NUMBER 187 (amending Ordinance Number 79)

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION,  
CONSTRUCTION, USE OF BUILDINGS AND STRUCTURES, AND THE USE OF  
LAND IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

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

Part I: AMENDMENTS:

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

\*\*\*\*

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

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3. ~~The word "person"~~"Person" includes individuals, partnerships, associations and corporations.
4. ~~The word "lot" shall mean~~"Lot" means a parcel of land adequate for occupancy by a use permitted under this ordinance.
5. ~~The term "shall"~~Shall is always mandatory.

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8. "Accessory Structure" means a building that is incidental and subordinate to and smaller than the main building on the same property or to the use of that property and contributes to the comfort, convenience, or necessity of occupants of the main building. Accessory Structures may not be used for human occupancy or living. Sheds are not Accessory Structures.
9. "Shed" means a building that does not exceed one hundred forty-four (144) square feet in area and does not exceed eight (8) feet in Building Height.
10. "Garage" is an Accessory Structure that is used for storing private or pleasure-type motor-driven vehicles owned and used by the occupants of the main building.
11. "Garden Structure" means, pergolas, arbors, trellis or other similar structures without solid walls and without a solid roof, intended specifically to enhance the appearance of a garden or which has a function relating to the use of outdoor space, but not

- including Dwellings, Garages, carports, Accessory Structures, or Sheds.
12. Play Structures" means swing sets, slides, playhouses, jungle gyms, sandboxes, or other similar structures intended specifically for outdoor recreational activity for persons but not including Dwellings, Garages, carports, Accessory Structures, or Sheds.
  13. "Front Foundation Line" means a line drawn from one side lot line to the other side lot line intersecting the point of the foundation of the main building closest to the front lot line adjacent to the street right-of-way. See Figure 01 appended to this Ordinance.
  14. "Rear Foundation Line" means a line drawn from one side lot line to the other side lot line intersecting the point of the foundation of the main building closest to the rear lot line. See Figure 01 appended to this Ordinance.
  15. "Side Foundation Line" means a line drawn from Front Foundation Line to the Rear Foundation Line intersecting the point of the foundation of the main building closest to the side lot line. See Figure 01 appended to this Ordinance.
  16. "Front Yard" means the area from the Front Foundation Line to the front lot line adjacent to the street right-of-way. On corner lots, the Front Yard may face either street; provided, however, that the Front Yard for Horn Elementary School faces both Benton Street and Emerald Street such that the areas to the north and to the east of the school building are Rear Yards (with a required Setback of 30 feet) and not Side Yards. The front lot line of lots adjacent to the east side of Olive Court shall be on the west side of said lots, adjacent to Olive Court. See Figure 01 appended to this Ordinance.
  17. "Rear Yard" means the area from the Rear Foundation Line to the rear lot line. The Rear Yard is always on the opposite side of the lot from the Front Yard. See Figure 01 appended to this Ordinance.
  18. "Side Yard" means the area from the Side Foundation Line to the nearest side lot line and between the Front Foundation Line and the Rear Foundation Line. See Figure 01 appended to this Ordinance.
  19. "Front Setback" means the area between the front lot line adjacent to the street right-of-way and the Front Setback Line. See Figure 01 and Figure 02 appended to this Ordinance.
  20. "Rear Setback" means the area between the rear lot line and the Rear Setback Line. See Figure 01 and Figure 02 appended to this Ordinance.
  21. "Side Setback" means the area between the side lot line and the Side Setback Line. See Figure 01 and Figure 02 appended to this Ordinance.
  22. "Front Setback Line" means a line drawn parallel to and as far back from the front lot line adjacent to the street right-of-way as is necessary to provide for the Front Setback. See Figure 01 and Figure 02 of this Ordinance.

23. "Rear Setback Line" means a line drawn parallel to and as far back from the rear lot line as is necessary to provide for the Rear Setback. See Figure 01 and Figure 02 appended to this Ordinance.
24. "Side Setback Line" means a line drawn parallel to and as far back from the side lot line as is necessary to provide for the Side Setback. See Figure 01 and Figure 02 appended to this Ordinance.
25. "Buildable Area" means that portion of a lot bordered by the Front Setback Line, Rear Setback Line, and Side Setback Lines. The primary building on a lot may only be in the Buildable Area. See Figure 02 appended to this Ordinance.
26. "Building Height" means the vertical distance from grade to the roofline. See Section 7 for further definitions and restrictions on Building Height. See Figure 03 appended to this Ordinance.
27. "Maximum Structure Height" means the vertical distance from grade to ridge. See Section 7 for further definitions and restrictions on Maximum Structure Height. See Figure 03 appended to this Ordinance.
28. "Dwelling" ~~is means~~ a building or portion thereof which is designed or used for a residential purpose.
29. "Single Family Dwelling" ~~is means~~ a dwelling that contains only one living unit.
30. "Multiple-family Dwelling" ~~is means~~ a dwelling that contains more than one living unit.
31. "Living Unit" ~~is means~~ a room or rooms occupied by a family, provided that a living unit must have a kitchen.
32. "Family" ~~is means defined as~~ one person or two or more persons related by blood, marriage, or adoption occupying a dwelling as an individual housekeeping unit.
33. "Yard" means the area from the foundation to the lot line.
- ~~13. "Yard" shall mean an open space on the same lot with a building remaining unoccupied and unobstructed by any structure. Yard width or depth is measured by the minimum horizontal distance between the lot line and any overhang or projection of the main building.~~
- ~~14. "Front Yard" is the area from one side lot line to the other side lot line and between any overhang or projection of the front of the main building and the front lot line adjacent to the street right-of-way. On corner lots, the front yard may face either street; provided, however, that the front yard for Horn Elementary School faces both Benton Street and Emerald Street such that the areas to the north and to the east of the school building are rear yards~~

~~(with a required minimum depth of 30 feet) and not side yards. The front lot line of lots adjacent to the east side of Olive Court shall be on the west side of said lots, adjacent to Olive Court.~~

