CITY OF UNIVERSITY HEIGHTS, IOWA
BOARD OF ADJUSTMENT
MEETING AGENDA
CITY OFFICE – 1004 MELROSE AVENUE
June 4, 2015
6:00 P.M.

1. Call to Order

2. Approval of Minutes of prior meeting

3. Consideration of variance requests

   a. 1006 Melrose Avenue
      i. Request is to reduce Front Setback from 10' to 5'
      ii. Purpose of request is to enclose the outdoor seating area along the south side of Stella restaurant

   b. 1465 Grand Avenue
      i. Request is to increase maximum Building Height and Maximum Structure Height and to decrease Rear Setback for a proposed detached garage.
      ii. Purpose is to construct 2-story, 2-car garage in Rear Setback.

4. City Staff comment
   a. Terry Goerdt, City Building Official
   b. Josiah Bilskemper, City Engineer
   c. Chief Ken Stanley, UHPD
   d. Steve Ballard, City Attorney

5. Public input/comment

6. Board discussion/deliberation

7. Consideration of Board procedures
   a. Regular meeting time
   b. Application process
   c. Meeting agendas and proceudres

8. Adjourn

Noah and Anna Hughes
1465 Grand Ave.
University Heights, IA 52246

RE: Garage request for 1465 Grand Ave.

To whom it may concern,

We would like to tear down our current one car garage and build a two car garage with a concrete driveway in the southeast corner of our lot. This is desired because we are a family of 7 that will soon have 3 teenaged drivers. The design we are proposing will be:

1. aesthetically appealing with the vintage of our house
2. contain storage to prevent an extra outbuilding
3. be safe for teenaged drivers to exit the narrow property
4. bring a neat appearance to our home as our cars will no longer have to sit in the driveway out in front of our home
5. update our home and make it desirable to the needs of a modern family, thus helping to stabilize the neighborhood

Breaking down the above list, I will provide details to support each point:

1. ***aesthetics***: We are proposing a monitor style garage over the generic garage kit at Menard's that has comparable storage. We desire to do this because the architectural elements of the monitor style garage will bring a vintage custom charm to the building. We discussed three styles of garages with our neighbors, the Christiansens, and asked them which style they preferred because our garage aesthetics will most affect their property. They both said they preferred the monitor style.
2. ***storage:*** If we are unable to incorporate a large storage element into our garage, we will have to erect a shed that will hold 7 bicycles and a Burley trailer at the minimum, as well as sports gear for 5 children. If we have to erect a shed, it will not be the best choice for our small yard, and it will take up yard space that we would rather use as a green space play area.
3. ***safety:*** Our driveway skims our dining room bump-out on the west, and is about 6 feet from the Christensen's house on the east. We would like to build our garage 3 feet off of the back lot line (code appropriate) so that we have a cement pad/driveway in front of the garage such that our kids can do a three point turn and exit our driveway heading in a forward direction, as opposed to driving in reverse for 40+ feet. It will add extra safety to pedestrians and the younger children in our household, as well as prevent potential collisions with the house.
4. ***curb appeal:*** We are unable to park any cars in our current garage because it is too narrow, and the overhead door is broken. Therefore, if you drive by our house on any given day there is often one or two cars sitting in the drive, as well as a garage with the

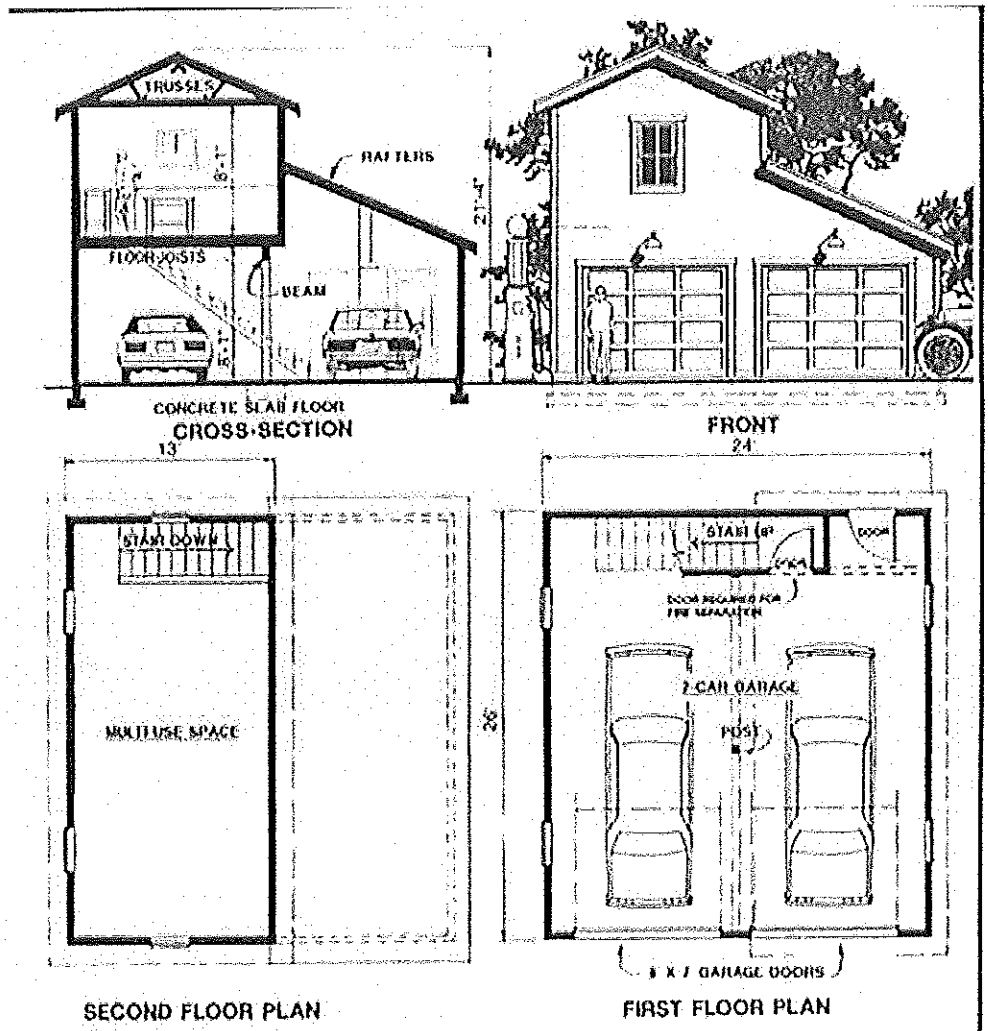
door wide open so that the kids can access their bikes. If we are allowed to build a two car garage, our cars and kids' stuff will be hidden behind doors and visiting cars will not have to park on the narrow street. It will beautify our home, and in turn the neighborhood.

5. ***modernize our home:*** When we bought our home in 2011, we had every intention of building a two car garage as soon as we were able to save money for the project. If zoning allows us to update and modernize our property with a handsome two car garage, we will be helping to stabilize the neighborhood and potentially prevent another UH home from becoming a rental property.

Thank you for considering our proposal.

Sincerely,
Noah & Anna Hughes

Demensions



This 2-car garage with upper studio/office was designed for practical usage and turn-of-the-century style. The structure is relatively simple and it creates versatile interior space, as well as a delightful building form.

Behm Design

GARAGE & SHOP PLANS CATALOG

WIDTH: 24'-0"	PLAN No.
DEPTH: 26'-0"	624-1
RIDGE HEIGHT: 21'-4"	
FLOOR AREA: 624 SF	

34ft
Garage
24ft
Driveway

THE LAW OFFICES OF

LEFF LAW FIRM, L.L.P.

CHARLES T. TRAW
RANDALL B. WILLMAN
STEVEN E. BALLARD
MARK C. DANIELSON
TIMOTHY S. GRADY
THOMAS E. MAXWELL
PATRICK J. FORD

ABIGAIL L. BROWN

222 SOUTH LINN STREET
P.O. BOX 2447
IOWA CITY, IOWA
52244-2447

TELEPHONE: (319) 338-7551
FACSIMILE: (319) 338-6902

www.lefflaw.com

ARTHUR O. LEFF (1906-1989)
PHILIP A. LEFF (Of Counsel)
R. BRUCE HAUPERT (Of Counsel)

Writer's email: ballard@lefflaw.com

May 31, 2015
(via email only)

Ms. Dorothy Maher (dorothy-maher@university-heights.org)

Mr. Randall Aitchison (randall-aitchison@university-heights.org)

Ms. Ann Dudler (ann-dudler@university-heights.org)

Mr. Clayton Hargrave (claytonH@mchsi.com)

Mr. Jerry Musser (jerry-musser@university-heights.org)

Re: Zoning Variance Request – 1465 Grand Avenue

Ladies and Gentlemen:

A request for a variance to the City's Zoning Ordinance has been received from Noah and Anna Hughes, owners of 1465 Grand Avenue. This request is on the Board of Adjustment's meeting agenda for 6:00 p.m. June 4, 2015. (Note the meeting start time – **6:00** p.m.).

The applicants desire to build a 2-story, 2-car garage in their Rear Setback. The request seeks these variances from the City's Zoning Ordinance (No. 79):

1. To exceed the Building Height restriction for Accessory Structures. The Ordinance permits 15' (measured from Grade to Roofline – Sec. 79(7)). The request asks for 20'-3".

2. To exceed the Maximum Structure Height restriction for Accessory Structures. The Ordinance permits 20 feet (measured from Grade to Ridge – Sec. 79(7)). The request asks for 23'-9".

a. The difference between "Building Height" and "Maximum Structure Height" is intended to accommodate different roof styles while restricting overall "height".

b. "Roofline" for the type of roof in the present request is the midpoint between the eave and the ridge (top). That midpoint may not be more than 15′ from the Grade.

c. "Ridge" is the top of the roof. It may not be more than 20′ from the Grade.

d. If you take a look at the diagrams attached to Ordinance No. 187, I think you will see why these different points have different allowable heights.

3. To exceed the square footage restriction for Garages located in Rear Setbacks in the R-1 Zone. The Ordinance permits no more than one-third the Rear Setback (in this case, approximately 500ft^2 – Sec. 79(10(D)). The request asks for 624ft^2.

A copy of the City's Zoning Ordinance (No. 79) as well as recent amendments (No. 187) are attached for your reference. As an historical note, I will point out that the recent amendments to the Zoning Ordinance, adopted in March, lowered the maximum height for detached garages and restricted the square footage of detached garages. Before the recent amendments, the proposed garage would not have required a variance.

The University Heights Zoning Ordinance provides the following authority to the Board of Adjustment:

> 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 spirt of the ordinance shall be observed and substantial justice done:

> Vary the yard, Setbacks, Building Height, or lot 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.

Ordinance 79 §14(3)(c)(1).

Applying these provisions to the present application, the Board of Adjustment has the authority to grant the present request if it finds the following:

1. The variance will not be contrary to the public interest.

2. Literal enforcement of the ordinance will result in an unnecessary hardship because of special conditions.

3. The variance will support the spirit of the ordinance.

4. The variance is warranted based upon exceptional or unusual dimensional configuration or physical condition of the lot not generally prevalent in the neighborhood, and such condition prevents a reasonable or sensible arrangement of buildings on the lot.

I have sent a copy of the variance request to the University Heights Building Official, City Engineer, and Police Chief for their review and comment. I will pass along any feedback from City staff.

If you have any questions concerning this matter, please give me a call or send me an email. I look forward to seeing you June 4.

Very Truly Yours,

LEFF LAW FIRM, L.L.P.

Steven E. Ballard

cc via email:
Mayor, Clerk & Staff
CITY OF UNIVERSITY HEIGHTS, IOWA
Mr. Noah L. Hughes
Ms. Anna Hughes

SEB/UniversityHeights - 1465 Grand - ltr to BOA 053115

THE LAW OFFICES OF

LEFF LAW FIRM, L.L.P.

CHARLES T. TRAW
RANDALL B. WILLMAN
STEVEN E. BALLARD
MARK C. DANIELSON
TIMOTHY S. GRADY
THOMAS E. MAXWELL
PATRICK J. FORD

ABIGAIL L. BROWN

222 SOUTH LINN STREET
P.O. BOX 2447
IOWA CITY, IOWA
52244-2447

TELEPHONE: (319) 338-7551
FACSIMILE: (319) 338-6902

ARTHUR O. LEFF (1906-1989)
PHILIP A. LEFF (Of Counsel)
R. BRUCE HAUPERT (Of Counsel)

Writer's email: ballard@lefflaw.com

www.lefflaw.com

April 30, 2015
(via email only)

Mr. Terry Goerdt
UNIVERSITY HEIGHTS BUILDING OFFICIAL

Mr. Josiah Bilskemper
UNIVERSITY HEIGHTS CITY ENGINEER

Chief Ken Stanley
UNIVERSITY HEIGHTS POLICE DEPARTMENT

Re: 1465 Grand Avenue – Zoning variance request

Dear Terry, Josiah, and Ken:

The City of University Heights has received a zoning variance request from Noah and Anna Hughes, owners of 1465 Grand Avenue. The applicants desire to build a 2-story, 2-car garage in their Rear Setback. The request seeks these variances from the City's Zoning Ordinance (No. 79):

- To exceed the Building Height restriction for Accessory Structures. The Ordinance permits 15' (measured from Grade to Roofline – Sec. 79(7)). The request asks for 20'-3".

- To exceed the Maximum Structure Height restriction for Accessory Structures. The Ordinance permits 20 feet (measured from Grade to Ridge – Sec. 79(7)). The request asks for 23'-9".

- To exceed the square footage restriction for Garages in Rear Setbacks in the R-1 Zone. The Ordinance permits no more than one-third the Rear Setback (in this case, approximately 500ft^2 – Sec. 79(10(D)). The request asks for 624ft^2.

For your reference, I am enclosing a copy of the application materials, together with a copy of my letter to the members of the University Heights Board of Adjustment. The Board is meeting at 6:00 p.m. May 7, 2015, to consider the request. If possible, could you review and any written comment you may have with respect to the variance request by return email to me? I will circulate your comments to the Board of Adjustment. If you do not have any comment, simply inform me. If you desire to attend the meeting, you are certainly invited, but I would not think your attendance would be necessary.

Of course, please call me if you have questions or wish to discuss this.

Very Truly Yours,

LEFF LAW FIRM, L.L.P.

