

AGENDA

PUBLIC MEETING:

Zoning Commission Meeting

City of University Heights, Iowa

Tuesday, May 3, 2016

7:00-8:15 p.m.

LOCATION:

City Office

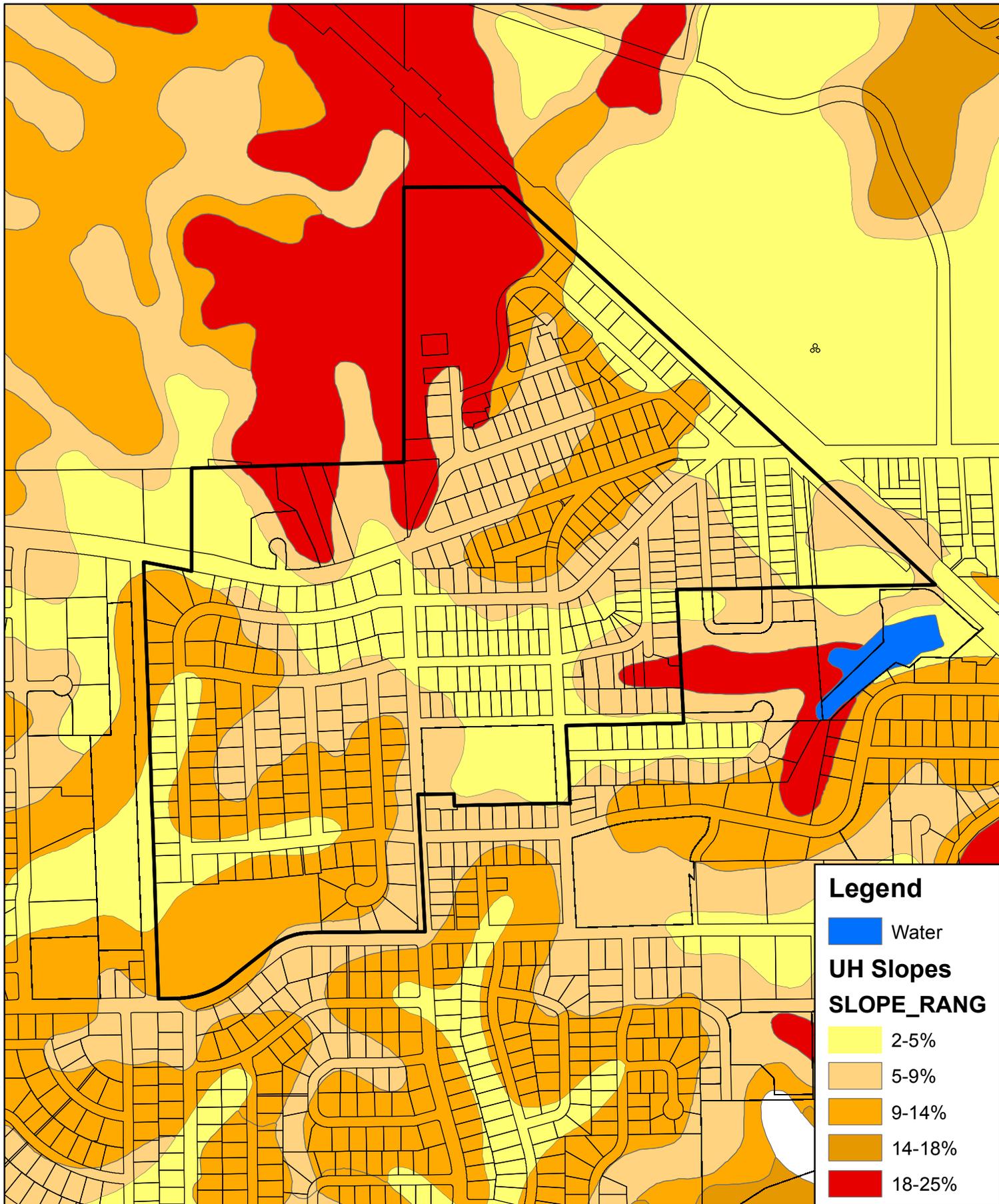
1004 Melrose Ave
Iowa City, IA 52246

Called by: Pat Bauer, Zoning Commission Chair

Time*	Topic
7:00-7:05 p.m.	Call to Order & Approval of Minutes of April 4, 2016 Zoning Commission Meeting
7:05-7:10 p.m.	Public Input
7:10-7:30 p.m.	Consideration of Need for and Nature of Appropriate Amendments of Sensitive Areas and Stormwater Runoff Ordinances
7:30-8:00 p.m.	Desirability of Purchasing Sensitive Areas Mapping Information (including possible conference call with vendor's project manager concerning scope and nature of resulting materials)
8:00-8:15 p.m.	Possible Topics for Future Consideration
8:15 pm	Adjournment

* Time is approximate; meeting segments may exceed or be less than the specified times.