- ~~15. "Rear Yard" is the area from one side lot line to the other side lot line and between any overhang or projection of the rear of the main building and the rear lot line. The rear yard is always on the opposite end of the lot from the front yard.~~
- ~~16. "Side Yard" is the area from the front yard line to the rear yard line, and from any overhang or projection of the main building to the side lot line.~~
- ~~17. "Front Yard Line" is a line drawn parallel to and as far back from the front lot line adjacent to the street right-of-way as is necessary to provide for the minimum required front yard.~~
- ~~18. "Rear Yard Line" is a line drawn parallel to and as far back from the rear lot line as is necessary to provide for the minimum rear yard.~~
- ~~19. "Private Garage" is an accessory building housing motor driven vehicles owned and used by the occupants of the main building.~~
34. "Structural Alterations" are means any changes in the configuration of the exterior walls, foundation, or the roof of a building which results in an increase in the area, Building Hheight, or volume of the building.
35. "Temporary Structures" are means trailers, mobile homes, or any building not on or permanently affixed to a permanent foundation.
36. "Home Occupations" are means an accessory use consisting of any occupation or profession carried on by a member of the family residing on the premises; provided that in connection with such occupation or profession, no sign other than one non-illuminated sign, no larger than one square foot in area is used, which sign is attached to the building; that nothing is done to make the building or premises appear in any way as anything but a dwelling; that no products are sold except those prepared on the premises; that no one is employed from outside the family residing on the premises; and that no mechanical equipment is used other than that which is permissible for purely domestic or household purposes.

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#### Section 5. Districts and Boundaries Thereof.

- A. In order to classify, regulate and restrict the location of residences, trades, industries, businesses, and other land uses and the location of buildings designed for specified uses, to regulate and limit the ~~height~~ Building Height and bulk of buildings hereinafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, Setbacks, and other open spaces around such buildings, the City of University Heights, Iowa, is hereby divided into Six (6) zones, to-wit:

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

- A. Property in an R-1 Single-Family Residential zone shall be used for the following purposes only:

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4. Other customary accessory uses and ~~buildings~~Accessory Structures, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such ~~accessory buildings~~Accessory Structures shall not be used for human occupancy or living.

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- B. Property in an R-3 Multiple-Family Residential Zone shall be used for the following purposes only:

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3. As provided in the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Planned Unit Development (PUD) regulations and requirements set forth in Section 12 of this Ordinance. When development occurs pursuant to a Multiple-Family PUD, provisions of this Ordinance regarding Building height ~~Height~~ restrictions, yard regulations, Setbacks, lot regulations, and off-street parking (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 12 and the Development Agreement between the City and Developer.

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- D. Property in a C Commercial Zone shall be used for the following purposes only:

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- E. Property in a PUD Planned Unit Development Zone shall be used as provided in the Development Agreement between the City of University Heights and the Developer pursuant to the PUD regulations and requirements set forth in Section 11 of this Ordinance. Provisions of this ordinance regarding yard regulations, Setbacks, lot regulations, and off-street parking (Sections 8, 9, and 10) are superseded in the PUD Zone by the provisions of Section 11 and the Development Agreement between the City and Developer.

- F. Property in a Multiple-Family Commercial zone shall be used for the following purposes only:

1. All uses which are allowed in an R-1 Single-Family Residential Zone, subject to the Building height ~~Height~~ restrictions, yard regulations, Setbacks, lot regulations, and off-street

parking regulations specified for the R-1 Single-Family Residential Zone in Sections 7, 8, 9, and 10 of this Ordinance.

2. As provided in or limited by the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Commercial Planned Unit Development (PUD) regulations and requirements set forth in Section 13 of this Ordinance.
  - a. When development occurs pursuant to a Multiple-Family Commercial PUD, the provisions of this Ordinance regarding Building height—Height restrictions, yard regulations, Setbacks, lot regulations, and off-street parking regulations (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 13 and the Development Agreement between the City and Developer.

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~~Section 7. Height Restrictions. No building in any zone shall exceed 35 feet in height. Height for this purpose shall be the vertical distance from the highest point of the finished grade of any street on which said property abuts to the highest point of the roof or coping. Radio or TV towers, spires, steeples, and chimneys are exempt from these height restrictions, but only to the extent such towers, spires, steeples and chimneys are appended to a building for the purpose of serving only that building.~~

Section 7. Height Restrictions. "Building Height" means the vertical distance from grade to the roofline. "Maximum Structure Height" means the vertical distance from grade to ridge.

- A. "Grade" means the average point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line or, if the lot line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. If the finished surface of the ground has been raised by adding fill to create a higher grade around a building, the slope of the fill within twenty (20) feet of the building shall not exceed four (4) horizontal to one (1) vertical or twenty-five (25) percent. See Figure 03 appended to this Ordinance.
- B. "Roofline" means the highest point of the coping of a flat roof, the deck line of a mansard roof, or the midpoint between the eaves and ridges of saddle, hip, gable, gambrel, or ogee roofs. See Figure appended to this Ordinance.
- C. "Ridge" means the highest point of any roof other than a flat roof including mansard, saddle, hip, gable, gambrel, or ogee roofs. On flat roofs, "Ridge" means the coping.

D. The following are exempt from "Building Height" and "Maximum Structure Height" but only to the extent they are appended to a building for the purpose of serving only that building:

(1) Chimneys or flues.

(2) Spires on religious or other institutional buildings.

(3) Cupolas, domes, skylights and other similar roof protrusions not used for the purpose of obtaining habitable floor space.

(4) Flagpoles that extend not more than ten (10) feet above the height limit or not more than five (5) feet above the highest point of the roof, whichever is less.

(5) Parapet or fire walls extending not more than three (3) feet above the limiting height of the building.

(6) Poles, towers and other structures accessory to a basic utility use, such as street lights and utility poles.

(7) Roof structures, including elevator bulkheads, stairways, ventilating fans, cooling towers, solar panels, and similar necessary mechanical and electrical appurtenances required to operate and maintain the building.

(8) Television antennas and similar apparatus.

E. Unless otherwise provided, Building Height of the main building in any zone may not exceed thirty (30) feet and Maximum Structure Height may not exceed thirty-five (35) feet. See Figure 03 appended to this Ordinance.

E. Unless otherwise provided, Building Height of an Accessory Structure in any zone may not exceed fifteen (15) feet and Maximum Structure Height may not exceed twenty (20) feet. See Figure 03 appended to this Ordinance.