Steven E. Ballard

cc via email:
Board of Adjustment Members
CITY OF UNIVERSITY HEIGHTS, IOWA

SEB/UniversityHeights - 1465 Grand - ltr to Goerdt, Bilskemper, Stanley 053115

Building Materials List for Plan #624-1

~ Local building code approved substitutions may be made to this list ~

Variations in construction methods and materials can require modification of this list. Every attempt is made for greatest accuracy, but typographical or human error is possible. Quantities verification by the materials supplier is recommended before materials package is finalized and/or shipped.

Concrete & Reinforcements For Stemwall/Footing Foundation

Poured-in-place concrete		(min) 12.5 cy
#4 Reinforcing Steel Bar	500 #	32 - 20' pcs.
w/8 x 8 - w1.4 x 1.4 wire mesh	200 sf	138 X 4' roll

Rough Framing

2 x 4 x 92-1/2" HF/DF "stud" wall framing		170 pcs.
2 x 4 HF/DF No. 2 sole plate material		74 LF
2 x 4 x 96" utility grade interior wall framing		20 pcs.
2 x 4 x 96" utility grade interior wall plates		5 pcs.
2 x 6 HF/DF No. 2 for plates and footings		150 LF
4 x 6 HF/DF No. 2 post	8' length	7 pc.
6 x 6 HF/DF No. 2 post	8' length	3 pc.
2 x 4 HF/DF No. 2 pressure-treated mudsill		100 LF
4 x 8 DF No. 1 Header	10' length	2 pcs.
2 x 8 DF No. 1 Header	8' length	8 pcs.
2 x 10 HF/DF No. 2 second floor joists (trim to 12'-6")	14' length	33 pcs.
6 x 12 DF No. 1 Floor Beam	23' length	1 pc.
2 x 10 HF/DF No. 2 rim joist material		32 #
3/4" T & G C-C APA Plywood, adt. glue floor	4 x 8 sheet	12 sheets
2 x 12 HF No. 2 Stair Stringer	10' length	3 pcs.
1 x 11.5" n.a.b. BN Stair Tread	12' length	4 pcs.
Trusses, 6 : 12 pitch, 13'-0" span (including (2) end trusses		14 pcs.
2 x 8 HF/DF No. 2 Rafters	16' length	14 pcs.
2 x 4 x 22-1/2" eave blocks w/ screened vent holes		28 pcs.
2 x 6 x 22-1/2" eave blocks w/ screened vent holes		13 pcs.

Sheathing Materials

15/32" Sdy C-D APA, ext. glue (1 240 Roof Sh.	4 x 8 sheets	32 sheets
7/16" n.a.b. Wall Sheathing	4 x 8 sheets	28 sheets
7/16" n.a.b. Wall Sheathing (FOR UPPER STORY)	4 x 8 sheets	20 sheets

Vapor Barrier

Roof 15# bituminous felt paper in 36" wide roll	300 #
Wall 15# bituminous felt paper in 40" wide roll	300 #
Floor 3/8" black polyethylene membrane	600 sf

Siding Materials

6" textured a.a.b. siding boards with 1" lap	ONE 6" SIDING AREA	
(optional) 7/16" sab text. (or 5/8" T1-11 panel siding)	4 x 8 sheet	28 sheets
(optional) 7/16" sab text. (or 5/8" T1-11 panel siding)	4 x 8 sheet	20 sheets
Trim: 5/4 x 4	8' length	20 pcs
Trim: 5/4 x 4	9' length	3 pcs
Trim: 5/4 x 4	10' length	1 pc
Trim: 5/4 x 3	8' length	4 pcs
Trim: 5/4 x 3	8' length	3 pcs
Fascia: 1 x 8	10' length	8 pcs
Rakeboard: 2 x 6	10' length	4 pcs
Rakeboard: 2 x 6	16' length	2 pcs

Roofing Materials

Composition Roofing Shingles	600 (whole) #	
Ridgevent material		28 #

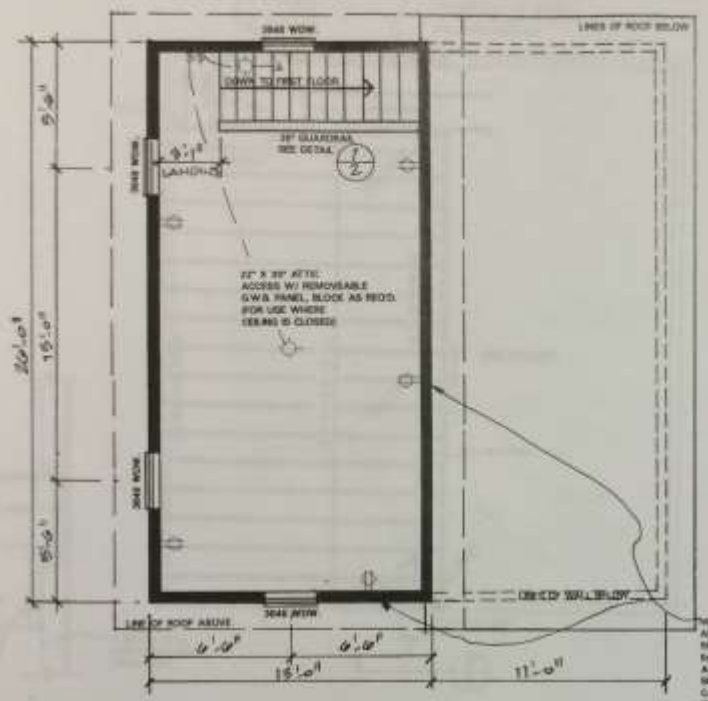
Windows and Door Assemblies

3033 sliding window(s)	4 ea.
3068 exterior door	1 ea.
3040 single hung window(s)	4 ea.
3068 x 1-3/4 wood interior door for fire separation	1 ea.
8'-0" x 7'-0" sectional garage door	2 ea.

Metal Parts

automatic closer for inter fire separation door	1 ea.
Anch. bolts: 1/2" x 10" ASTM A-307	15 pcs.
Hex Nuts for anchor bolts	31 pcs.
Flat washer: 2" x 2" square x 3/16" thick	21 pcs.
Anch. bolts: 7/8" x 12" ASTM A-307 - - -

NOTE:
COMPLY WITH LOCAL ELECTRICAL CODES AND STANDARDS, AS APPLICABLE

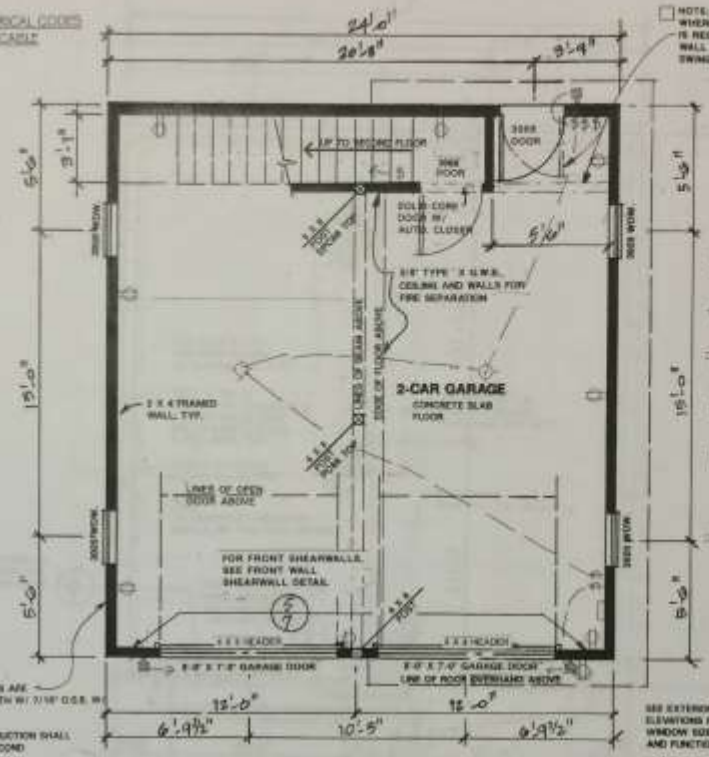


SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

NOTE:
ALL EXTERIOR WALLS ARE SHEARWALLS. SHEATH W/ 7/16" O.S.B. W/ 8d @ 6", EDGES AND @ 12", FIELD. SHEARWALL CONSTRUCTION SHALL CARRY THROUGH SECOND STORY TO ROOF

WINDOW AND DOOR HEADERS SHALL BE 2 - 2 X 8 HF2, UNLESS OTHER-WISE NOTED.



NOTE:
WHERE SEPARATED EXIT CORRIDOR IS REQUIRED, CONSTRUCT WALL AND REVERSE DOOR SWING AS SHOWN.

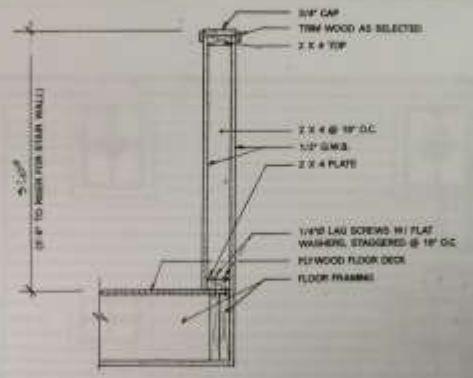
SEE EXTERIOR ELEVATIONS FOR WINDOW SIZES AND FUNCTION

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

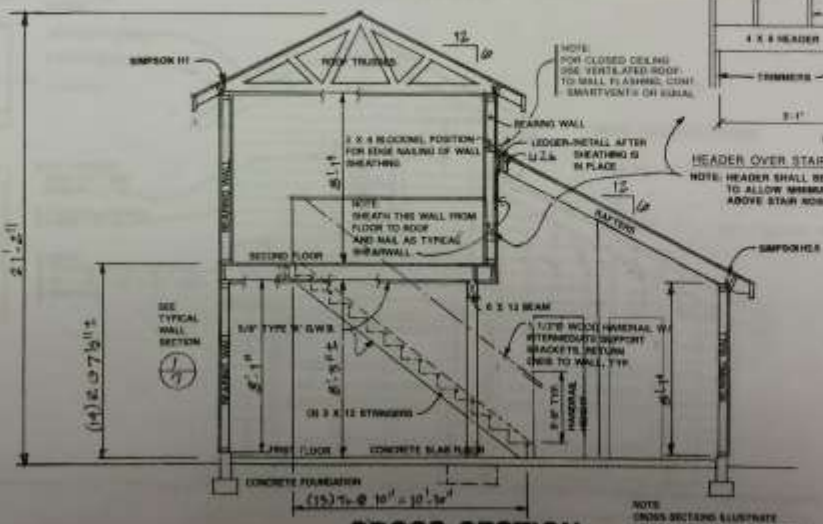
LEGEND

- SWITCH LOCATION
- CEILING MOUNTED LIGHT FIXTURE
- 1 | 0 VOLT DUPLEX OUTLET
- EXTERIOR WALL-MTD. LIGHT FIXTURE
- ELECTRIC PANEL OR SUB-PANEL LOCATE & INSTALL PER LOCAL CODES
- 1 | 0 VOLT DUPLEX OUTLET (EXTERIOR)



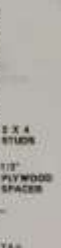
① INTERIOR GUARDRAIL DETAIL

SCALE: 1" = 1'-0"