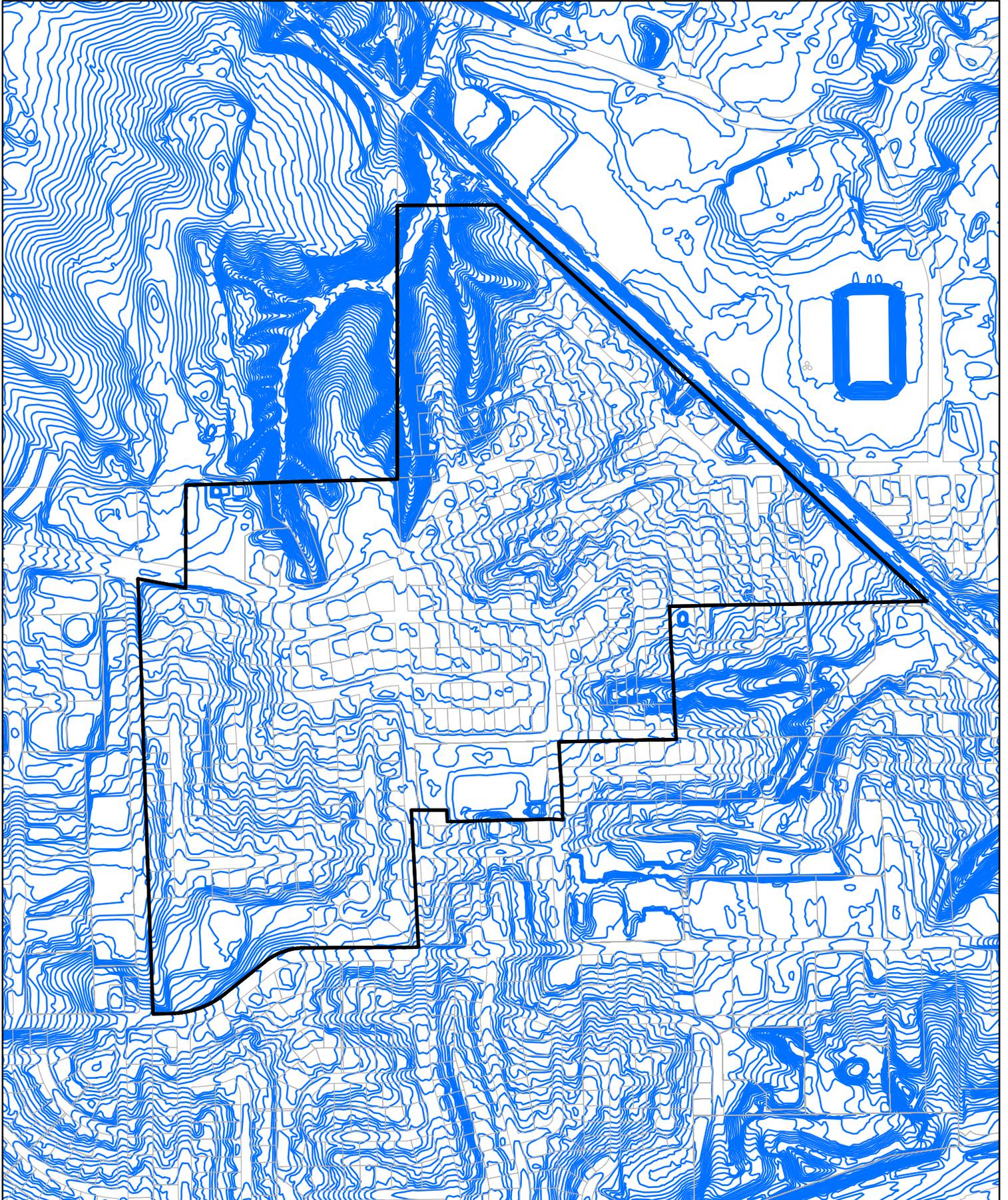
Slope - Range



0 370 740 1,480 Feet



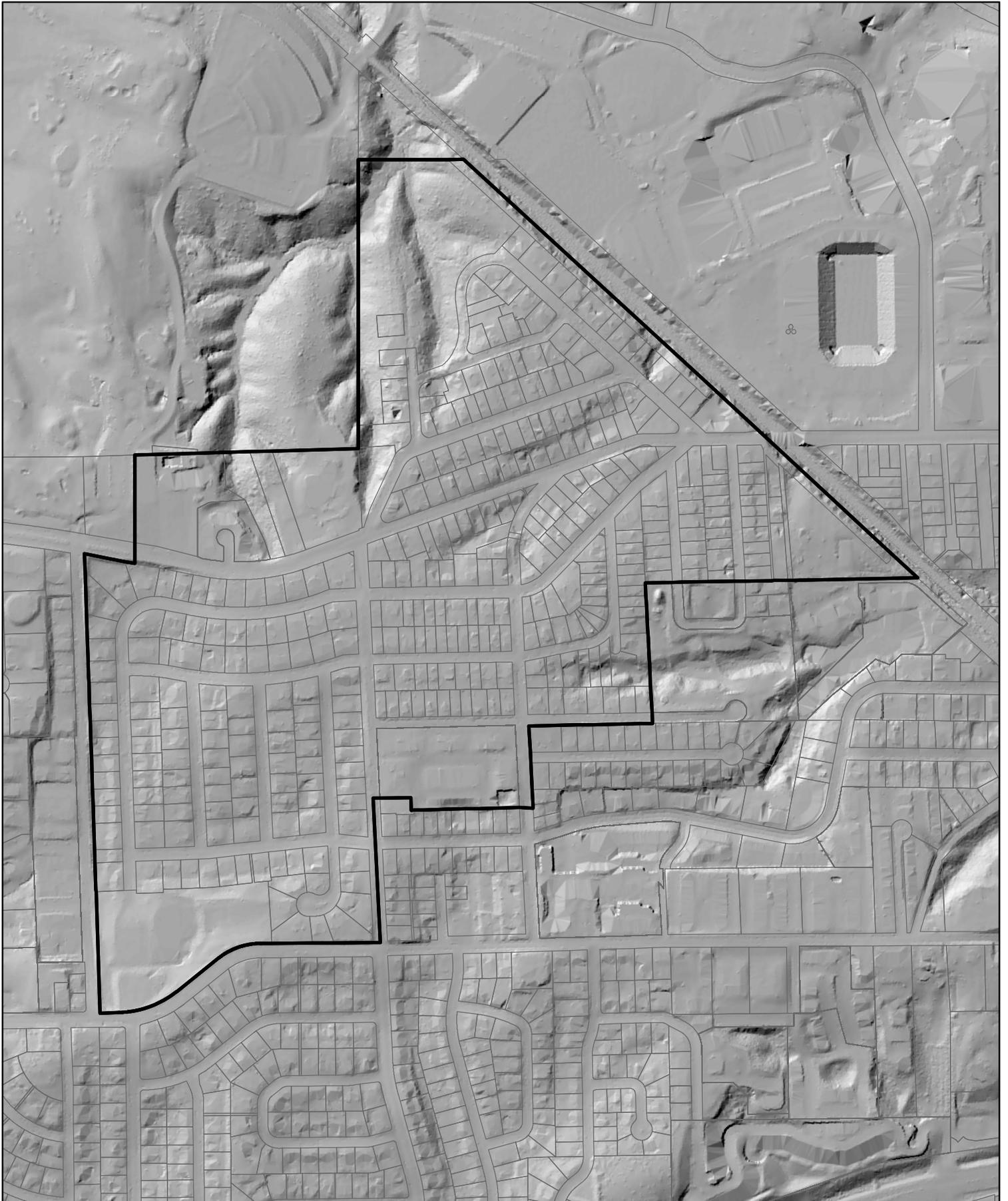
2 Foot Elevation Contours - Feet Above Sea Level