#### Section 8. Yard Regulations.

A. The following minimum yards-Setbacks shall be provided for each building, as follows:

<u>ZONE</u>	<u>ONE FRONT YARD</u>	<u>TWO SIDE YARDS</u>	<u>ONE REAR YARD</u>
	<u>HAVING A DEPTH</u>	<u>HAVING A DEPTH</u>	<u>HAVING A DEPTH</u>
	<u>OF</u>	<u>OF</u>	<u>OF</u>

ZONE	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
R-1	25 ft.	5 ft.	30 ft.
R-3	25 ft.	10 ft.	30 ft.
B	10 ft.	0 ft.	20 ft.
C	30 ft.	15 ft.	20 ft.

See Figure 02 appended to this Ordinance.

- B. On corner lots, there shall be a set back from each street to the main building equal to the ~~minimum front~~ Front Setback yard-depth.
- C. Except as otherwise provided, Setbacks shall remain open space, unoccupied and unobstructed by any structure. See Figure 02 appended to this Ordinance.
- D. If a ~~garage~~ Garage is detached from the primary dwelling structure, the garage may be located in the ~~rear yard~~ Rear Setback, provided, however, that it is not less than sixty (60) feet from the front lot line, in which event there shall be a minimum distance of two (2) feet from any overhang or projection of the ~~garage~~ Garage to any lot line and provided further that the square footage of the Garage does not exceed one-third (1/3) the area of the Rear Setback. See Figure 02 appended to this Ordinance.
- E. Accessory Structures must be at least five (5) feet from the main building and any lot line, measured from the Foundation Line. Any eave or overhang of Accessory Structures must be at least one (1) foot from any lot line. Accessory Structures other than detached Garages may be located only in the Buildable Area of a Rear Yard See Figure 01 and Figure 02 appended to this Ordinance.
- F. Sheds may be located in Rear Setbacks, provided that the square footage of the Shed plus the square footage of any Garage located in the Rear Yard does not exceed does not exceed one-third (1/3) the area of the Rear Setback. See Figure 02 appended to this Ordinance.
- G. Open terraces, patios, or concrete slabs (collectively "projections") that do not extend above the level of the ground may project into a required yardSetbacks, provided these they projections remain at least two (2) feet from the any adjacent lot line, and provided further that the terraces, patios, or concrete slabs shall not exceed one-third (1/3) the size of the required front or rear yard where the projection is located, and they shall not be used for parking of motor vehicles. However, no such open terraces, patios, or concrete slabs projections may be located in any front yard or rear yard unless the sum of their square footage of the projection plus the square footage of any parking spaces and/or driveway located in the same yard does not exceed one-third (1/3) the area of the Setback of the required yard where they are located. If they are attached to, immediately adjacent to, or abutting the primary building on the lot and are not enclosed, then such open terraces, patios, or concrete slabs may extend up to sixteen (16) inches above the level of the ground. See Figure 01 and Figure 02 appended to this Ordinance.

- H. Steps or ramps that are necessary to provide access to the first floor of buildings or for access to a lot from a street may extend into Setbacks.
- I. The following appurtenances may extend up to two (2) feet into Setbacks, measured from the Foundation Line, provided that they are attached to the main building on the lot and are supported by that building and not from the ground:
- (1) Architectural projections or features such as sills, eaves, cornices, and other ornamental features;
  - (2) Gutters and downspouts;
  - (3) Awnings, eaves, and canopies;
  - (4) Bay windows; and
  - (5) Any combination of the above listed appurtenances.
- J. Garden Structures may be located in Setbacks, provided that no part of the Garden Structures is within two (2) feet of any street right-of-way line. See Figure 02 appended to this Ordinance.
- K. Play Structures may be located in Rear or Side Setbacks, provided that no part of the Play Structures is within two (2) feet of any lot line. See Figure 02 appended to this Ordinance.
- L. Concrete slabs for air-conditioning units shall be placed in the rear yardRear Yard or Side Yard at least five (5) feet 5 feet from the adjacentany lot line. See Figure 01 and Figure 02 appended to this Ordinance.

Section 9. Lot Regulations.

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- B. For purposes of the above regulations, lot frontage is the distance of a lot measured along a street, and lot width is the width of a lot at the ~~front yard~~Front Setback line. See Figure 01 and Figure 02 appended to this Ordinance.

Section 10. Off-street Parking Regulations. At any time any building is erected or structurally altered or any change in use is made, unless otherwise provided in this ordinance, off-street parking spaces shall be provided in accordance with the following requirements.

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D. Location of Parking Spaces:

All yards shall remain open space free of parking and driveways unless otherwise provided as follows:

1. In single-family residential (R-1) zones - ~~required~~ parking spaces and driveways may be located in the front yardFront Yard provided that the parking spaces may not exceed an area greater than one-third (1/3) of the Front Setback; the

~~remainder of the Front Yard a minimum of two-thirds (2/3rds)~~  
~~of the required front yard area shall remain open space, free~~  
~~of parking spaces and driveways. However, for lots adjacent~~  
~~to the east side of Olive Court, required parking spaces and~~  
~~driveways may be located in the rear yardRear Yard, provided~~  
~~that the parking spaces may not exceed an area greater than~~  
~~one-third (1/3) of the Rear Setback; the remainder of the~~  
~~Rear Yard a minimum of two-thirds (2/3rds) of the required~~  
~~rear yard shall remain open space, free of parking spaces and~~  
~~driveways. If required parking spaces for a lot adjacent to~~  
~~the east side of Olive Court are located in the rear yardRear~~  
~~Yard, then required spaces may not also be located in the~~  
~~front yardFront Yard of that lot. See Figure 01 and Figure 02~~  
~~appended to this Ordinance.~~

2. In Multiple-family residential (R-3) zones - parking may be allowed in the ~~required minimum rear yard Rear Setback~~ but not closer than 10 feet to the rear lot line. Driveways may be located in the ~~required minimum front or side yardsFront Setback or Side Setback~~, provided a minimum of 50% of the ~~required frontFront Setback and side yardsSide Setback~~ shall remain in open space free of driveways. See Figure 01 and Figure 02 appended to this Ordinance.
3. In Business (B) zones - parking spaces may be located in any ~~required yardSetback~~. See Figure 02 appended to this Ordinance.
4. In Commercial (C) zones - parking spaces may be located in any ~~required yardSetback~~ provided, however, no parking shall be located within 15 feet of any adjoining property located in a residential zone. See Figure 02 appended to this Ordinance.

Section 11. Planned Unit Development (PUD).