CROSS-SECTION

NOTE:
CROSS SECTIONS ILLUSTRATE GENERAL STRUCTURE OF BUILDING. FOR DETAILS SEE TYPICAL



HEADER OVER STAIRWAY DETAIL

NOTE: HEADER SHALL BE PLACED TO ALLOW MINIMUM 6'-10" CLEARANCE ABOVE STAIR NOSING

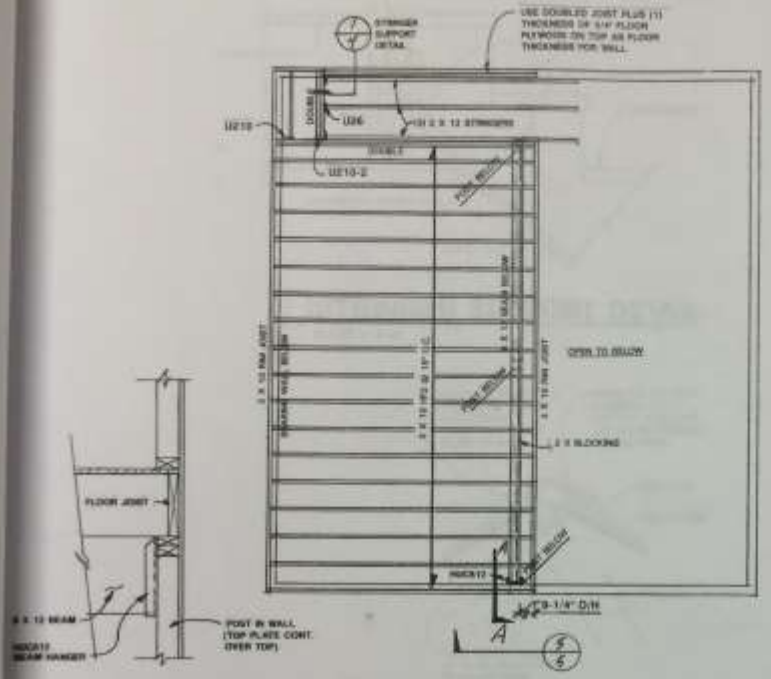
Behm Design
www.behmdesign.com

PLAN NO. 624-1

DESIGN
DRAWN
DATE

SHEET CONTENTS
FIRST FLOOR PLAN
SECOND FLOOR PLAN
CROSS-SECTION
INTERIOR GUARDRAIL DETAIL

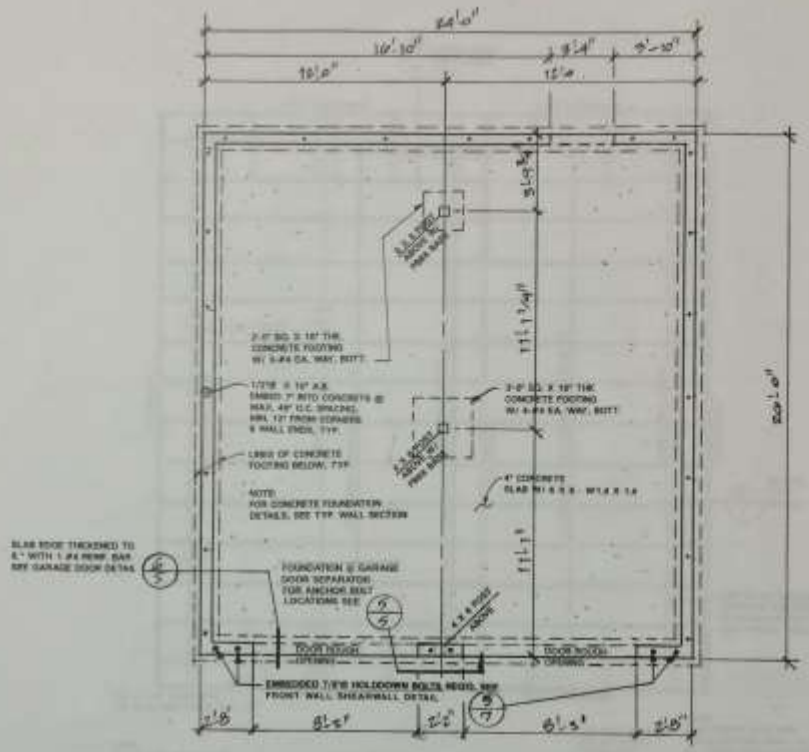
SHEET 2



A-A

SECOND FLOOR FRAMING PLAN

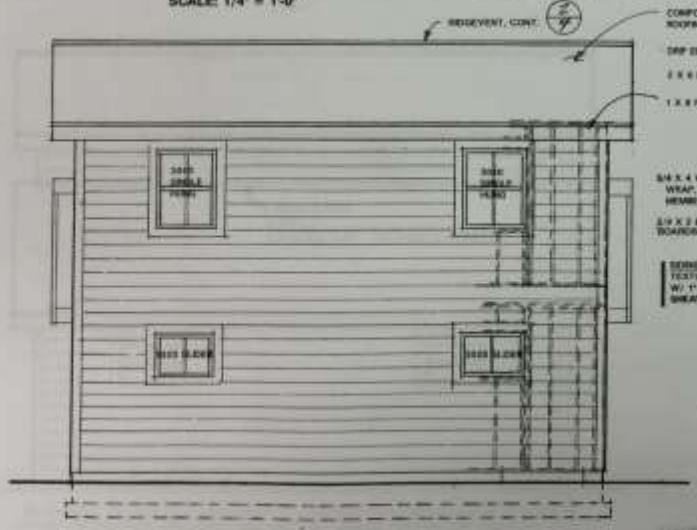
SCALE: 1/4" = 1'-0"



FOUNDATION PLAN

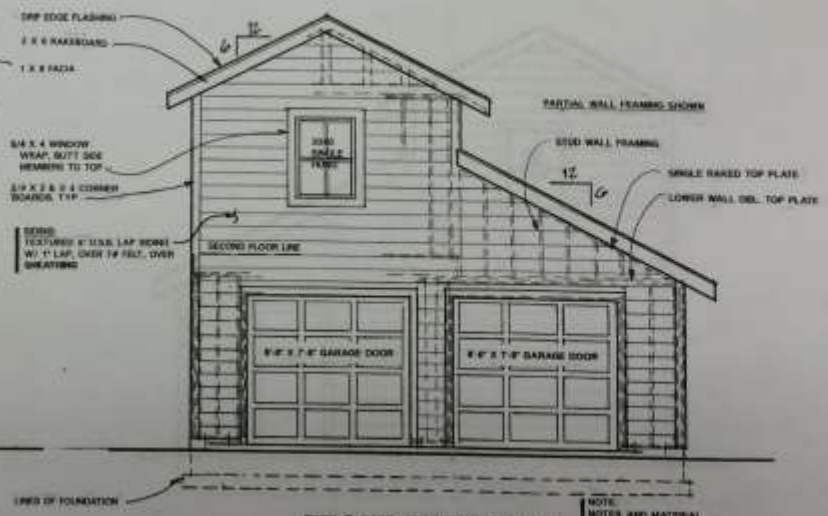
SCALE: 1/4" = 1'-0"

NOTE: FOUNDATION PLAN DIMENSIONS ARE TO FACE OF CONCRETE OR CENTERLINE OF BEARING, AS SHOWN.



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

NOTE: NOTES AND MATERIAL INDICATIONS SHOWN THIS ELEVATION, ARE TYPICAL FOR ENTIRE BUILDING, AS APPLICABLE.

Behm Design

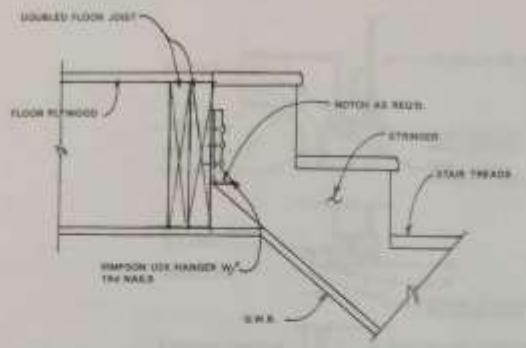
www.behmdesign.com

PLAN NO. 624-1

DESIGN
DRAWN
DATE

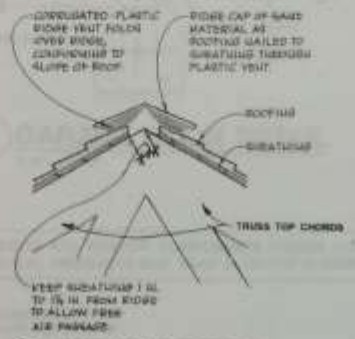
SHEET CONTENTS
FOUNDATION PLAN
SECOND FLOOR FRAMING PLAN
FRONT ELEVATION
LEFT SIDE ELEVATION

SHEET 3 OF 7

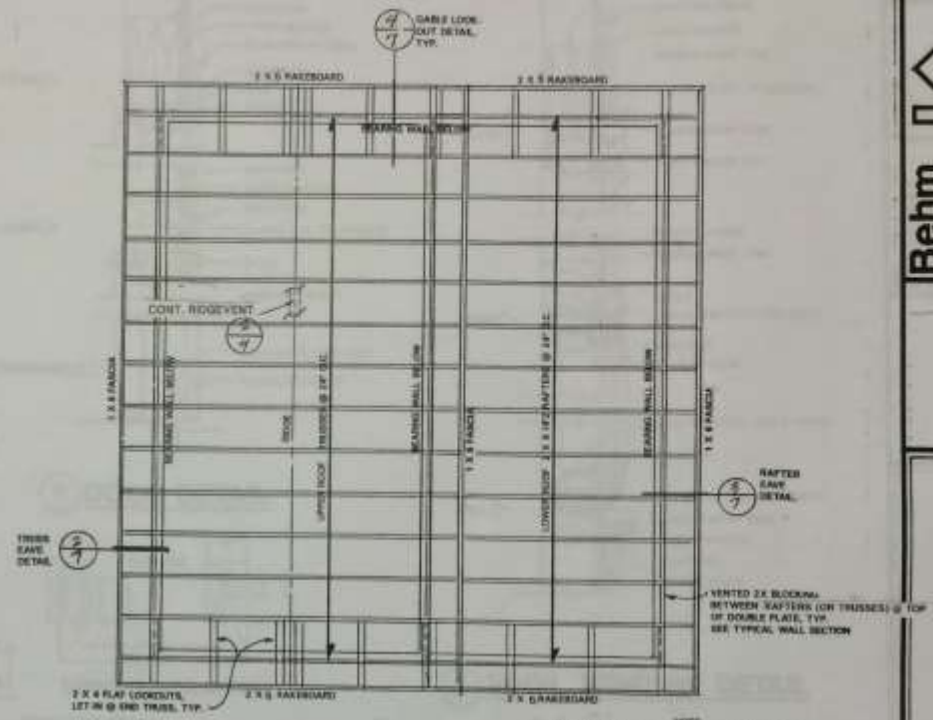


1 STRINGER SUPPORT DETAIL

1-1/2" = 1'-0"



2 RIDGEVENT DETAIL



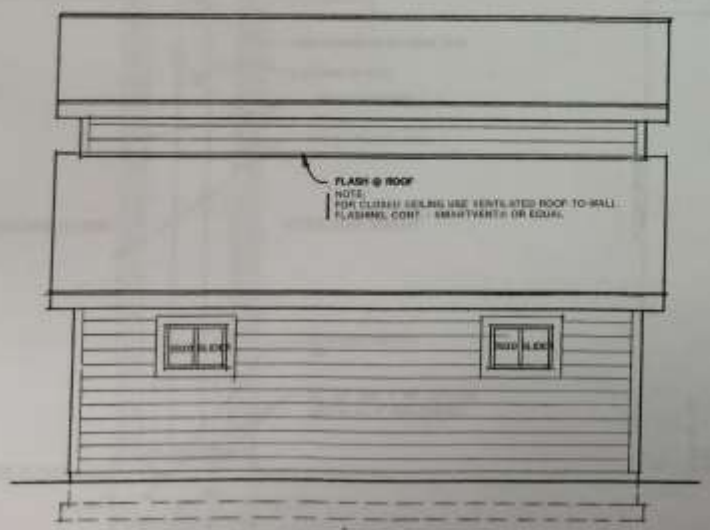
NOTE:
ARROW LINE INDICATING ILLUSTRATE EXTENT OF SPANNING MEMBERS, NOT DIRECTION OF SPAN

FOR ROOF SLOPES, SEE EXTERIOR ELEVATIONS

NOTE:
ENGINEERING DATA AND SPECIFICATIONS SHALL BE PROVIDED BY TRUSS MANUFACTURER AS REQUIRED BY BUILDING OFFICIAL AND SHALL BE STATE APPROVED.

ROOF FRAMING PLAN

SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION

REAR ELEVATION

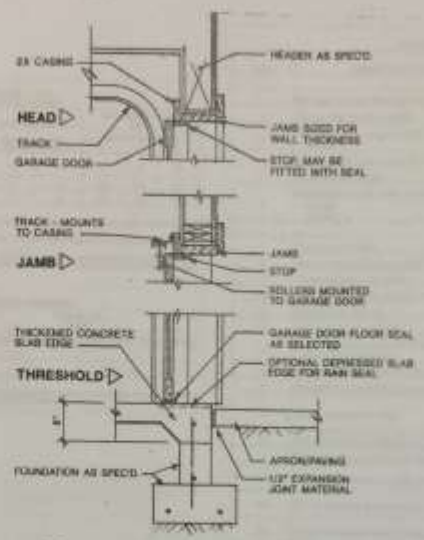
Behm Design
www.behmdesign.com

PLAN NO. 624-1

DESIGN
DRAWN
DATE

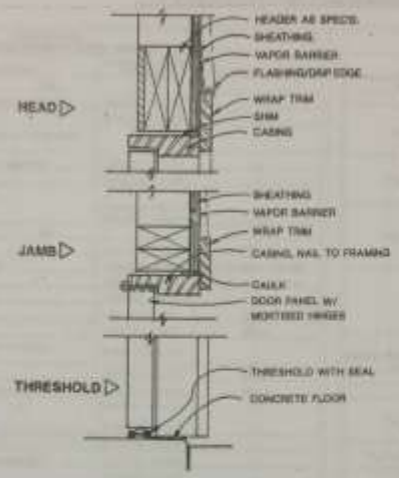
SHEET CONTENTS
REAR ELEVATION
RIGHT SIDE ELEVATION
ROOF FRAMING PLAN
RIDGEVENT DETAIL

SHEET 4



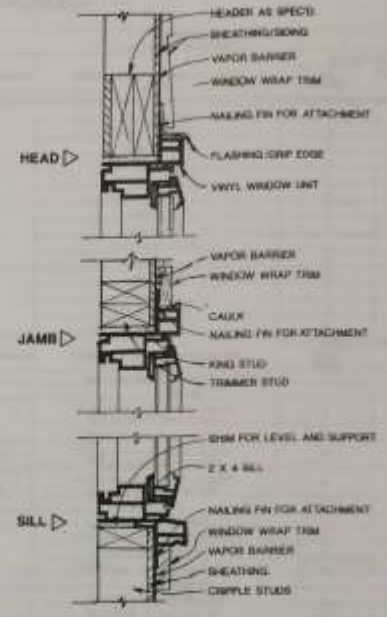
6 GARAGE DOOR DETAIL

3/4" = 1'-0"



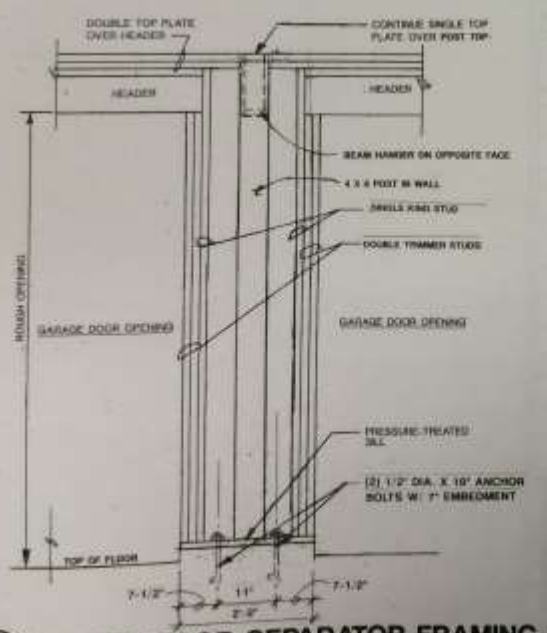
3 DOOR DETAIL

CORNER FRAMING OPTIONS

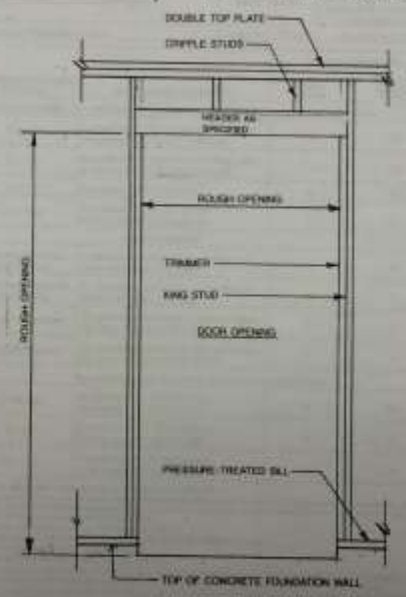


2 VINYL WINDOW DETAIL

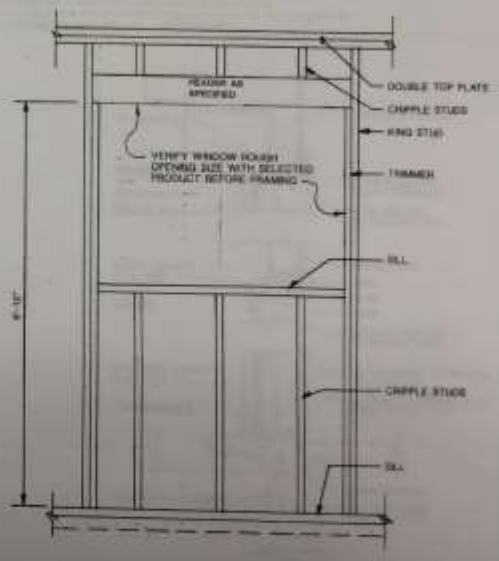
NOTE: DOOR AND WINDOW COMPONENTS SHOWN ARE GENERIC AND ACTUAL PRODUCTS MAY VARY SLIGHTLY IN CONFIGURATION.