0 500 1,000 2,000 Feet



Hillshade View of University Heights



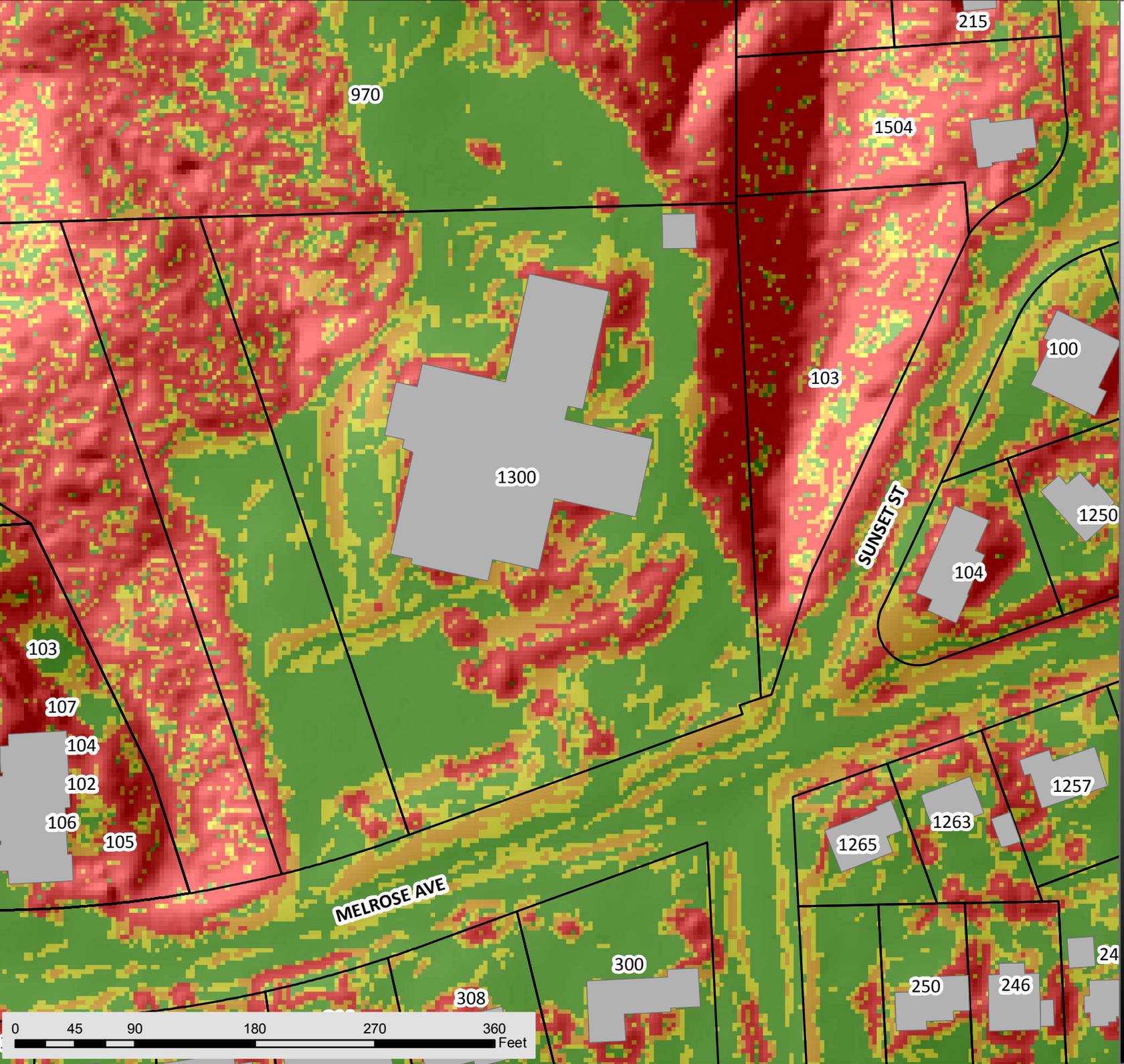
0 350 700 1,400 Feet





Map Key

-  Building Footprints
-  Parcel Lines
- Percentage Slope**
- <VALUE>**
-  0 - 18
-  18 - 25
-  25 - 40
-  40 +