\*\*\*\*

- D. PUD Plan Application Requirements. A PUD Plan Application must set forth or otherwise include all of the following:

\*\*\*\*

4. ~~Front, sideSide, and rearRear yard setbacksSetbacks.~~

\*\*\*\*

14. ~~Maximum Building heightHeight~~ of proposed structures and perimeter fences.
15. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.

\*\*\*\*

Section 12. Multiple-Family Planned Unit Development (PUD).

\*\*\*\*

- B. Development Options - Density, Height, Parking, and Green Space Restrictions. Property may be developed as a Multiple-Family PUD in the following alternatives pursuant to the respective regulations and restrictions provided:

1. Alternative 1 - Vertical Concept.

\*\*\*\*

b. No building may exceed fifty-five (55) feet in ~~Building height~~ Height as defined in Section 7 of this Ordinance.

\*\*\*\*

2. Alternative 2 - Horizontal Concept.

\*\*\*\*

b. No building may exceed thirty-nine (39) feet in ~~height~~ Building Height as defined in Section 7 of this Ordinance.

\*\*\*\*

e. The eave of any building shall not be less than forty-five (45) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; twenty (20) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and thirty (30) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property; provided, however, that the existing ~~garages~~ Garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new ~~garage~~ Garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

f. Building projections, including screened porches or walls, shall not be less than thirty-five (35) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; ten (10) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property; provided, however, that the existing

~~garages~~ Garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new ~~garage~~ Garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

g. The University Heights City Council may approve a Multiple-Family PUD application that includes parking spaces 18 feet in length and includes parking spaces in ~~required minimum yards~~ Setbacks notwithstanding the provisions of Section 10 of this ordinance.

\*\*\*\*

- E. Multiple-Family PUD Plan Application Requirements. A Multiple-Family PUD Plan Application must set forth or otherwise include all of the following:

\*\*\*\*

4. Front, ~~side~~ Side, and ~~rear~~ Rear yard setbacks Setbacks.

\*\*\*\*

14. Maximum Building Hheight of proposed structures and perimeter fences.

\*\*\*\*

Section 13. Multiple-Family Commercial PUD.

\*\*\*\*

5. The front building of the development (closest to Melrose Avenue) shall not exceed thirty-eight (38) feet in ~~height~~ Building Height, and the rear building shall not exceed seventy-six (76) feet in ~~height~~ Building Height. "Building Height" is defined in Section 7 of this Ordinance.

\*\*\*\*

- D. Multiple-Family Commercial PUD Plan Application Requirements. A Multiple-Family Commercial PUD Plan Application must set forth or otherwise include all of the following:

\*\*\*\*

4. Front, ~~side~~ Side, and ~~rear~~ Rear yard sSetbacks.

\*\*\*\*

Section 15. Board of Adjustment Created. A Board of Adjustment is hereby created. The Board of Adjustment shall consist of five members, each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. The Board shall elect a chairman from its membership, and appoint a secretary. The procedures, duties and powers of the Board shall be as follows:

\*\*\*\*

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

\*\*\*\*

c) To authorize upon appeal in the following specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this ordinance will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done:

1) Vary the yard, Setbacks, Building ~~height~~ Height, or lot area regulations where there is an exceptional or unusual dimensional configuration or physical condition of the lot not generally prevalent in the neighborhood and which condition when related to the regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.

\*\*\*\*

C. Non-conforming Lots of Record.

1. In an R-1 or B zone, a building may be erected for any use permitted in the zone on any lot of record on the effective date of this ordinance notwithstanding the lot's failure to meet the requirements of the zone for frontage and width. In any zone in which single-family dwellings are permitted, a single-family dwelling and ~~accessory buildings~~ Accessory Structures may be erected on any lot of record on the effective date of this ordinance notwithstanding its failure to meet the requirements of the zone for area.

2. A single-family dwelling on a non-conforming lot may be repaired, reconstructed or structurally altered provided the structural alteration does not increase the degree of non-conformity with yard, Setbacks, and area requirements. A multi-family building located on a non-conforming lot which does not meet the area requirements may be repaired and may be remodeled to a lesser number of units but shall not be reconstructed or structurally altered. See Figure 02 appended to this Ordinance.

\*\*\*\*

D. Non-conforming Use.

\*\*\*\*

7. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise more than one-third (1/3) of the ~~required front yard~~Front Setback may continue to be used if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged. See Figure 02 appended to this Ordinance.
8. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise one-third (1/3) or less of the ~~required front yard~~Front Setback may continue to be used if they are constructed of loose gravel, rock, or stone; or compacted gravel, rock, or stone; or crushed rock or chip seal surfaces. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged. See Figure 02 appended to this Ordinance.
9. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that project into a ~~rear yard~~Rear Yard may continue to be used if they lead to or provide access to a ~~garage~~Garage with a door or opening large enough to admit automobiles; and if the door or opening faces the ~~rear yard~~Rear Yard; and if the door or opening was in place as of December 1, 2008; and if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced, but they may not be enlarged. In the event the ~~garage~~Garage door or opening that faces the ~~rear yard~~Rear Yard is ever closed off or otherwise abandoned, the non-conforming driveways, parking spaces, or parking areas must be removed and the ~~rear yard~~Rear Yard shall thereafter conform to the provisions of this ordinance. See Figure 01 appended to this Ordinance.
10. Any open terrace, patio, or concrete slab (collectively "projections") permitted by Section §10(D) to be located in the ~~rear yard~~Rear Yard of a lot adjacent to the east side of Olive Court that is in place and in use as of February 1, 2013, may continue to be used only as follows:
  - A. If the projection itself comprises an area that is more than one-third (1/3) of the ~~required rear yard~~Rear Setback, it may continue to be used only under the following conditions:

\*\*\*\*

B. If the square footage of the projection plus the square footage of any parking spaces and driveway located in the same yard comprise an area that is more than one-third (1/3) of the ~~required rear yard~~Rear Setback, the projection may continue to be used only under the following conditions:

\*\*\*\*

See Figure 01 and Figure 02 appended to this Ordinance.

E. Non-conforming Buildings.

1. Any building, which contains a conforming use, but could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, Building heightHeight, yards, Setbacks, its location on the lot or other requirements concerning the structure, may continue subject to the following conditions:

\*\*\*\*

See Figure 02 and Figure 03 appended to this Ordinance.