5 GARAGE DOOR SEPARATOR FRAMING DETAIL



4 DOOR FRAMING DETAIL



1 WINDOW FRAMING DETAIL

Behm Design
www.behmdesign.com

PLAN NO. 624-1

DESIGN VB
DRAWN VB
DATE 07

SHEET CONTENTS
GARAGE DOOR DETAILS
DOOR DETAILS
WINDOW DETAILS
WALL OPENING FRAMING DETAILS

SHEET 5 OF 7

- FASTENING REQUIREMENTS -

TABLE R602.3(1)
REQUIREMENTS FOR WOOD STRUCTURAL PANEL WALL SHEATHING USED TO RESIST WIND PRESSURES[a,b,c,d,e,f,g,h,i]

Size	Penetration (inches)	Minimum nominal panel thickness (inches)	Minimum nominal width of structural panel, panel siding and panel lath (inches)	Minimum nominal length of structural panel, panel siding and panel lath (inches)	Maximum stud spacing (inches)	Maximum wind speed (mph)		
						Exposure category		
						B	C	D
8d Common (2.5" × 0.113")	1.5	3/8	16	48	6	110	90	80
8d Common (2.5" × 0.113")	1.75	3/8	16	48	6	140	115	100
					4	150	115	105
					6	110	90	80

For SI: 1 inch = 25.4 mm, 1 mile per hour = 0.447 m/s.

a. Panel strength wind pressure is to be provided by a registered design professional.

b. Tables are based on wind pressures acting perpendicular to the building surfaces per Section R301.2(2). Lateral bracing requirements shall be in accordance with the applicable provisions of Section R602.10.

c. Wood Structural Panels with span ratings of "Wall-16" or "Wall-24" are deemed to satisfy the requirements for siding with a minimum stud spacing of 16 inches on center.

d. Nails shall be spaced a maximum of 6 inches on center along the edges and 12 inches on center at intermediate supports.

e. Nails shall be common or box nails.

f. Panel edges shall be backed by nominal 2-inch-wide framing.

g. Panel joints shall occur over studs.

h. Panel length shall be a minimum of 48 inches.

i. Panel width shall be a minimum of 24 inches.

TABLE R602.3(2)
ALLOWABLE SPANS FOR PARTIALLY-BRACED WALL SHEATHING[a]

Thickness (inch)	Sheath	Stud spacing (inches)	
		Wind siding in contact to sheath	Wind siding in contact to sheathing
3/8	No.—1 Exterior glue	16	—
3/8	No.—2 Exterior glue	16	16

For SI: 1 inch = 25.4 mm.

a. Wall sheathing is to be applied to the exterior. Siding panels are applied horizontally to the wall frame so that joints in the panel siding occur over a stud and are offset one full stud space across a wall from panel joints in the sheathing. All panel edges must be supported. Leave a 1/8 inch gap for brass, plastic and foil on sheet metal 1/8 inch from panel edges.

TABLE R602.3(1)
FASTENER SCHEDULE FOR STRUCTURAL MEMBERS

Item	Description of building elements	Number and type of fastener[a,b,c]	Spacing of fasteners
	Floor		
1	Blocking between joists or rafters to top plate, toe nail	3-8d (2½" × 0.113")	—
2	Ceiling joist to plate, toe nail	3-8d (2½" × 0.113")	—
3	Ceiling joist not attached to parallel rafter, face cross partition, face nail	3-10d	—
4	Collar tie rafter, face nail or 1½" × 20 gage ridge strap	3-10d (3" × 0.128")	—
5	Rafter to plate, toe nail	3-16d (3½" × 0.135")	—
6	Roof rafters to ridge, valley or hip rafters: toe nail; face nail	4-16d (3½" × 0.135") 3-16d (3½" × 0.135")	— —
	Wall		
7	Built-up corner studs	10d (3" × 0.128")	24" o.c.
8	Built-up header, two pieces with ½" spacer	16d (3½" × 0.135")	16" o.c. along each edge
9	Continuous header, two pieces	16d (3½" × 0.135")	16" o.c. along each edge
10	Continuous header to stud, toe nail	4-8d (2½" × 0.113")	—
11	Double stud, face nail	10d (3" × 0.128")	24" o.c.
12	Double top plates, minimum 48-inch offset of end joints, face nail in lapped zone	8-16d (3½" × 0.135")	—
13	Blocking in stud or blocking, face nail	16d (3½" × 0.135")	18" o.c.
14	Solid blocking to joist or blocking, face nail	16d (3½" × 0.135")	18" o.c.
15	Stud to sole plate, toe nail	3-8d (2½" × 0.113") or 2-16d (3½" × 0.135")	— —
16	Top or sole plate to stud, end nail	2-16d (3½" × 0.135")	—
17	Top plate, lapped or corner and intersections, face nail	2-10d (3" × 0.128")	—
18	1" brace to each stud and plate, face nail	3-8d (2½" × 0.113") 2 staples 1¾"	—
19	1" × 6" sheathing to each bearing, face nail	2-8d (2½" × 0.113") 3 staples 1¾"	—
20	1" × 8" sheathing to each bearing, face nail	2-8d (2½" × 0.113") 3 staples 1¾"	—
21	Wider than 1" × 8" sheathing to each bearing, face nail	3-8d (2½" × 0.113") 4 staples 1¾"	—
	Floor		
22	Joist to sill or girder, toe nail	3-8d (2½" × 0.113")	—
23	1" × 6" subfloor or less to each joist, face nail	2-8d (2½" × 0.113") 3 staples 1¾"	—
24	1" × 8" subfloor or less to each joist, face nail	2-8d (2½" × 0.113") 3 staples 1¾"	—
25	2" subfloor to joist or girder, blind and face nail	2-16d (3½" × 0.135")	—
26	Rim joist to top plate, toe nail (roof applications also)	8d (2½" × 0.113")	6" o.c.
27	2" plank (plank & beam – floor & roof)	2-16d (3½" × 0.135")	at each bearing
28	Built-up girders and beams, 2-inch lumber layers	10d (3" × 0.128")	Nail each layer as follows: 32" o.c. at top and bottom and staggered. Two nails at ends and at each splice.
29	Ledger strip supporting joists or rafters	3-16d (3½" × 0.135")	At each joist or rafter.

Item	Description of building materials	Description of fastener[a,b]	Spacing of fasteners: Edges (inches)	Spacing of fasteners: Intermediate supports[c,e] (inches)
	Wood structural panels, subfloor, roof and exterior wall sheathing to framing and particleboard wall sheathing to framing			
30	⅜" - ½"	6d common (2" × 0.113") nail (subfloor wall) 8d common (2½" × 0.131") nail (roof)	6	12[f]
31	⅝" - ¾"	8d common (2" × 0.131") nail (subfloor, wall) 8d common (2½" × 0.131") nail (roof)	6	12[f]
32	⅞" - 1"	8d common nail (2½" × 0.131")	6	12[f]
33	1⅛" - 1¼"	10d common (3" × 0.148") nail or 8d (2½" × 0.131") deformed nail	6	12
	Other wall sheathing[g]			
34	½" structural cellulosic fiberboard sheathing	½" galvanized roofing nail, ⅞" crown or 1" crown staple 16 ga., 1½" long	3	6
35	25/32" structural cellulosic fiberboard sheathing	15/64" galvanized roofing nail, ⅞" crown or 1" crown staple 16 ga., 1½" long	3	6
36	½" gypsum sheathing[d]	1½" galvanized roofing nail; staple galvanized, 1½" long; 1½" screws, Type W or S	7	7
37	⅝" gypsum sheathing[d]	1⅝" galvanized roofing nail; staple galvanized, 1⅝" long; 1⅝" screws, Type W or S	7	7
	Wood structural panels, combination subfloor underlayment to framing			
38	½" and less	6d deformed (2" × 0.120") nail or 8d common (2½" × 0.131") nail	6	12
39	⅝" - 1"	8d common (2½" × 0.131") nail or 8d deformed (2½" × 0.120") nail	6	12
40	1⅛" - 1¼"	10d common (3" × 0.148") nail or 8d deformed (2½" × 0.120") nail	6	12

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 mile per hour = 0.447 m/s, 1 ksi = 6.895 MPa.

a. All nails are smooth-common, box or deformed shanks except where otherwise stated. Nails used for framing and sheathing connections shall have minimum average bending yield strengths as shown: 80 ksi for shank diameter of 0.192 inch (12d common nail), 90 ksi for shank diameter equal to 0.162 inch but less than 0.192 inch, and 100 ksi for shank diameters of 0.162 inch or less.

b. Staples are 16 gage wire and have a minimum ⅞-inch or shorter crown width.

c. Nails shall be spaced at not more than 6 inches on center at all supports where spans are 48 inches or greater.

d. Four-foot by 8-foot or 4-foot by 10-foot panels shall be applied vertically.

e. Spacing of fasteners not included in this table shall be based on Table R602.3(3).

f. For engineered framing, wind speed of 130 mph or greater, 6d deformed (2" × 0.120 nails shall be used for sheathing up to and wind speed of 100 mph or greater, 8d deformed (2½" × 0.120 nails shall be used for sheathing over framing spaced 6 inches on center. When basic wind speed is greater than 100 mph, nails for attaching wood structural panel roof sheathing to gables and wall framing shall be spaced 4 inches on center for a distance of 8 feet from the building corners.

g. Exterior sheathing shall conform to ASTM C 1396 or C 1177 and shall be installed in accordance with GA 253. Fiberboard sheathing shall conform to ASTM C 208.

h. Spacing of fasteners on floor sheathing panel edges applies to panel edges supported by framing members and required blocking. Blocking of wood or floor sheathing panels shall be not less than 2 inches in width. Spacing of fasteners on panel edges applies to panel edges supported by blocking unless otherwise specified. Blocking of wood or floor sheathing panels shall be not less than 2 inches in width.

TABLE R602.3(3)
ALTERNATE ATTACHMENTS

Nominal material thickness (inches)	Description[a,b] of fastener and length (inches)	Spacing of fasteners: Edges (inches)	Spacing of fasteners: Intermediate supports[c] (inches)
	Wood structural panels subfloor, roof and wall sheathing to framing and particleboard wall sheathing to framing[d]		
up to ½	Staple 15 ga., 1⅝	4	8
	0.097 – 0.099 Nail 2¼	3	6
	Staple 15 ga., 1¾	3	6
	0.113 Nail 2	3	6
9/16 and ⅝	Staple 14 and 15 ga. 2	4	8
	0.097 – 0.099 Nail 2¼	4	8
	Staple 14 ga. 2	4	8
11/16 and ¾	Staple 15 ga. 1⅞	3	6
	0.097 – 0.099 Nail 2¼	4	8
	Staple 14 ga. 2	4	8
	Staple 14 ga. 2¼	4	8
1	0.113 Nail 2½	3	6
	Staple 15 ga. 2½	4	8
	0.097 – 0.099 Nail 2½	4	8
	Spacing of fasteners		
Nominal material thickness (inches)	**Description[a] of fastener and length (inches)**	**Edges (inches)**	**Body of panel[e] (inches)**
	Floor underlayment, plywood-hardboard underlayment[d]		
	Plywood		
¼ and 5/16	1½ ring or screw shank nail—underlayment (1½ ga. 0.099[b] shank diameter)	3	6
	Staple 18 ga., ⅞ to 1 crown width	3	6
3/8, 7/16, 1/2, and 9/16	1½ ring or screw shank nail—underlayment (1½ ga. 0.099[b] shank diameter)	6	12
5/8, 11/16, 3/4, and 7/8	1½ ring or screw shank nail—underlayment (1½ ga. 0.099[b] shank diameter)	6	6
	Staple 16 ga. 1½	6	6
	Hardboard[c]		
0.206	1½ long ring-grooved underlayment nail	6	6
	8d coated wire nail	6	6
	Staple 16 ga. ⅞ long (plastic coated)	3	6
	Underlayment		
½	8d ring-grooved underlayment nail	3	6
	Staple 16 ga., ⅞ long, ⅜ crown	3	6
⅝	8d ring-grooved underlayment nail	6	12
	Staple 16 ga., 1⅛ long, ⅜ crown	3	6
¾, ⅞	8d ring-grooved underlayment nail	3	12
	staple 15 ga., 1⅛ long, ⅜ crown	3	6

For SI: 1 inch = 25.4 mm.

a. Nail is a generic description and may be 10-penny, modified round head or wood box.

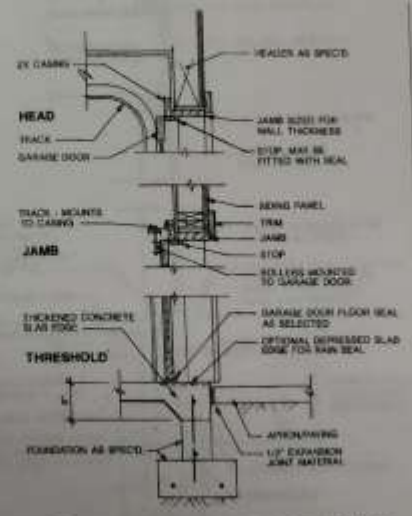
b. Staples shall have a minimum crown width of ⅞ inch on diameter except as noted.

c. Nails or staples shall be spaced at intervals not to exceed 6 inches on center on all supports where spans are 48 inches or greater. Nails or staples shall be spaced at intervals not to exceed 12 inches on center on intermediate supports for floors.

d. Fasteners shall be placed in a grid pattern throughout the body of the panel.

e. For 5-ply panels, intermediate nails shall be spaced not more than 12 inches on center each way.

f. Hardboard underlayment shall conform to ANSI/AHA A135.4.