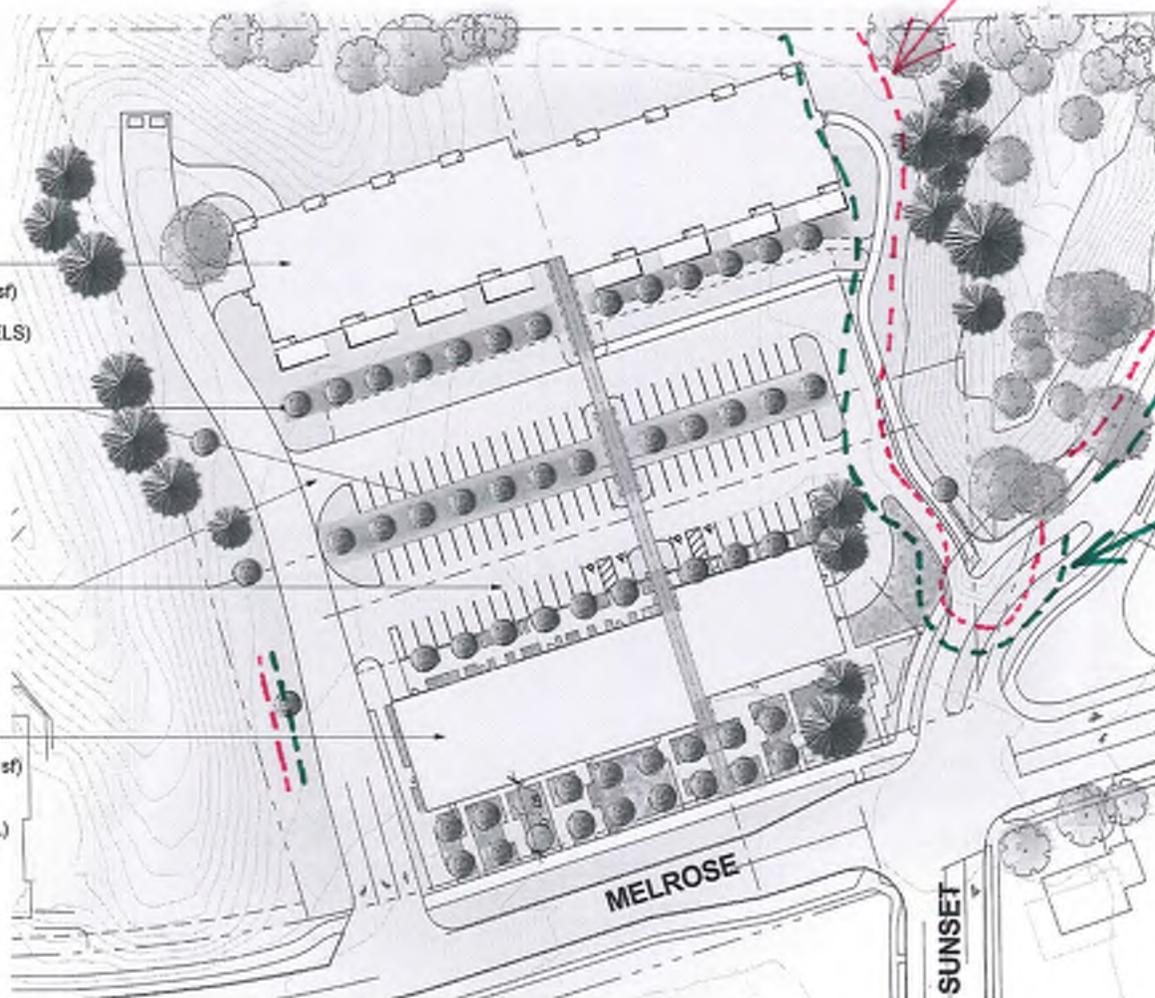


NORTH BUILDING
BUILDING FOOTPRINT (22,808sf)
80 CONDOS (5 LEVELS)
120 PARKING SPACES (2 LEVELS)

BIOSWALE

73 PARKING SPACES

SOUTH BUILDING
BUILDING FOOTPRINT (16,000 sf)
14,600 SF COMMERCIAL
24 CONDOS (2 LEVELS)
44 PARKING SPACES (1 LEVEL)



ROUGH SKETCH OF
BUFFER "EYEBALLED"

FROM THE 2011
SITE PLAN DWG
(1' BUFFER PER 2' RISE)

APPROX. LINE:
2' BUFFER PER
1' VERTICAL RISE
(PROTECTED SLOPES)

A1 ARCHITECTURAL SITE PLAN

1" = 60'-0"

ONE UNIVERSITY PLACE -
SOUTH BUILDING

Date: 02-06-2019



CONFLUENCE

NEUMANN MONSON ARCHITECTS

201 East College Street | Suite 200 | Iowa City, Iowa 52242
7314 326 7376
418 8th Avenue | Suite 200 | Des Moines, Iowa 50309
7314 326 7300

March 9, 2015

Proceedings of the Zoning Commission of University Heights, Iowa, held at the City Office, 1004 Melrose Avenue, subject to approval by the Commission at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

* * *

Water Run-Off and Sensitive Slope Regulations: Yeggy distributed a soil-type report to the commission. Gahn commented on research to sensitive slopes rules in Johnson County which she felt were more detailed than Iowa City's rules. Currently, the city has Ordinance 169 which regulates post-construction storm water runoff and she would like to add additional regulations.

Rosebrook recommended reviewing Ordinance 128 to see what issues need to be addressed. Haugen would like to add buffer requirements to the ordinance. Need to add more definitions and maps. A sensitive-area site plan would need to be approved by the city council. Need to define how property owners are notified about sensitive slopes when purchasing a property.

* * *

March 16, 2015

Proceedings of the Zoning Commission of University Heights, Iowa, held at the City Office, 1004 Melrose Avenue, subject to approval by the Commission at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

* * *

Discussion of Sensitive Slopes and Water Runoff: The Commission discussed zoning regulations related to sensitive slopes and water runoff.

- Wilson said he had contacted officials with the City of Iowa City regarding Iowa City regulations. He will report further at the next meeting.
- Other features to consider in discussion zoning regulations
 - Wetlands – defined by type of soil
 - Prairie remnants
 - Woodlands
 - Archeological sites