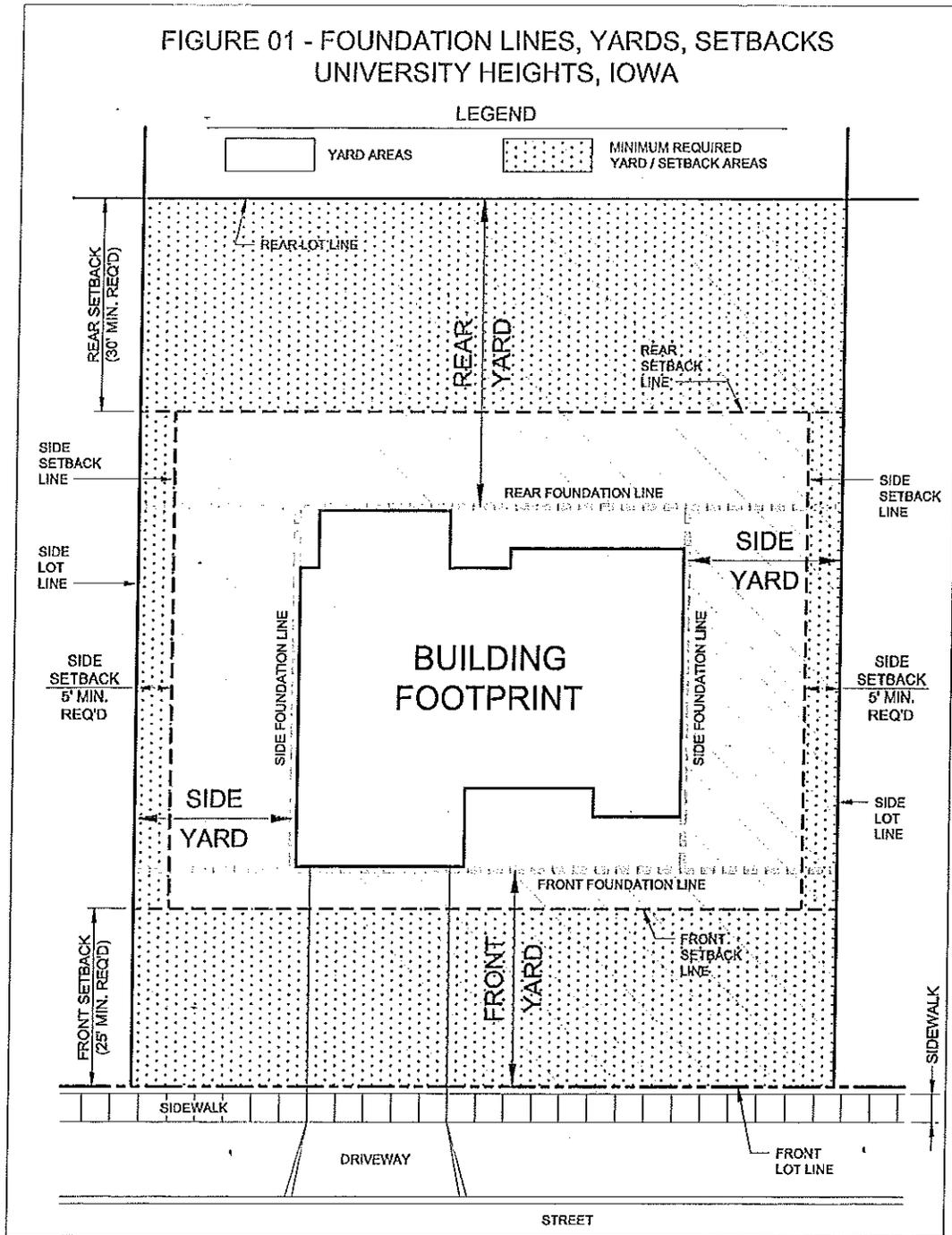
Section 18. Amendments to this Ordinance. The boundaries of districts as now established and the regulations thereof may be amended, supplemented, changed, modified, or repealed by the City Council from time to time, either upon its own motion, or upon a petition therefore, or upon recommendation of the Zoning Commission as hereinafter provided:

1. Any petition for a proposed amendment, supplement, change, modification, or repeal of any section of this zoning ordinance shall be filed with the City Clerk with four (4) duplicate copies and the Clerk shall deliver the same to the Zoning Commission for its recommendations and report. If the Zoning Commission makes no report within 45 days from the date of filing of the petition, it shall be considered to have made a report approving the proposed amendment, supplement, change, modification or ~~change~~repeal.
2. The Zoning Commission shall file its recommendations and report to the City Clerk and the Council shall, before enacting any proposed amendment, supplement, change, modification, or repeal, hold a public hearing in relation thereto, giving at least seven (7) but not more than twenty (20) ~~15~~ days' notice of the time and place of such hearing, which notice shall be published in a newspaper having a general circulation in the City of University Heights, Iowa, but in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.
3. If the Zoning Commission recommends against, or if a protest against such proposal, amendment, supplement, change, modification, or repeal shall be presented in writing to the City Clerk, duly signed and ~~acknowledged~~ by the owners of

twenty percent (20%) or more, either of the area of the lots included in such the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, the change or repeal such amendment, supplement, change, modifications or repeal shall not become effective except by the favorable vote of three-fourths (3/4ths) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