1 GARAGE DOOR DETAILS

Behm Design Building plans

QUESTIONS? ...CALL 1-800-210-8778

www.behmdesign.com

PLAN NO. 624-1

DESIGN BY: JJB

DATE: 04/11

SHEET CONTENTS: CODE REQUIREMENTS FOR FASTENINGS AND SHEATHING

GARAGE DOOR DETAILS

SHEET 6 OF 7

Copyright behm design

Structural/General Notes /Specifications

A. General
The following notes shall clarify and supplement the working drawings.

B. Codes & Standards
CURRENT EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC), INTERNATIONAL RESIDENTIAL CODE (IRC)

C. Live Loads
Roof ..... 20 lbs/sf
Floors ..... 40 lbs/sf
Stairs & Exits ..... 100 lbs/sf

Seismic zone 2
Earth Pressure ..... 300lbs/sf equiv. Fluid pressure

D. Soil & Foundation Data
1. Soil bearing data not available. Assumed soil bearing capacity 1,000lbs/sf.
2. Extend all footings shown in undisturbed soil of the specified strength with a minimum depth of 1' 6" below adjacent grade, or as required by local building official, based on local frost line depth.
3. Center all footings on columns and walls unless specifically dimensioned otherwise.
4. Compacted fill to be well graded and granular with not more than 5% passing a 200 sieve. Place in 8 inch loose lifts and compact to 95% modified AASHO density at optimum moisture.

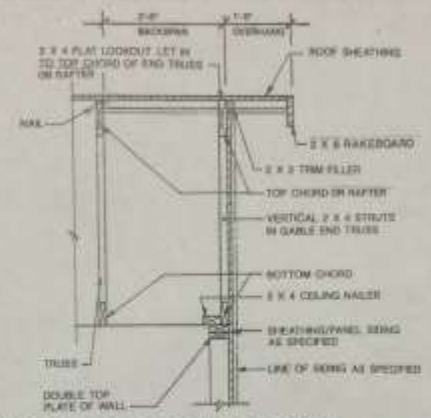
E. Cast-in-Place Concrete and Reinforcing Steel
1. Concrete of the following 28-day strength: 5 sack cementitious (min. 5000psi), max. 6 gal water/sack for all structural concrete, including foundations and slabs on grade. Maximum sized aggregate ¾". Maximum slump 4". Add Master Builders Pozzolith per manufacturer's recommendations to all concrete except footings. Concrete for exterior walls to be air entrained (5% air).
2. Reinforcing steel ASTM A-615 grade 40,000. Use grade 60 for temperature steel, stirrups and dowels. Install, fabricate and place in accordance with the latest edition of A.C.I. "Manual Of Standard Practice".
3. Concrete cover on reinforcing steel (clear dimensions):
   Suspended slabs ..... ¾"
   Beams & columns (to ties) ..... 1 ½"
   Non-exposed vertical faces ..... 1"
   Vertical faces exposed to earth or weather 2"
   Bottom of footings 3
   Slabs on grade (from top) ..... 1 ½"
4. Lap all field splices 24 diameters with minimum of 12". Bend corner wall footing bars 12 inches or use corner bars on all corners and wall intersections.
5. Provide min. one continuous #4 bar at top and bottom of foundation walls w/ #4 @ 12" o.c. where wall height exceed two feet. Provide one continuous #4 bars in footings. Dowel foundation walls to footings w/ #4 x 1'-6" long @ 24" o.c. Embedded 6" into footing. (No dowel bars required).
6. Reinforce around wall and door openings, with sides of 12" or greater, with two #5 bars extending 24" beyond corners on all four sides. Provide one extra #5 diagonal bar, 4'-0" long, at each corner.
7. Slabs on grade: Roll sub grade and maintain uniform pass. Saw cut mesh control joints within 24 hours of pour or install Zip Strip, with maximum of 12' for 4" non-reinforced slabs and 40' 4" for reinforced slabs. (min. reinforcing, wk w.f. - w/ 4 x 1.4, respectively).
8. Vibrate all concrete. Segregation of materials to be prevented. Test cylinders not required.
9. Place no fill against foundation or basement walls until floors are in place or walls have been adequately braced to resist lateral earth pressure.

F. Masonry (as applicable)
1. Hollow masonry units: 2"x8"x16 (half & half) m.o.c.
   Mortar type S, 1 yr, ½ lime putty, 4 sand
   Grout: 2000 psi pea gravel concrete (7 sack)
2. Reinforcing steel: ASTM A-615, grade 40.
3. Place grout in lifts no greater than 4' 0" height.
4. Wall reinforcing:
   4" walls: #4 vertical @ 48" o.c. w/ #9 area horiz. joint reinf. @ 8" o.c.
   8" walls: #5 vertical @ 48" o.c. w/ 9/16" dia. wire horiz. joint reinf. @ 8" o.c.
   Install two bars in corners, wall intersections, wall endings and around openings. Lap all bars 30 inches and joint reinforcing, 12 inches. Use corner bars for some bars in lieu of bends and at intersecting walls.
5. Anchor brick veneer to wood framed wall as detailed with 22 ga. 0.1/8" x 7" galvanized corrugated wall ties @ 16" o.c. ea. Mix with one Simpson ±22a nail.

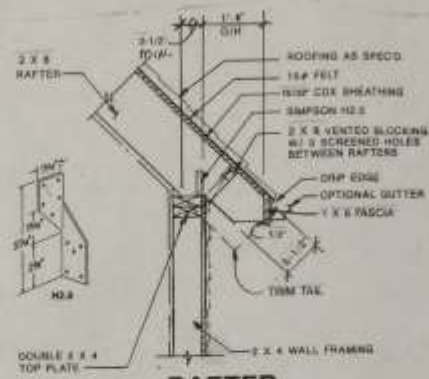
G. Timber and Wood Framing
1. Substitution of wood species identified herein may be as approved by local Building Official and material strength and rejection shall equal or exceed that of the species identified herein.
2. All lumber to be graded per book 16 of the West Coast Lumber Inspection Bureau:
   (#1/2D no. 2 for posts, rafters, light framing, plates and bracing
   (#1 no. 1 for posts and beams
   (#1/2D "clear" for stud wall framing
3. Comply with the latest edition of the AWPA "National Design Specification" as modified by the IBC for all structural timber requirements.
4. Joists and rafters shall have 2" nominal field solid blocking at supports.
5. Splice horizontal members together w/ 10d nails @ 12" o.c., staggered. Splice horizontal at supports only.
6. Provide cut washers for all bolts bearing on wood (1). All nails shall be common wire nails.
7. Glue laminated timbers, Douglas Fir, A.I.T.C. grading, combination DF-10 for simple spans, DF-15 for continuous spans. Dry conditions of use. Architectural appearance grade where exposed to view. Fabrication plant A.I.T.C. inspected / Wasp individual members.
8. Plywood roof sheathing to be ½" C-D int-ext glue plywood with exterior glue, P.S. 2&70 (new 1-ply for guaranteed nails) blocking 8d @ 6" o.c. at panel edges and 8d @ 12" o.c. at intermediate supports. Sub flooring to be ¾" C-D exp plywood with exterior glue, P.S. 2&70. Use T&G if no underlayment. Glue and nail 8d @ 6" o.c. at panel edges and 8d @ 12" o.c. at intermediate supports.
9. Pre-fabricated trussed members to be designed by applicable state licensed engineer in accordance with requirements shown in the drawings. Contractor shall verify on trussed dimensions and conditions prior to truss fabrication and coordinate as required. All engineering data shall be made available for submittal to the Building Official as required.

H. Structural Steel
1. All steel, except tubing. ASTM A-36. Pipe. ASTM A-53, Type E or S, grade B. Tubular sections. ASTM A500, grade B. All bolts. ASTM A-307.
2. All fabrication, erection and detailing shall be in accordance with the latest edition of the "Manual Of Steel Construction" of the American Institute Of Steel Construction.
3. All welding by WQCS certified welders in accordance with the "Welding Handbook" by the American Welding Society.
4. All welds 3/16" min. continuous fillet welds using AWS E-7000 electrodes.
5. Provide washers on all bolted connections.
6. All steel not embedded in concrete or masonry shall receive one shop coat of an approved primer paint. Apply two coats of heavy asphaltic paint to all steel exposed to earth.
7. Furnish complete shop drawings prior to fabrication.

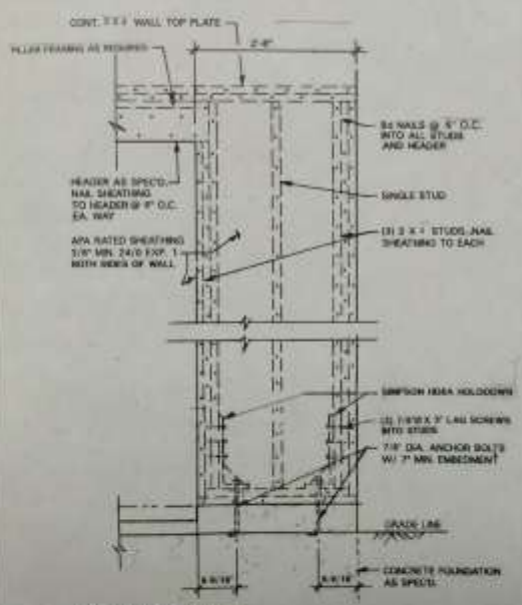
I. Miscellaneous
1. Contractor shall verify all site conditions and dimensions in field.
2. Provide temporary bracing as required until all permanent connections and stiffening have been installed.
3. Verify size and locations of all openings in floor, roof and walls and coordinate with electrical and mechanical work.
4. Pre-fabricated items shall be handled and installed in accordance with manufacturers' recommendations. Pre-fabricated assemblies shall be coordinated with site as-built conditions by the contractor regarding dimensions, clearance and applicable building code requirements.
5. All HVAC equipment shall be anchored by owner and/or contractor specific to this project and comply with all applicable codes. Performance data and distribution layout shall be provided by mechanical subcontractor. Submittals shall be coordinated by the contractor as required by the Building Official.
6. It is the intent of these drawings and specifications to comply with the requirements of the Building Code and all other relevant codes and ordinances. Any discrepancies, omissions or errors shall be brought to the attention of the designer for clarification or correction before beginning the work. It is the responsibility of the general contractor to seek clarification or correction if needed.



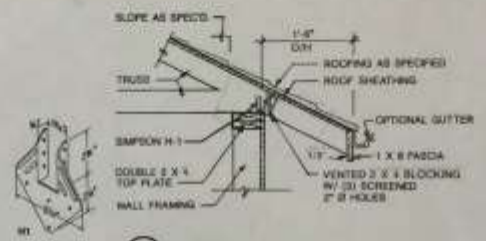
4 GABLE LOOKOUT DETAIL
SCALE: 1" = 1'-0"



3 RAFTER EAVE DETAIL

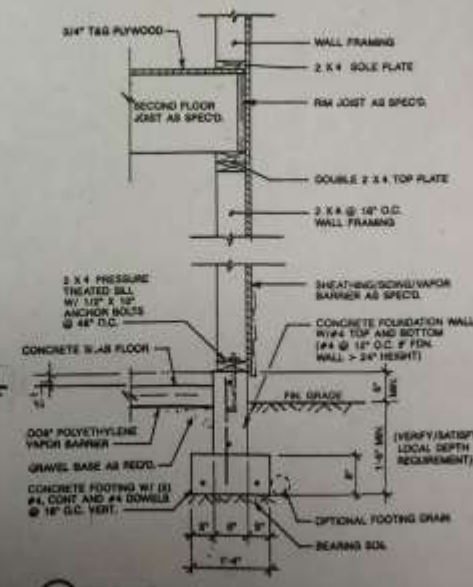


FOR FRONT SHEARWALLS
5 FRONT WALL SHEARWALL DETAIL
3/4" = 1'-0"



2 TRUSS EAVE DETAIL
3/4" = 1'-0"

6 FLASHING DETAIL
FOR PANEL SIDING



1 TYPICAL WALL SECTION
3/4" = 1'-0"

Behm Design
www.behmdesign.com

PLAN NO. 624-1

DESIGN D. DRAWN D. DATE

SHEET CONTENTS
STRUCTURAL/GENERAL NOTES
TYPICAL WALL SECTION
FRONT WALL SHEARWALL DETAIL
GABLE LOOKOUT DETAIL
EAVE DETAIL

SHEET 7 OF 7

Gravel
24ft
24ft
Driveway

ORDINANCE NUMBER 79 (as amended)

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 Enacted by the Council of the City of University Heights, Iowa:

Section 1. Short title. This ordinance shall be known and may be cited as "The City of University Heights, Iowa, Zoning Ordinance".

Section 2 Purpose. The purpose of this ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid concentration of population, to regulate the use of land and to promote the health, morals, safety and general welfare in the City of University Heights, Iowa.

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

1. Words used in the present tense include the future tense.

2. The singular includes the plural.

3. The word "person" includes individuals, partnerships, associations and corporations.

4. The word "lot" shall mean a parcel of land adequate for occupancy by a use permitted under this ordinance.

5. The term "shall" is always mandatory.

6. The word "used" or "occupies", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied".

7. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, chattels or property.

8. "Dwelling" is a building or portion thereof which is designed or used for a residential purpose.

9. "Single Family Dwelling" is a dwelling that contains only one living unit.

10. "Multiple-family Dwelling" is a dwelling that contains more than one living unit.

11. "Living Unit" is a room or rooms occupied by a family, provided that a living unit must have a kitchen.

12. "Family" is defined as one person or two or more persons related by blood, marriage, or adoption occupying a dwelling as an individual housekeeping unit.

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.

20. "Structural Alterations" are any changes in the configuration of the exterior walls, foundation, or the roof of a building which results in an increase in the area, height, or volume of the building.

21. "Temporary Structures" are trailers, mobile homes, or any building not on or permanently affixed to a permanent foundation.

22. "Home Occupations" are 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.

23. "Cul-de-sac" means a local street that terminates in a turn-around.

Section 4. General Effect of Zoning Ordinance.

A. The use of premises and buildings in the City shall be in accordance with the minimum standards hereinafter set forth.

B. No building or structure shall be erected, converted, enlarged, re-constructed, structurally altered, or placed upon any property located in the City except in conformity with the provisions of this Zoning Ordinance unless otherwise hereinafter provided.

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 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 and other open spaces around such buildings, the City of University Heights, Iowa, is hereby divided into Six (6) zones, to-wit:

1. R-1 Single-family residential.

2. R-3 Multiple-family residential.

3. B Business.

4. C Commercial.

5. PUD Planned Unit Development.

6. Multiple-Family Commercial.

B. The boundaries of each zone are shown upon the map entitled "Zoning Map of the City of University Heights, Iowa", which map is on file with the City Clerk of University Heights, Iowa, and which map by this Ordinance is hereby adopted and made a part of and incorporated into this ordinance. All amendments to this Ordinance changing the boundaries of the Zones shall be noted by the City Clerk on the original map to be kept on file with the City Clerk.