- Issues for University Heights regulations compared with those in Iowa City and Johnson County
 - University Heights seeks to apply regulations to much smaller scale.
 - Nearly all of University Heights has been developed.
- Yeggy and Gahn will meet with Rick Havel at Johnson County GIS to gather additional information.
- Wilson said one map created for University Heights by Johnson County GIS appears to be the type of map that triggers further review – request for additional, more-specific information.
- Wilson noted that some jurisdictions’ regulations are triggered not only by grade of slope but also by area under consideration.
- Yeggy suggested that perhaps GIS could produce a general map for a lot showing runoff.
- A suggestion was made that the City require applicant to obtain and include with application some map from GIS showing contours.
- Wilson also noted that “lot coverage” restrictions may implicate water runoff issues because of impervious surfaces.
- Gahn noted City of Dexter info circulated by Yeggy as a way of introducing restrictions to community.
- A suggestion was made to have Building Permit Applications require a depiction of lot coverage.
- Gahn reviewed Ordinance No. 128 and compared with similar provisions in Johnson County (No. 04-26-07-Z1) and the City of Iowa City (Nos. 14-51-8, 14-K6-1).
 - Possible changes to the University Heights Ordinance
 - “Purposes” (see Johnson County Ordinance for section number references)
 - 1 - Protect and preserve areas of environmental concern (sensitive area)
 - 3 – encourage good stewardship of the land
 - 4 –land use plan – maybe this should be omitted?
 - 5 – prevent injury and damage from natural hazards (flood, erosion)
 - 6 – prevent and minimize degradation of surface and groundwater
 - 7, 8, 9 may not be applicable to University Heights
 - “Definitions” – Ordinance No. 128
 - A - Ghan suggested changing Ordinance 128(A) and (B) to say “Development Plan”
 - B – looks good.
 - Alphabetize or keep in order of increasing slope, etc.?
 - A-F look good and percentages are in sync with Johnson County and City of Iowa City.
 - Should we add definitions?
 - Prairie lands
 - Prairie remnants – require buffer?
 - Archeological
 - Should these definitions be governed at all by size (e.g., 0.3 acres of contiguous prairie remnant)
 - Johnson County does this
 - One idea is if you get small enough, you don’t have a viable ecosystem to protect.