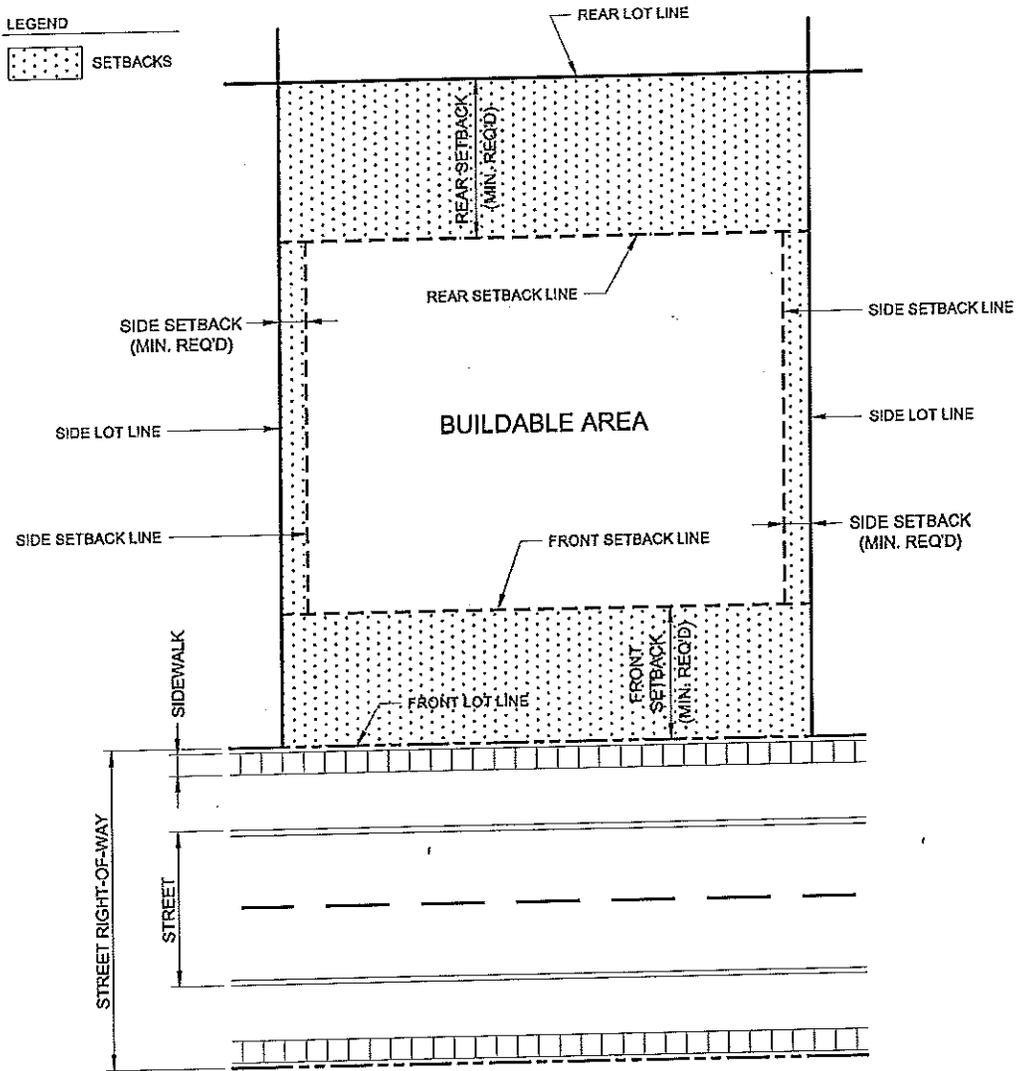
\*\*\*\*

Appendix - Figures 01, 02, and 03\*



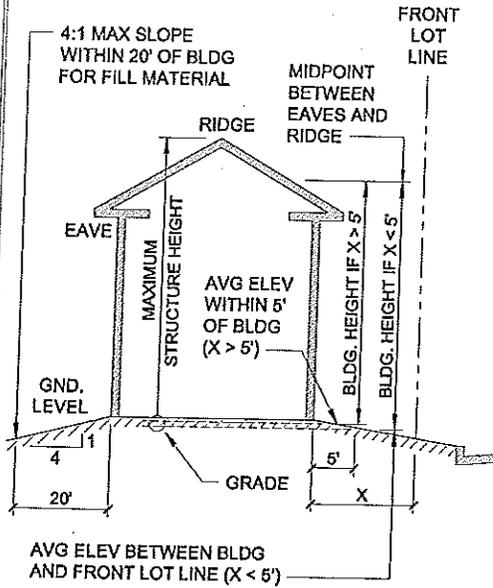
\* If the depictions in the Figures set forth in this Appendix differ or are contrary to the text of the Ordinance, the text of the Ordinance itself controls; any ambiguity in construction and interpretation of the Ordinance shall be resolved by reference to the text of the Ordinance itself and not to the Figures.

FIGURE 02 - BUILDABLE AREA AND SETBACK LINES  
UNIVERSITY HEIGHTS, IOWA

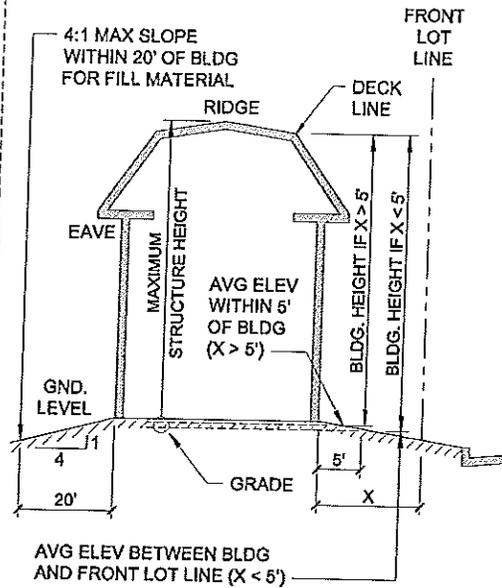


**FIGURE 03 - BUILDING HEIGHT AND MAXIMUM STRUCTURE HEIGHT  
UNIVERSITY HEIGHTS, IOWA**

**HIP, GABLE, GAMBREL, SADDLE AND OGEE ROOFS**



**MANSARD ROOFS**



**BUILDING HEIGHT:**  
VERTICAL DISTANCE FROM GRADE TO THE ROOFLINE.

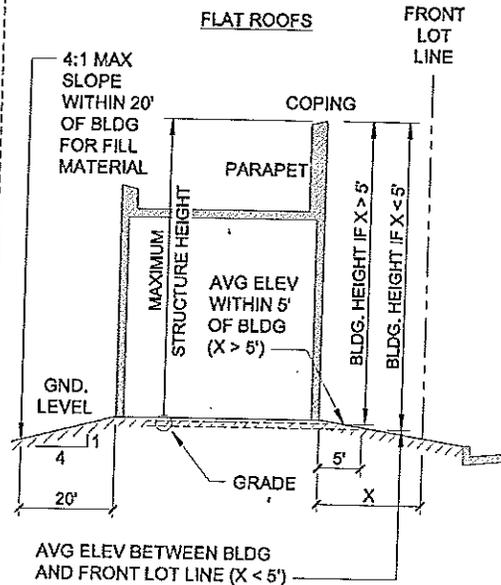
**MAXIMUM STRUCTURE HEIGHT:**  
VERTICAL DISTANCE FROM GRADE TO THE RIDGE OR COPING.