C. Whenever any street, alley or other public way is vacated by official action of the Council, the zone adjoining each side of said street, alley or other public way shall automatically extend to the center of such vacated area and all area included therein shall thenceforth be subject to all appropriate regulations of the extended zone.

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:

1. One single-family dwelling per lot.

2. Public schools, public libraries, public parks and public playgrounds.

3. Churches and places of worship and parochial schools.

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

5. One person not a member of the family as defined herein may occupy the premises as part of the individual housekeeping unit.

6. Home occupations.

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

1. All uses which are allowed in an R-1 Single-Family Residential Zone.

2. Multiple dwellings containing two (2) or more separate family living units.

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 height restrictions, yard regulations, 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.

C. Property in a B Business Zone shall be used for the following purposes only:

1. All uses which are allowed in an R-1 Single-Family Residential Zone, and an R-3 Multiple-Family Residential Zone.

2. Professional offices.

3. Bakeries.

4. Drug Stores.

5. Grocery Stores.

6. Barber shop or Beauty shop.

7. Contractor's Offices, and shops and storage uses incidental thereto.

8. Catering businesses.

9. Restaurants.

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

1. All uses which are allowed in an R-1 Single Family Residential Zone.

2. Restaurants, tea rooms, cafes, taverns, and similar establishments.

3. Private clubs and accessory facilities, such as tennis courts, swimming pools, and athletic facilities.

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, 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 height restrictions, yard regulations, lot

regulations, and off-street parking regulations specified for the R-1 Single-Family Residential Zone in Sections 7, 8, 9, and 10 or 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 height restrictions, yard regulations, 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.

   b. When development occurs pursuant to a Multiple-Family Commercial PUD, the following uses of the commercial space portion of the PUD are permitted:

      1. Professional offices.

      2. Bakeries.

      3. Drug Store.

      4. Grocery Stores.

      5. Barber shops or beauty shops.

      6. Catering Businesses.

      7. Restaurants, tea rooms, cafés, coffee shops, or similar establishments but not including bars, saloons, taverns, or drinking establishments.

      8. Retail shops but not including liquor stores.

      9. Art galleries.

      10. Personal fitness centers.

      11. Such other and further uses 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.

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 8. Yard Regulations.

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

ZONE	ONE FRONT YARD HAVING A DEPTH OF	TWO SIDE YARDS HAVING A DEPTH OF	ONE REAR YARD HAVING A DEPTH OF
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.

B. On corner lots, there shall be a set back from each street to the main building equal to the minimum front yard depth.

C. If a garage is detached from the primary dwelling structure, the garage may be located in the rear yard, provided, however, that it is not less than 60 feet from the front lot line, in which event there shall be a minimum distance of 2 feet from any overhang or projection of the garage to any lot line.

D. Open terraces, patios, or concrete slabs (collectively "projections") that do not extend above the level of ground may project into a required yard, provided these projections remain at least 2 feet from the 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 shall not be used for parking of motor vehicles. However, no such projections may be located in any front yard or rear yard unless the sum of the square footage of the projection plus the square footage of any parking spaces and driveway located in the same yard does not exceed one-third (1/3) of the required yard where they are located.

E. Concrete slabs for air-conditioning units shall be placed in the rear yard at least 5 feet from the adjacent lot line.

Section 9. Lot Regulations.

A. Except as otherwise herein provided, there shall be a minimum lot frontage, minimum lot width, minimum lot area, and minimum lot area per family, as shown in the following table:

LOT REGULATIONS

ZONE	FRONTAGE (FEET)	WIDTH (FEET)	AREA (SQ.FT.)	AREA PER FAMILY (SQ.FT.)	
				SINGLE FAMILY	MULTI-FAMILY
R-1	50	75	7,500	7,500	*
R-3	50	75	5,000	5,000	2,600
B	30	40	10,000	5,000	3,000
C	30	40	10,000	5,000	3,000

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 line.

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.

A. Minimum Required Off-street Spaces:

USE	SPACE REQUIREMENTS
Single-family dwellings	2 spaces per family living unit.
Multiple-family dwellings	1-1/2 spaces per family living unit.
Churches	1 space for each 4 seats in the sanctuary or main auditorium. Where pews are used for seating purposes, each 20 inches shall constitute one seat.
Restaurants and private clubs	1 space for each 150 square feet of floor area.
All uses not specifically mentioned above	1 space for each 200 square feet of floor area.

B. Parking Space:

Off-street parking spaces shall be constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free material suitable for off-street parking of motor vehicles. Such spaces shall not be constructed of the following:

1. Dirt or loose gravel, rock, or stone; or

2. Compacted dirt, gravel, rock, or stone; or

3. Crushed rock or chip seal surfaces.

Parking spaces shall be at least nine (9) feet wide and twenty (20) feet long (except as otherwise provided). Parking spaces shall be designed to permit ingress and egress of the vehicle without moving any other vehicle parked adjacent to the parking space. For single-family dwellings, when located pursuant to the requirements of this chapter, one space may be behind another.

C. Computing Off-street Parking:

In computing the number of off-street parking spaces required, the following rules govern:

1. "Floor area" means the gross floor area of the specific use.

2. Where fractional spaces result, the parking spaces required is the next largest whole number.

3. Whenever a building erected or established after the effective date of this ordinance is enlarged in floor area, number of employees number of dwelling units, seating capacity or otherwise to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

4. Whenever a building existing prior to the effective date of this ordinance is enlarged to the extent of less than 50% in floor area, the said addition or enlargement shall comply with the parking requirements set forth herein.

5. Whenever a building existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in the floor area or in the area used, by one or more enlargements, the original building and any enlargements or uses shall then and thereafter comply with the parking requirements set forth herein.

6. Whenever a building existing prior to the effective date of this ordinance is converted to any other use, said structure shall then and thereafter comply with the parking requirements set forth herein.

7. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

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 may be located in the front yard provided that 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 may be located in the rear yard, provided that 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 yard, then required spaces may not also be located in the front yard of that lot.

2. In Multiple-family residential (R-3) zones - parking may be allowed in the required minimum rear yard but not closer than 10 feet to the rear lot line. Driveways may be located in the required minimum front or side yards, provided a minimum of 50% of the required front and side yards shall remain in open space free of driveways.

3. In Business (B) zones - parking spaces may be located in any required yard.

4. In Commercial (C) zones - parking spaces may be located in any required yard provided, however, no parking shall be located within 15 feet of any adjoining property located in a residential zone.

Section 11. Planned Unit Development (PUD).

A. Intention. The PUD Zone is intended to accommodate projects for which the specific design of individual buildings and elements may be determined. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.

B. Development Regulations and Restrictions. Property in the PUD Zone may be developed pursuant to the following regulations and restrictions:

1. No more than six (6) single-family dwelling units may be constructed.

2. All buildings must be no more than one (1) story.

3. No more than one person not a member of the family as defined herein may occupy each dwelling unit as part of the individual housekeeping unit.

4. No parking shall be permitted upon the public cul de sac now known as Birkdale Court.

5. The sanitary sewer lift station, the force mains and the gravity-flow sanitary sewer serving the PUD Zone and located generally between Lots 2 and 3, University Athletic Club Subdivision, shall not be maintained nor repaired by the City of University Heights.

6. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Procedure.

1. Any person or entity proposing a project in the PUD Zone shall submit a PUD Plan Application setting forth all the information specified in Section 11(D) of this Ordinance.

2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.

3. The University Heights City Council may approve, deny, or approve on condition any such Plan Application.

4. No building permit shall issue for property within the PUD Zone until the University Heights City Council has approved a Plan Application pursuant to Section 11(D) and the Council and Developer have executed a Development Agreement pursuant to Section 11(E) of this ordinance.

5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.

6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.

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

1. Location, size, and legal description of the site.

2. Location and area of land uses.

3. Detailed site plan.

4. Front, side, and rear yard setbacks.

5. Existing topography at two-foot intervals.

6. Grading plan at one-foot contours.

7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.

8. Sensitive areas site plan, including erosion control plans.

9. Proposed type of development, e.g., condominium, single-family dwelling, two-family dwelling, etc.

10. Location and size of buildings or building footprints.

11. Design elevations showing all sides of every building and perimeter fences.

12. Description of materials for all exterior building surfaces and perimeter fences.

13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.

14. Maximum height 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.

16. Preliminary Plat.

17. Final Plat.

18. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property, providing for maintenance and repair of the sanitary sewer lift station that serves the property, and controlling the type of construction or development activities of future residents.

19. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.

E. Development Agreement. The PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including the following:

1. Design standards applicable to the project.

2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of any lot in the approved PUD Plan and providing for maintenance and repair of the sanitary sewer lift station serving the PUD Zone.

3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.

4. Timing of commencement and completion of construction of buildings and improvements pursuant to the PUD Plan.

5. Payment of the Developer of the costs and fees, including engineering and legal fees, incurred by the City of University Heights in considering the PUD Plan.

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

A. Intention. The Multiple-Family PUD regulations and requirements are intended to accommodate projects for which the specific architectural design and site layout of individual buildings and elements shall be subject to approval by the University Heights City Council. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.

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.

a. No more than one hundred forty-four (144) single-family dwelling units may be constructed.

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

c. A minimum of two hundred fifty-two (252) off-street parking spaces shall be provided. "Parking space" is defined in Section 10 of this Ordinance.

d. A minimum of one hundred twenty thousand seven hundred sixteen (120,716) square feet of the property shall not be encumbered by buildings, parking areas, or walkways, but rather shall be maintained as green space consisting of grass, trees, shrubs, or other living vegetation.

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.

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.

g. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

2. Alternative 2 - Horizontal Concept.

a. No more than one hundred thirty-three (133) single-family dwelling units may be constructed.

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

c. A minimum of two hundred (200) off-street parking spaces shall be provided. "Parking space" is defined in Section 10 of this Ordinance.

d. A minimum of eighty-seven thousand nine hundred seventy-six (87,976) square feet of the property shall not be encumbered by buildings, parking areas, or walkways, but rather shall be maintained as green space consisting of grass, trees, shrubs, or other living vegetation.

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 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 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 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 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 notwithstanding the provisions of Section 10 of this ordinance.

h. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Additional Development Regulations and Restrictions. The following regulations and restrictions apply to property developed as a Multiple-Family PUD under either alternative:

1. 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.

2. 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.

3. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

D. Procedure.

1. Any person or entity proposing a project in the Multiple-Family PUD Zone shall submit fifteen (15) copies of a Multiple-Family PUD Plan Application setting forth all the information specified in Section 12(D) of this Ordinance.

2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.

3. The University Heights City Council may approve, deny, or approve on condition any such Plan Application.

4. No building permit shall issue for development of any property pursuant to a Multiple-Family PUD until the University Heights City Council has approved a Plan Application pursuant to Section 12(D) and the Council and Developer have executed a Development Agreement pursuant to Section 12(E) of this Ordinance.

5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.

6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.

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

1. Location, size, and legal description of the site.

2. Location and area of land uses.

3. Detailed site plan showing all existing or proposed easements.

4. Front, side, and rear yard setbacks.

5. Existing topography at two-foot intervals.

6. Grading plan at one-foot contours.

7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.

8. Erosion control plan.

9. Proposed type of development, e.g., condominium, multiple-family dwelling, etc.

10. Location and size of buildings or building footprints.

11. Design elevations showing all sides of every building, roofline, and perimeter fences.

12. Description of materials for all exterior building surfaces and perimeter fences.

13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.

14. Maximum height of proposed structures and perimeter fences.

15. Floor plans showing square footage of each dwelling unit.

16. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.

17. Preliminary Plat.

18. Final Plat.

19. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property and controlling the type of construction or development activities of future residents.

20. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.

F. Development Agreement. The Multiple-Family PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including the following:

1. Design standard applicable to the project.

2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of the property developed pursuant to the Multiple-Family PUD.

3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.

4. Timing of commencement and completion of construction of buildings and improvements pursuant to the Multiple-Family PUD Plan.

5. Payment by the Developer of the costs and fees, including engineering, legal, publication and recording fees, incurred by the City of University Heights in considering the PUD Plan.

Section 13. Multiple-Family Commercial PUD.

A. Intention. The Multiple-Family commercial PUD regulations and requirements are intended to accommodate projects for which the specific architectural design and site layout of individual buildings and elements shall be subject to approval by the University Heights City Council. Development may occur provided that it is consistent with the overall design and development elements reviewed and approved by the University Heights City Council, all as provided in this Ordinance.

B. Development Regulations and Restrictions. Property may be developed as a Multiple-Family Commercial PUD Zone pursuant to the following regulations and restrictions:

1. No more than two (2) buildings may be constructed with combined footprints of no more than forty-five thousand (45,000) square feet.

2. No more than eighty (80) dwelling units may be constructed.

3. No more than twenty thousand (20,000) square feet of commercial space may be constructed.

4. No more than one person not a member of the family as defined in Section 3 of this Ordinance may occupy each dwelling unit as part of the individual housekeeping unit.

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

6. A minimum of one hundred eighty-five (185) off-street parking spaces, of which no more than fifty-five (55) may be above ground, shall be provided for commercial and residential uses. "Parking space" is defined in Section 10 of this Ordinance.

7. The eaves or building projections, including screened porches or walls, of the front building shall not be less than thirty three (33) feet from the lot line along Melrose Avenue; the eaves or building projections, including screened porches or walls, of any other building or portion thereof shall not be less than twenty (20) feet from any lot line.

8. The University Heights City Council may impose additional reasonable conditions as it deems necessary to ensure that the development is compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.

C. Procedure.

1. Any person or entity proposing development as a Multiple-Family Commercial PUD shall submit fifteen (15) copies of a Multiple-Family Commercial PUD Plan Application setting forth all the information specified in Section 13(D) of this Ordinance.

2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.

3. The University Heights City Council in its sole discretion may approve, deny, or approve on condition any such Plan Application or any part thereof.

4. No building permit shall issue for development of any property pursuant to a Multiple-Family Commercial PUD until the University Heights City Council has approved a Plan Application pursuant to Section 13(D) and the Council and Developer have executed a Development Agreement pursuant to Section 13(E) of this Ordinance.

5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.

6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.

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:

1. Location, size, and legal description of the site.

2. Location and area of land uses.

3. Detailed site plan showing all existing or proposed easements.

4. Front, side, and rear yard setbacks.

5. Existing topography at two-foot intervals.

6. Grading plan at one-foot contours.

7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.