- Woodlands
 - University Heights defines based on not less than 2 acres
 - Others define by number of trees of particular diameter; perhaps University Heights should include “grove of trees – 10 or more trees each having a diameter of 12 inches or more with combined canopy covering at least 50% of the area covered by the trees”. (See Iowa City “definitions”).
 - Suggestion to strike “woodlands” and replace with “Grove of Trees” from Iowa City definition.
- Maybe “Prairie Remnants” definition – see Johnson County.
- Add “Buffer” definition? Only applicable to new construction? Look at Iowa City’s definition (but does it apply to individual lots?).
 - Include 2’ for 50’ of rise – see COIC.
 - Based upon what’s available on the subject lot?
 - If require specified dimension (e.g. 50’), then how establish a buffer on another’s property?
- Include “cutback caving”?
 - See Johnson County ordinance
 - Is this applicable to University Heights?
 - Soils survey will determine if we need something further
- Endangered species
 - Is University Heights too small for this
 - Do county, state, and federal laws cover this?
 - See Johnson County definition references other regulations:
 - U.S. Fish and Wildlife Service
 - Iowa Department of Natural Resources
- “Excessive slopes”
 - need more info to see what we have in University Heights
- Hydric Soils – see Johnson County
 - Soil that is permanently or seasonally saturated by water resulting in anaerobic conditions
 - See USACE hydric soils list
- “Sensitive Area”
 - See definition from Johnson County
 - Perhaps make this Section 3 of Ordinance No. 128
 - Move ‘steep’, ‘critical’, ‘protected’ to that section
 - Look at further definitions from Johnson County
 - Blue lines, floodways –
 - USGS survey shows this?
 - What about smaller areas?
 - Drainageway?
 - How to define – ask Rick Havel, Bob Miklo
- “Land disturbance activity” – see Windsor Heights
 - Anything that increases storm water runoff (?)
 - Applies to smaller areas (not just 2+ acres) – 3,000sqft

* * *

March 19, 2015

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The Commission's water runoff and sensitive slopes regulation discussion continued from the March 16, 2015, meeting.

Yeggy and Gahn reported that the Cities of Iowa City and Coralville are updating sensitive slopes ordinances and regulations.

- Coralville has no sensitive slopes ordinance.
- Coralville's water runoff ordinance applies if proposed construction involves installation or placement of 5,500sqft of impervious material (roofs, concrete, etc.).
- City of Windsor Heights regulations discussed at the last meeting only apply to commercial properties.

Wilson spoke with Josh Busard with Johnson County and summarized the discussion.

- Many County development regulations apply only to commercial property and residential subdivisions.
- "Subdivision" is defined as 3 or more lots.
- Johnson County has 4 maps showing sensitive areas
 - steep slopes
 - unstable soils
 - national wetlands inventory
 - hydric soils
- Johnson County's focus is on larger tracts of land being subdivided.
- Johnson County requires developer to show that no areas proposed for development are "sensitive".
- County ordinances and regulations apply only to areas in unincorporated areas of the county – not areas in Cities.
- All of the "sensitive" areas may be mitigated
 - If specified conditions are met, the "sensitive" areas may be developed or partially so
 - Even "protected" slopes, etc.
- Regulations don't apply to already platted residential property.
- Proponent must show that there are no "sensitive" areas or that acceptable mitigation will be included.
- Showing must be made at time of building permit.
- Proponent bears the expense of identifying and pointing out "sensitive" areas.
- Josh suggested focusing on erosion control as part of sensitive areas discussion.

Yeggy and Gahn spoke with Rick Havel with Johnson County GIS and summarized the discussion.