**GRADE:**  
THE AVERAGE POINT OF ELEVATION OF THE FINISHED SURFACE OF THE GROUND, PAVING OR SIDEWALK WITHIN THE AREA BETWEEN THE BUILDING AND THE FRONT LOT LINE OR, IF THE FRONT LOT LINE IS MORE THAN FIVE FEET (5') FROM THE BUILDING, BETWEEN THE BUILDING AND A LINE FIVE FEET (5') FROM THE BUILDING. IF THE FINISHED SURFACE OF THE GROUND HAS BEEN RAISED BY ADDING FILL TO CREATE A HIGHER GRADE AROUND A BUILDING, THE SLOPE OF THE FILL WITHIN TWENTY FEET (20') OF THE BUILDING SHALL NOT EXCEED FOUR (4) HORIZONTAL TO ONE (1) VERTICAL OR TWENTY-FIVE PERCENT (25%).

**ROOFLINE:**  
THE HIGHEST POINT OF THE COPING OF A FLAT ROOF, THE DECK LINE OF A MANSARD ROOF, OR THE MIDPOINT BETWEEN THE EAVES AND RIDGE OF A SADDLE, HIP, GABLE, GAMBREL, OR OGEE ROOF.

(UH 79, SECTION 7)

**FLAT ROOFS**



**PART II: EFFECTIVE DATE:**

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

**PART III: REPEALER:**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

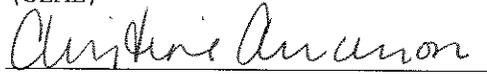
**PART IV: SAVING CLAUSE:**

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

Adopted by the University Heights City Council on this 10<sup>th</sup> day of March, 2015, and approved this 10<sup>th</sup> day of March, 2015.

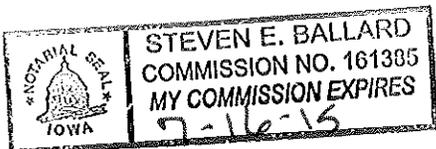
  
Louise From, Mayor

ATTEST:  
(SEAL)

  
Christine Anderson, City Clerk

STATE OF IOWA                    )  
                                          )        SS:  
COUNTY OF JOHNSON            )

On the 10<sup>th</sup> day of March, 2015, before me, a notary public in and for the state of Iowa, personally appeared Louise From, Mayor, and Christine Anderson, Clerk of the City of University Heights, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that said instrument was acknowledged and sealed on behalf of the City, and that Louise From and Christine Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.



  
Notary Public in and for the  
State of Iowa

CITY OF UNIVERSITY HEIGHTS, IOWA  
URBAN RENEWAL PLAN  
UNIVERSITY HEIGHTS ONE UNIVERSITY PLACE URBAN RENEWAL AREA

July, 2015

**I. INTRODUCTION**

Chapter 403 of the Code of Iowa authorizes cities to establish areas within their boundaries known as “urban renewal areas,” and to exercise special powers within these areas. Urban renewal powers were initially provided to cities in order that conditions of blight and of deterioration within cities might be brought under control. Gradually, urban renewal has been found to be a useful tool, as well, for economic development in previously undeveloped areas and for retention of enterprises and jobs in other areas.

In order to facilitate the use of urban renewal for economic development, in 1985, the Iowa General Assembly amended Chapter 403 to authorize City Councils to create “economic development” areas. An economic development urban renewal area may include any area of a city which has been designated by the City Council as an area which is appropriate for commercial enterprises and in which the city seeks to encourage further development.

As an additional expression of the role for local governments in private economic development, the General Assembly also enacted Chapter 15A of the Code of Iowa, which declares that economic development is a “public purpose” and authorizes local governments to make grants, loans, guarantees, tax incentives and other financial assistance to private enterprise. The statute defines “economic development” as including public investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost.

The process by which an economic development urban renewal area may be created begins with a finding by the City Council that such an area needs to be established within the City. An urban renewal plan is then prepared for the area, which must be consistent with the City’s existing comprehensive or general plan. All other affected taxing entities must be notified and given an opportunity to comment on the plan. The City Council must hold a public hearing on the urban renewal plan, following which, the Council may approve the plan.

This document is intended to serve as the Urban Renewal Plan for the City of University Heights’s (the “City”) University Heights One University Place Urban Renewal Area (the “Urban Renewal Area”) and to guide the City in promoting economic growth through the encouragement of commercial development in such area as detailed herein. This document is an Urban Renewal Plan within the meaning of Chapter 403 of the Code of Iowa and sets out proposed projects and activities within the Urban Renewal Area.

## **II. DESCRIPTION OF URBAN RENEWAL AREA**

A description of all property (the “Property”) that has been included within the Urban Renewal Area is attached hereto as Exhibit A.

## **III. URBAN RENEWAL OBJECTIVES**

The primary objectives for the development of the Urban Renewal Area are:

1. To contribute to a diversified, well-balanced local economy by creating job opportunities and strengthening the property tax base.
2. To assist in providing land and resources for new and expanded commercial development in a manner that is efficient from the standpoint of providing municipal services.
3. To stimulate through public action and commitment, private investment in commercial development, and to encourage commercial job retention, growth and expansion through the use of various federal, state and local incentives, including tax increment financing.
4. To provide municipal infrastructure, services and facilities that enhance possibilities for economic development and community attractiveness to private enterprise.
- 5.. To help finance the cost of streets, water, sanitary, storm sewer, or other public improvements in support of new commercial development.
6. To provide a more marketable and attractive investment climate.
7. To provide public facilities to enhance City services and enhance the economic attractiveness of the community.

#### **IV. URBAN RENEWAL PROJECTS AND ACTIVITIES**

The following types of activities are examples of the specific actions which may be undertaken by the City within the Urban Renewal Area:

1. Preparation of plans related to the development and implementation of the Urban Renewal Area and specific urban renewal projects.
2. Construction of public improvements and facilities, including streets, public utilities or other facilities in connection with an urban renewal project.
3. Construction of buildings or specific site improvements such as grading and site preparation activities, access roads and parking, railroad spurs, fencing, utility connections, and related activities.
4. Acquisition, preparation and disposition of property for development and/or redevelopment.
5. Making available, as appropriate, financing for development projects, including conventional municipal borrowing and tax increment financing resulting from increased property values in the Urban Renewal Area.
6. Pursuant to state law, provision of direct financial assistance, including grants, loans and tax increment rebate agreements, to private persons engaged in economic development, in such form and subject to such conditions as may be determined by the City Council.