8. Erosion control plan.

9. Proposed type or types of development, e.g., commercial, multiple-family dwelling, etc.

10. Location and size of buildings or building footprints.

11. Design elevations showing all sides of every building, roofline, and perimeter fences.

12. Description of materials for all exterior building surfaces and perimeter fences.

13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.

14. Maximum height of proposed structures and perimeter fences.

15. Floor plans showing square footage of each commercial and each dwelling unit.

16. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.

17. Preliminary Plat, if applicable.

18. Final Plat, if applicable.

19. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property and controlling the type of construction or development activities of future residents.

20. All other information reasonably required by the University Heights City Council or its designees to explain or illustrate the Plan Application.

E. Development Agreement. The Multiple-Family Commercial PUD Plan shall also include a Development Agreement establishing development requirements and addressing certain other items, including the following:

1. Design standards applicable to the project.

2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of the property developed pursuant to the Multiple-Family Commercial PUD. Restrictions may also include the types of businesses and hours of operation of businesses located in the commercial space portion of the Multiple-Family Commercial PUD and whether and on what conditions some or all dwelling units may be leased.

3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.

4. Timing of commencement and completion of construction of buildings and improvements pursuant to the Multiple-Family Commercial PUD Plan.

5. Payment by the Developer of the costs and fees, including engineering, legal, administrative, publication and recording fees, incurred by the City of University Heights in considering the PUD Plan.

Section 14. Building Permits. No building shall hereafter be erected or structurally altered until a building permit is issued by the Building Inspector in accordance with the provisions of this ordinance and of the Building Code.

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:

1. Meetings.

   a) Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

   b) All meetings of the Board shall be open to the public.

   c) Minutes shall be kept of each meeting or proceeding of the Board showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact, which minutes shall be filed with the City Clerk and shall be a public record.

   d) A majority of the Board shall constitute a quorum.

   e) The Board may adopt such additional rules of procedure that are not in conflict with this ordinance or the Statutes of the State of Iowa.

2. Appeals and Applications to the Board.

   a) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of University Heights affected by any decisions of the Building Inspector based on the provisions of this ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing a notice of appeal with the City Clerk, specifying the grounds thereof. The City Clerk shall transmit a copy of said notice to the Building Inspector and to the Board of Adjustment. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

   b) Any person may make application to the Board for an exception or variance to this ordinance by filing a written application with the City Clerk, who shall promptly notify the chairman of the Board of Adjustment of said application.

   c) An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such cases proceedings, shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

   d) The Board shall fix a reasonable time for a hearing of any application or appeal and shall give notice of said hearing by one publication of a notice of the hearing in a newspaper with general circulation in the City of University Heights and by written notice by Certified U.S.

Mail to the parties in interest not less than 15 days nor more than 30 days prior to the day of the hearing.

e) The concurring vote of three members of the Board shall be necessary to revise any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any exception or variation to this ordinance.

f) A filing fee of $50.00 shall be paid with the filing of any application or appeal provided for herein.

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

a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by any administrative official in the enforcement of this ordinance.

b) To hear and decide the following special exceptions to the terms of this ordinance:

1) Reconstruction of or alterations or additions to non-conforming buildings that would otherwise be prohibited under the provisions of this ordinance.

2) Use of premises for public utility purposes.

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, 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.

2) Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Chapter but providing that such a reduction not be more than 50 percent of the usual requirement.

d) Hear and decide appeals concerning fences as provided in Ordinance No. 105.

4. No order of the Board permitting any construction of or to a building shall be valid for a period longer than one (1) year unless a building permit is obtained within such period.

Section 16. Non-conforming Uses and Buildings.

A. Intent. It is the intent of this ordinance to restrict and eventually eliminate non-conforming uses because they have been found

to be incompatible with permitted uses in the zone involved. Non-conforming buildings shall be regulated to prevent an increase in the degree of non-conformity. The lawful use of any building or land existing on the effective date of this ordinance may continue although such use does not conform with the provisions of this ordinance, subject to the conditions contained herein.

B. General Provisions.

1. Construction Approved Prior to Ordinance. Nothing in this ordinance shall require any change in plans, construction or designated use of a building or structure for which substantial construction has lawfully begun prior to the effective date of this ordinance. Substantial construction shall be deemed to include excavation and demolition of existing buildings.

2. Unlawful Use Not Authorized. Nothing in this ordinance shall be interpreted as authorization for the continuance of the use of a structure or land in violation of the zoning regulation in effect prior to the enactment of this ordinance.

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 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 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.

3. If two (2) or more contiguous non-conforming lots or portions thereof become owned by a common owner, the land involved shall be deemed a single parcel for the purposes of this ordinance and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements.

D. Non-conforming Use.

1. No existing structure devoted to a use not permitted by this ordinance in the zone in which it is located shall be enlarged, reconstructed, moved or structurally altered as provided herein.

2. No non-conforming use may be extended through additional parts of a building nor to occupy any land outside such building.

3. A non-conforming use may be changed only to a use permitted in the same or higher zone. For the purposes of this section, the same zone means the most restrictive zone in which the non-conforming use is a permitted use; a higher zone means a zone which is more restrictive than the most restrictive zone in which the non-conforming use is a permitted use. If it is

changed to a higher or conforming use, it may not resume the prior non-conforming use.

4. Any structure devoted to a non-conforming use which has been destroyed or damaged by fire, explosion, act of God or by a public enemy to the extent of fifty percent (50%) or more of its value, shall thereafter conform to the provisions of this ordinance. Where the damage is less than fifty percent (50%), such structure may be restored to the same non-conforming use as existed before such damage.

5. Any non-conforming use of land may not be extended to occupy a greater area of land than was owned on the effective date of the ordinance nor may additional structures be erected in connection with such non-conforming use of land.

6. Any non-conforming use of land or buildings which has ceased by discontinuance or abandonment for a period of three months shall thereafter conform to the provisions of this ordinance.

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 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.

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 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.

9. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that project into a rear yard may continue to be used if they lead to or provide access to a garage with a door or opening large enough to admit automobiles; and if the door or opening faces the 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 door or opening that faces the 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 shall thereafter conform to the provisions of this ordinance.

10. Any open terrace, patio, or concrete slab (collectively "projections") permitted by Section 8(D) to be located in the 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, it may continue to be used only under the following conditions:

i) it is not used for parking motor vehicles; and

ii) it is constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material.

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, the projection may continue to be used only under the following conditions:

i) it is not used for parking motor vehicles;

ii) it is constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material; and

iii) the line between it and the parking spaces and/or driveway is marked or otherwise demarcated to designate clearly the area where parking is not permitted.

C. Such non-conforming terraces, patios, or concrete slabs may be repaired or replaced with like material, but they may not be enlarged.

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, height, yards, its location on the lot or other requirements concerning the structure, may continue subject to the following conditions:

a) Any non-conforming building which has been destroyed or damaged by fire, explosion, act of God or by a public enemy to any extent may be restored to the same degree of non-conformity as existed before such damage.

b) No building may be structurally altered in a way which increases or extends its non-conformity; however, it may be structurally altered in a way which will not affect or which will decrease its non-conformity.

Section 17. Abandonment. Whenever a non-conforming use has been abandoned or discontinued for a period of at least Three months, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this ordinance.

Section 18. Amendments to this Ordinance. The boundaries of districts as now established and the regulations thereof may be amended, supplemented, changed, 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, modification or change.

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 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.

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 20% or more, either of the area of the lots included in such proposed change, or 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, such amendment, supplement, change, modifications or repeal shall not become effective except by the favorable vote of three-fourths (3/4ths) of the members of the Council.

Section 19. Penalty. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding One Hundred Dollars ($100.00). Each day that a violation is permitted to exist after proper notice shall constitute a separate offense.

Section 20. Repealer. Ordinances Numbers 35, 54, and 62, and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

Section 21. 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.

Section 22. Building Fees and Uniform Building Code. Nothing in this Ordinance is to be construed as invalidating anything in the Building Fees and Uniform Building Code Ordinance.

Section 23. Effective Date. This Ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City Council on January 12, 1982, and approved January 12, 1982.

s/Chan F. Coulter, MAYOR

Attest: s/Lloyd A. Knowles, CITY CLERK

Published in the Iowa City Press Citizen January 20, 1982.

*The signed original ordinance is on file with the University Heights City Attorney.

Amendment adding Section 3(23) and Section 9(C) passed and approved March 10, 1998, and published in the Iowa City Press Citizen on March 24, 1998.

See attached amendment following this amended version.

Amendment adding Section 6(C)(8) passed and approved June 9, 1998, and published in the Iowa City Press Citizen on June 9, 1998. Amendment provided as follows:

> Catering businesses. These businesses are permitted to sell products for off-premises consumption. They also are permitted to have seating for no more than 20 persons and to sell products for on-premises consumption to this limited extent.

Ordinance No. 113, amending Section 6(C)(8) and Section 7 and adding Section 6(C)(9) was passed and approved October 10, 2000, and published in the Iowa City Press-Citizen on January 12, 2001. The amendment deleted text following "Catering businesses" (Section 6(C)(8)), added Section 6(C)(9), and added language to the height restrictions (Section 7).

Ordinance No. 130, amending Section 5(A)(5), Section 6(E), and Section 11, and deleting Section 9(C), was passed and approved on June 10, 2003, and published June 26, 2003. The amendment added an additional zone, the PUD Planned Unit Development Zone and specified uses for that zone. The amendment removed prior lot regulations regarding the University Athletic Club Subdivision. The amendment also created a Planned Unit Development regulations for that property, and renumbered former sections 11-19 to be known as sections 12-20.

Ordinance No. 133, amending Section 6(B) and Section 12 Multiple-Family Planned Unit Development, was passed and approved March 9, 2004, and published in the Iowa City Press-Citizen on April 17, 2004. The Amendment added an additional use for property in the R-3 Multiple-Family Residential Zone (Section 6(B)(3)) and created Multiple-Family Planned Unit Development regulations (Section 12). It also renumbered former Sections 12-20.

Ordinance No. 134, amending Section 12(B)(5) and Section 12(B)(6), was passed and approved May 11, 2004, and published in the Iowa City Press-Citizen on May 25, 2004. The amendment revised green space and set back requirements for Multiple-Family Planned Unit Development projects.

Ordinance No. 146, amending Section 12(B) and adding Section 12(C), was passed and approved April 12, 2005, and published in the Iowa City Press-Citizen on May 6, 2005. The amendment reorganized Section 12 (B) into (1) Alternative 1 - Vertical Concept and (2) Alternative 2 - Horizontal Concept. It renumbered former Sections 12(B)(5), 12(B)(6) and 12(B)(7) as Sections 12(C)(1), 12(C)(2) and 12(C)(3). Zoning Ordinance Subsections 12(C) to 12(E) will be renumbered as Subsections 12(D) to 12(F). The amendment added zoning guidelines for multiple family Planned Unit Development.

Ordinance No. 150, amending Section 12 (B)(1) and 12 (B)(2), was passed and approved June 14, 2005 and published in the Iowa City Press-Citizen on January 29, 2005. The amendment renumbered former Sections 12 (C)(1), (2) and (3) to be known as Section 12 (B)(1)(E), (F) and (G). It added Sections 12 (B)(2)(E),(F) and (G). The amendment also renumbered former Section 12 (C)(3) as Section 12(B)(2)(h). The amendment added eave and building projection limitations on lot lines along Marietta Avenue, George and Sunset Streets, and parking spaces for multi-family planned unit development projects.

Ordinance No. 152 amending Section 12 (B)(2), was passed and approved August 9, 2005 and published in the Iowa City Press-Citizen on July 22, 2005. The amendment changed the building height for multiple-family planned unit development projects from 35 to 39 feet in height.

Ordinance No. 156 amending Section 3 (14), was passed and approved on March 13, 2007 and published in the Iowa City Press Citizen on May 12, 2007. The amendment adds language defining the front yard for Horn Elementary School.

Ordinance No. 171 amending Section 8 (D), Section 10(B) and (D), and Section 11 (B)(4) and adding Section 14 (3)(d), Section 15 (D)(7) and 15 (D)(8), was passed and approved on March 10, 2009 and published in the Iowa City Press-Citizen on March 18, 2009. Ordinance No. 171 amended Section 8(d) to provide that terraces, patios, and concrete slabs projecting into required yards may not be used for parking of motor vehicles. It amended Section 10(b) to provide that off-street parking spaces must be constructed of asphalt, cement, or another permanent, dust-free material but not constructed of dirt, gravel, rock, or stone. It amended Section 10(D) to provide that two-thirds of required front yards in the R-1 zone must remain free of parking. It amended Section 11(b)(4) to change the name of "Quarterback Court" to "Birkdale Court". It amended Section 14(3)(d) to empower the Board of Adjustment to hear appeals concerning fences as provided in Ordinance No. 105. Finally, it added Section 15(d)(7) and (8) to provide for certain non-conforming driveways, parking spaces, or parking areas.

Ordinance No. 173 adding Section 15(D)(9), was passed and approved on December 8, 2009 and published in the Iowa City Press-Citizen on December 17, 2009. The amendment adds language regarding driveways, parking spaces, or parking areas that project into a rear yard.

Ordinance No. 180 amending Section 5(A)(6), adding Section 6(F), and a new Section 13 – Multiple-Family Commercial PUD, was passed and approved on December 14, 2010 and published in the Iowa City Press-Citizen on March 4, 2011. The amendment created the "Multiple-Family Commercial" zoning district, defined the permitted uses in that district, and provided a process for considering a Multiple-Family Commercial PUD application. It renumbered former sections 13 – 22 as sections 14 – 23.

Ordinance No. 183 amending Section 3(14), Section 8(D), Section 10(D)(1), and adding Section 16(D)(10), was passed and approved on May 14, 2013 and published in the Iowa City Press-Citizen on July 22, 2014. The amendment restricts pavement in yards throughout the City and sets forth particular pavement and parking restrictions in rear yards of lots adjacent to the east side of Olive Court; it also permits certain pre-existing, nonconforming uses.

Steve/UH/UHOrdinances/Ordinance 079 Amended by 146,150,152,156,171,173, 180, 183

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:

****

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.

****

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 H~~h~~eight, 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.

****

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:

****

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:

****

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.

****

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

****

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.

****

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

****

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 or 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.