- Rick will provide a map or maps showing
 - Different slopes
 - Soil types, particularly if deemed critical
 - Contour lines
- Map may be interactive.
- Commission may need to wait for mapping and discussion on mapping to complete work on definitions.
 - Need to see what slopes exist.
 - Need to see what soil types exist.

The Commission discussed possible building permit additions.

- Check-the-box section requiring applicant to identify sensitive areas.
- Clarify that burden would be on proponent to identify areas and show how development would comply with protections and restrictions.

The Commission continued its discussion on buffer area.

- Wilson said 50' was too large for how much City property is already developed and how close together City lots are.
 - Largest frontage lots are 100'.
 - Some are 50'.
- Perhaps up to 20' would be more reasonable.
- Gahn said that 50' does not seem that large.

- Commission may need input from professionals with respect to necessary dimensions of sufficient buffer.
- Discussion of how present and possible revisions to sensitive areas ordinance may impact St. Andrew proposed development and how existing ordinance applied to prior construction.
- Other treatment of “buffer” - Iowa City Ordinance (14-5I-8 (and that’s an “I - eye”, not a “1 - one”)).
 - Required around “protected” slopes
 - 2’ buffer for each 1’ of vertical rise up to max of 50’
 - No development allowed within the buffer
 - If geologist satisfies Council that development won’t be harmful, then some development may be allowed (see Iowa City Ordinance)

GIS blue-line streams

- Streams generally run directly to a river.
- Not sure whether there are any such in University Heights.
- Buffer strips generally are required along blue-line stream.
- Iowa City – any property located within a stream corridor shall not be developed for any purpose.

Implementation procedures and requirements

- Who inspects
- What’s the process
- To the extent Council has authority or responsibility to consider plans and/or requests for mitigation/exception, what are the criteria to apply

Engineer/Erosion/Sensitive Areas consultant

- The Commission discussed various possible consultants who might assist in this discussion
 - MPO-JC
 - City Engineer’s office
 - Iowa League of Cities
 - Johnson County Soil and Water Conservation
- Submit questions to Gahn for inquiry to engineer for response by April 7 meeting

* * *

April 7, 2015

Proceedings of the Zoning Commission of University Heights, Iowa, held at the City Office, 1004 Melrose Avenue, subject to approval by the Commission at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

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Consideration and Discussion of Slope and Soil Maps from Johnson County GIS: Yeggy distributed slope and soil maps prepared by Johnson County GIS. She suggests requiring building permits to include a slope map. Also, the city should purchase a large-format, high resolution maps showing elevation lines and slopes, to the building inspector can determine if a property has sensitive, steep, critical or protected slopes.

Yeggy stated that Coralville and Iowa City will be working on their sensitive slope ordinances in the fall 2015. She recommended the commission delay discussion on the city's ordinances until that time. Coralville currently has no ordinances for sensitive slopes and wants to update the ordinances on erosions. Iowa City plans to update the water run-off ordinances. Commissioner Haugen suggested the commission address buffers for sensitive slopes; Gahn agreed and recommended the commission move forward with the research she has gathered and then re-address it in the fall.

Commissioner Rosebrook said he would like to see a topographical map for just University Heights, including a key with definitions for each type of soil. Rosebrook commented that any decisions the council makes on sensitive slopes should be made in conjunction with Iowa City given the city's location "upstream" to Iowa City.

Discussion of Ordinance 128: Gahn led the discussion on proposed revisions and additions to Ordinance 128. The definitions have been alphabetized and Gahn added a draft definition for buffers and grove of trees. "Regulated Sensitive Slopes" were further defined for "critical", "excessive", "protected" and "steep" slopes, along with a definition for "percent of slope".

Gahn inserted a general statement under Section 3: Requirements and Regulations to state: "This process seeks to optimize land use, while carefully considering all of the identified sensitive elements, and to reach a reasonable balance for the development of the land."

Under "General Provisions", Gahn included a provision where applicants who are submitting a building proposal to the city must include a "Sensitive Areas Development Plan". The plan would be drawn to scale and show: 1) Soils and Topography, 2) Location and Type of sensitive slopes, 3) Existing Zoning and density, 4) Existing or proposed wastewater systems. 5) Proposed open or conservations spaces and 6) include a statement where applicant will protect sensitive slopes and areas.

Gahn stated the proposed language in Ordinance 128 was taken from either Iowa City or Johnson County ordinances. Gahn suggested adding in language for stream corridors, storm water run-off, erosion and buffers. Gahn felt the proposed changes and additions would be "a good chunk" of information to present to the city council at the next meeting. Yeggy replied that she did not want to rush the discussion on sensitive slopes and believes the commission should wait until the fall. If the city had a lot of protected slopes, Yeggy said that would be a good reason to discuss. Lot 115 has sensitive slopes but not a lot of protected slopes on the property.