#### **V. SPECIFIC URBAN RENEWAL PROJECTS**

The City has determined to undertake the following initiatives in the Urban Renewal Area as economic development urban renewal projects:

**Name of Project:** One University Place Commercial Redevelopment Project

**Date of Council Approval of Project:** July 14, 2015

**Description of the Project:** A private developer (the “Developer”) has undertaken the acquisition and redevelopment of the Property. The redevelopment of the Property will consist of the construction of two buildings. Both of the buildings will contain residential condominium units. One of the buildings will also contain commercial retail units and space that will potentially be available to the City for use as a community center.

The Developer has requested tax increment financing assistance from the City in order complete the construction of the commercial retail units (the “Commercial Project”). The Developer has informed the City that completion of the Commercial Project is not possible without such tax increment financing assistance, and the City has deemed it advisable to provide tax increment financing support to the Developer in connection with the construction, maintenance and operation of the Commercial Project.

The City will not use tax increment financing to support the Developer with respect to the development and construction of the residential condominium units or with respect to the development and construction of the potential community center space.

**Description of Use of TIF:** The City intends to enter into a Development Agreement with the Developer with respect to the construction and use of the completed Commercial Project and to provide economic development payments (the “Payments”) thereunder. The Payments will be funded with incremental property tax revenues to be derived from the Property. It is anticipated that the City’s total commitment of incremental property tax revenues with respect to the Commercial Project will not exceed \$4,000,000.

## **VI. LAND USE PLAN AND PROPOSED DEVELOPMENT**

The City has adopted a Comprehensive Land Use Plan which guides the establishment of commercial, residential and industrial land uses throughout the incorporated area. Land use in the Urban Renewal Area will be carried out in a manner that will maintain consistency with the Comprehensive Land Use Plan.

## **VII. TAX INCREMENT FINANCING**

In order to assist in the development or retention of private enterprises, the City may be requested to acquire land, construct public improvements or provide economic development loans, grants or other tax incentives for the benefit of private enterprises in order to enhance the value of property in the Urban Renewal Area. As part of the Urban Renewal Area, the City has adopted an ordinance to create a tax increment district (the “TIF District”), within which the property taxes eventually paid by new private development may be used to pay costs of urban renewal projects for these types of activities, including reimbursing the City or paying debt service on obligations issued by the City. The use of these tax revenues is known as tax increment financing (“TIF”).

Depending upon the date upon which the TIF District is legally established and the date on which debt is initially certified within the TIF District, an original taxable valuation is established for the property within the TIF District, which is known as the “base valuation.” The “base valuation” is the assessed value of the taxable property in the TIF District as of January 1 of the calendar year preceding the calendar year in which the City first certifies the amount of any debt payable from TIF revenues to be generated within that TIF District. When the value of the property inside the TIF District increases by virtue of new construction or any other reason, the difference between the base valuation and the new property value is the “tax increment” or “incremental value.”

Procedurally, after tax increment debt has been incurred for the financing of improvements within the TIF District or for the payment of economic development incentives to private entities, property taxes levied by all local jurisdictions (city, county, school, area college) against the incremental value, with the exception of taxes levied to repay current or future debt incurred by local jurisdictions and the school district instructional support and physical plant and equipment levies, are allocated by state law to the City’s tax increment fund rather than to each

local jurisdiction. These new tax dollars are then used to pay principal and interest on any tax increment debt incurred or to pay the costs of projects in the Urban Renewal Area.

### **VIII. EFFECTIVE PERIOD**

This Urban Renewal Plan will become effective upon its adoption by the City Council and will remain in effect until it is repealed by the City Council. The collection of incremental property taxes in the Urban Renewal Area will continue for the maximum number of years authorized by Chapter 403 of the Code of Iowa unless otherwise determined by action of the City Council.

### **IX. PLAN AMENDMENTS**

This Urban Renewal Plan may be amended in accordance with the procedures set forth in Chapter 403 of the Code of Iowa to, for example, change the project boundaries, modify urban renewal objectives or activities, or to carry out any other purposes consistent with Chapter 403 of the Code of Iowa.

### **X. FINANCIAL INFORMATION**

#### **CITY DEBT INFORMATION**

1. Current constitutional debt limit	\$5,546,543
2. Outstanding general obligation debt:	\$
3. Proposed amount of debt to be incurred:	\$4,000,000*

\*Some or all of the indebtedness to be incurred may be made subject to the right of annual appropriation by the City Council.

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**UNIVERSITY HEIGHTS ONE UNIVERSITY PLACE URBAN RENEWAL AREA**

Certain real properly situated in the City of University Heights, County of Johnson, State of Iowa legally described as:

**St. Andrew Parcels**

Beginning at the Northeast Corner of Section 17, Township 79 North, Range 6 West of the 5<sup>th</sup> P.M.; thence North 89 degrees West along the North line of said Section 17, 402.6 feet, thence South 16 degrees East 490 feet to the Northerly line of Snook's Grove Road as now established; thence North 73 degrees East along the Northerly line of said road 291.3 feet; thence North 1 degree 40' West to the point of beginning, as shown by Plat recorded in Plat Book 4, Page 383.

and

That part of the northeast quarter of the northeast quarter of Section 17, Township 79 North, Range 6 West of the 5<sup>th</sup> P.M., described as Auditor's Parcel 96091 on plat of survey recorded in Book 38, Page 125, Plat Records of Johnson County, Iowa.

**Maxwell Parcel**

Auditor's Parcel 2005091 according to the Plat of Survey recorded in Book 49, Page 284, Plat Records of Johnson County, Iowa, being a portion of Outlot 1 and of Lot 238, University Heights, Second Subdivision, according to the plat thereof recorded in Book 2, Page 76, Plat Records of Johnson County, Iowa; EXCEPT beginning at the Southwest corner of Auditor's Parcel 2005091, thence North 0°00'00" East 19.48 feet along the West Line of said Auditor's Parcel (assumed bearing for this description only), thence North 74°40'39" East 8.58 feet to a point of intersection of the Westerly right-of-way line of Sunset Street, thence South 20°48'18" West 23.29 feet along said right-of-way to said point of beginning and containing 81 square feet more or less.