****

~~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~~:

~~ZONE~~	~~ONE FRONT YARD HAVING A DEPTH OF~~	~~TWO SIDE YARDS HAVING A DEPTH OF~~	~~ONE REAR YARD HAVING A DEPTH OF~~

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 ~~2~~ three (3) 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 yard~~Setbacks, provided ~~these~~ they ~~projections~~ remain at least ~~2~~ 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 yard~~Rear Yard or Side Yard at least five (5) feet ~~5 feet~~ from ~~the adjacent~~any lot line. ***See Figure 01 and Figure 02 appended to this Ordinance.***

Section 9. Lot Regulations.

****

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.

****

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 yard~~Front 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 yard~~Rear 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 yard~~Rear Yard, then required spaces may not also be located in the ~~front yard~~Front 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 yards~~Front Setback or Side Setback, provided a minimum of 50% of the ~~required front~~Front Setback and ~~side yards~~Side 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 yard~~Setback. ***See Figure 02 appended to this Ordinance.***

4. In Commercial (C) zones - parking spaces may be located in any ~~required yard~~ Setback 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, ~~side~~Side, and ~~rear~~ Rear ~~yard setbacks~~Setbacks.

****

14. Maximum Building ~~height~~ Height 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 H~~h~~eight 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 s~~Setbacks.

****

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 ~~8~~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 ~~height~~Height, 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.

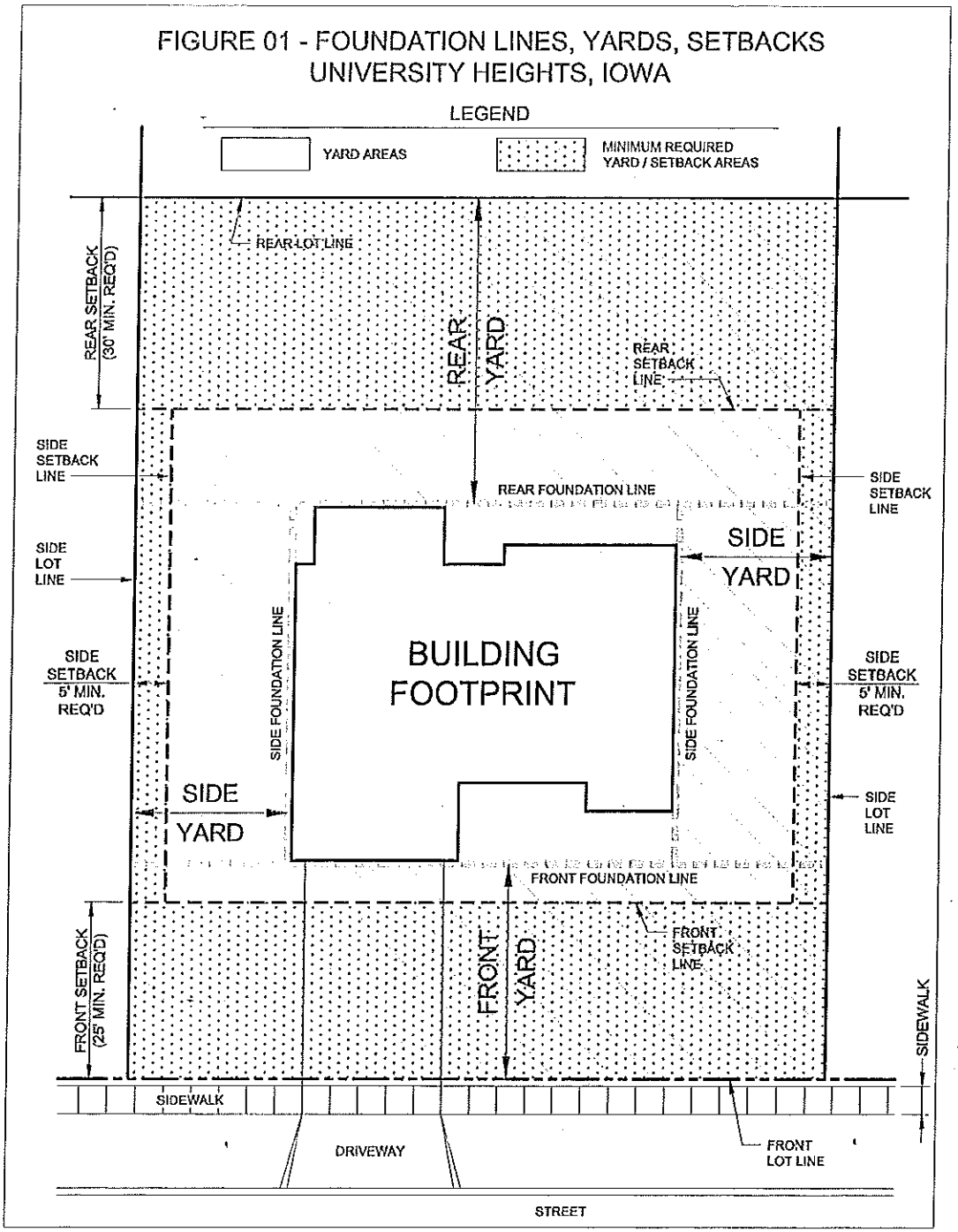
2. The Zoning Commission shall file its recommendations and report to the City Clerk and the Council shall, before enacting any proposed amendment, supplement, change, modification, or repeal, hold a public hearing in relation thereto, giving at least seven (7) but not more than twenty (20)~~15~~ days' 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

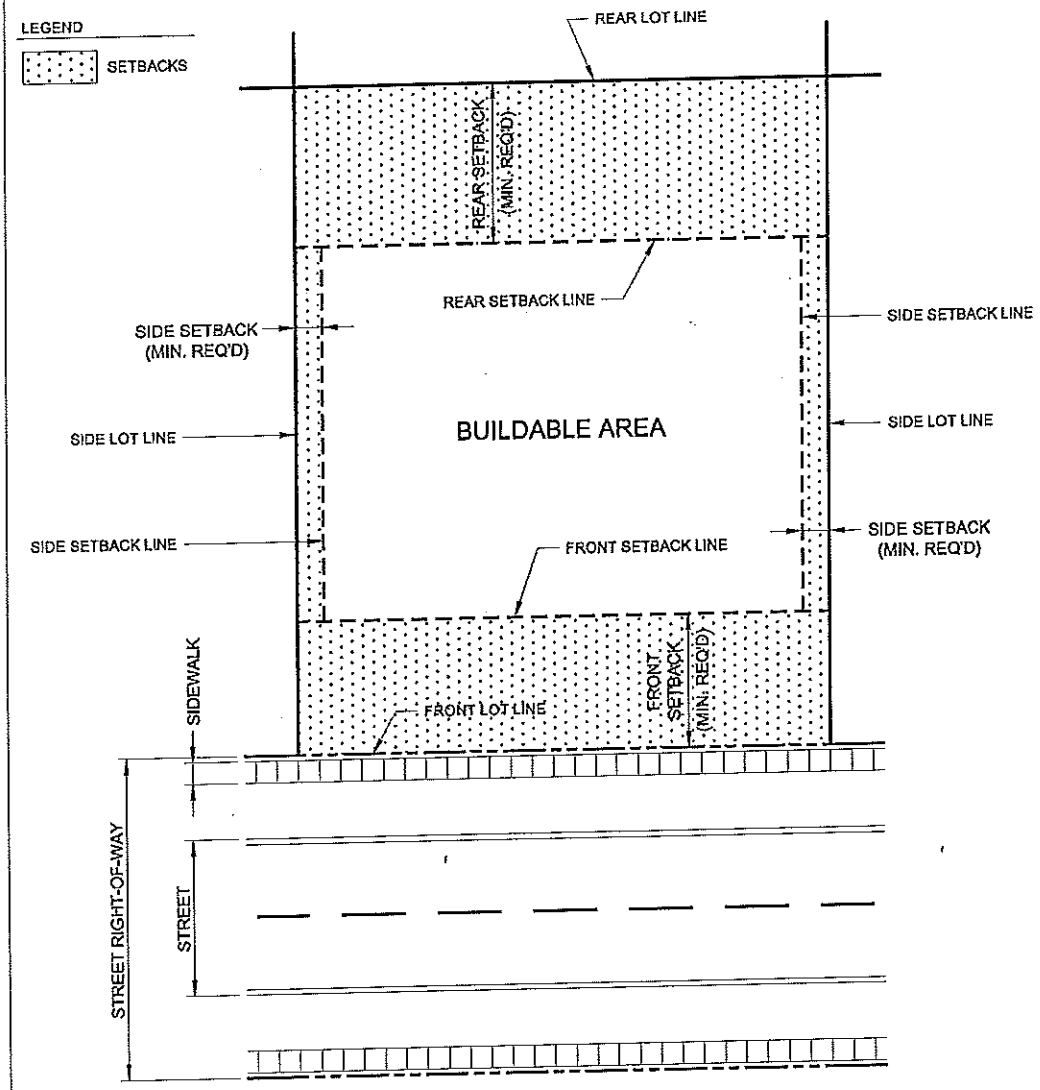
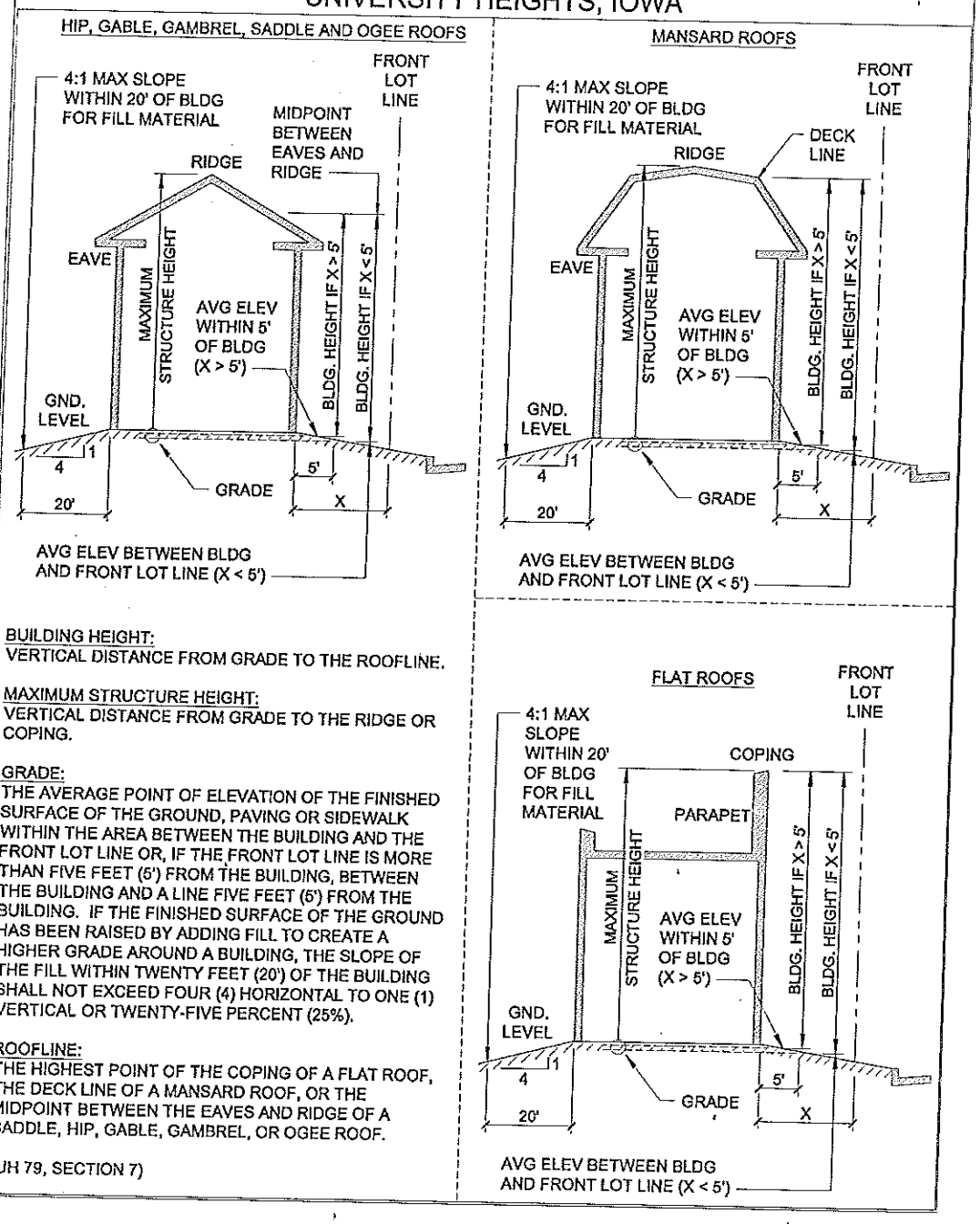


FIGURE 03 - BUILDING HEIGHT AND MAXIMUM STRUCTURE HEIGHT
UNIVERSITY HEIGHTS, IOWA



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)

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 10th day of March, 2015, and approved this 10th day of March, 2015.

Louise From

Louise From, Mayor

ATTEST:
(SEAL)

Christine Anderson

Christine Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the 10thth 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.

NOTARIAL SEAL IOWA
STEVEN E. BALLARD
COMMISSION NO. 161385
MY COMMISSION EXPIRES
7-16-15

Notary Public in and for the
State of Iowa

NOTICE OF PUBLIC HEARING
CITY OF UNIVERSITY HEIGHTS
BOARD OF ADJUSTMENT

The University Heights Board of Adjustment will meet June 4, 2015 at 6:00 p.m. at the University Heights City Office, 1004 Melrose Avenue, University Heights, Iowa, to consider the following matters:

1. Application for a variance from the provisions of Ordinance No. 79(8) to decrease the Front Setback for a portion of 1006 Melrose Avenue from 10 feet to 5 feet. The applicant seeks a variance to enclose the present outdoor seating area at the current Stella restaurant on the south side of the building.

2. Application for a variance from the provisions of Ordinance No. 79(7) to increase the maximum Building Height and/or Maximum Structure Height for an accessory structure and to decrease Setbacks and yard regulations for a proposed garage at 1465 Grand Avenue.

This meeting will be a public meeting. Written comment concerning the application may be submitted to the undersigned in advance of the meeting.

Dated this 11th day of May, 2015.

CITY OF UNIVERSITY HEIGHTS BOARD OF ADJUSTMENT

By: Steven E. Ballard
LEFF LAW FIRM, L.L.P.
222 South Linn
P.O. Box 2447
Iowa City, Iowa 52244-2447
ballard@lefflaw.com
ATTORNEY FOR THE CITY OF UNIVERSITY HEIGHTS