Haugen asked Attorney Ballard if a PUD, "which writes its own rules", supersedes a slope ordinance. Ballard replied that yes, generally it would. The city council is able to determine the rules for a property via a PUD.

Gahn asked what is included in a development plan and a sensitive area site plan and if that is noted in the current ordinance. Ballard stated that is not outlined in the current ordinance.

Attorney Ballard cautioned the commission to not rush on the discussion for sensitive slopes and commented on a lack of expertise in this area. Ballard gave examples and said that the council would want to see specific criteria; there needs to be a legal basis for the ordinance.

Rosebrook said he agreed with Ballard and stated the commission needs to do their due diligence on these issues and not rush something for the next council meeting. Rosebrook complimented Gahn on her work. Rosebrook commented that the commission should work in concert with Iowa City, given shared boundaries, but still work diligently on University Heights' issues.

Rosebrook suggested at the next meeting an outline should be created on remaining issues to address. Yeggy felt erosion control and storm water run-off are two issues that need to be addressed. Yeggy would like to add additional forms to the building permit process.

Public Input: Mike Haverkamp, 315 Golfview Avenue, suggested the commission identify a plan to handle the volume of water run-off on properties.

* * *

May 5, 2015

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Assess Usefulness of Informational Meetings with Natural Resource Experts: Chairperson Yeggy stated she would like to know more about the types of soils in the city and the “background” of each type. Commissioner Wilson suggested a survey on the different types of soils and slopes with experts advising on guidelines for the city to enact or follow. It could be used by the building inspector to determine which properties need more scrutiny during a building project. Yeggy said she recommended to the council that the city should purchase a large-format, high resolution maps showing elevation lines and slopes. Yeggy commented that the city has three types of soils and their definitions define what kinds of slopes the soil is found at.

Commissioner Gahn would like a wildlife biologist and forester to identify endangered species of plants and animals in the city, and identify if there are prairie remnants on the Swisher property. Wilson suggested an expert conduct a “windshield survey” of trees, plants, etc. and inform the commission on potential issues. Suggestions were made to have Mark Vitosh survey the city’s trees and Tim Thompson survey the city’s wildlife; both work for the Iowa Department of Natural Resources.

Commissioner Rosebrook said a goal is to make current and new property owners aware of slopes on their property and how potential building projects could impact their neighbor’s property. Rosebrook suggested that information be sent to all property owners in the city regarding issues on the property. Yeggy commented that there are several “blue streams” in the city which need to be addressed.

Yeggy suggested having the city engineer attend a meeting and explain what a site plan and grade plan contain and the city clerk explain the building permit process and share current forms with the commission.

The commission discussed archeological site issues during the excavation process. If items appear to be 50 years or older, builders must stop the excavation and bring in specialists to review the artifacts.

* * *

June 2, 2015

Proceedings of the Zoning Commission of University Heights, Iowa, held at the City Office, 1004 Melrose Avenue, subject to approval by the Commission at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

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Compile Questions and Talking Points for Meetings with DNR Wildlife Biologist and Forester: The commissioners would like to ask the following questions:

For biologist Tim Thompson:

- Is the Indiana bat located within the city? What species reside here and which ones visit and can the populations be determined?
- For the larger mostly undeveloped parcels, it would not be an unreasonable cost to require the appropriate wildlife, tree and other sensitive areas inventories, but how do we identify smaller areas within UH where there is enough reason to believe there is a sensitive wildlife area (or other sensitive area)?
- In the smaller areas identified that are likely to have sensitive wildlife (or other sensitive areas), would it be reasonable to require a wildlife survey if an individual lot is developed further, especially if the sensitive wildlife area spans more than one lot?
- How do we deal with locating areas that might have wildlife like bats or redheaded woodpeckers which move around, and which are not threatened and endangered species? Are these areas too transitory, too small and too difficult to determine to deal with?

For forester Mark Vitosh:

- What is the best way to define a grove of trees that should be protected? By tree diameter, number of trees, canopy coverage, etc.?
- How could a grove of trees on already developed lots being further developed with additions or paving be protected, especially if the grove spans more than one lot? Should we even try to protect a grove on lots mostly developed?
- To comment on creating habitat in an area that humans so intensely occupy; is it a good idea and how do we accomplish that?
- If the forester was going to lead a flora and fauna walk, where would he start and end the walk?
- What fruit trees would grow well in this area?

Commissioner Rosebrook suggested that information be shared with citizens at the monthly UHs Farmers Market.

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June 16, 2015

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Meetings with DNR Wildlife Biologist and Forester: Commissioners Yeggy and Gahn met with Tim Thompson, DNR Wildlife biologist, to discuss wildlife in University Heights. Thompson commented the city “is too developed” to add new regulations about threatened and endangered species. Yeggy said he commented that the Swisher tract could have endangered plants because it has remained undeveloped for so long. No census has been conducted on endangered animals or plants. Gahn stated that while species can be protected, habitats, with the exception of wetlands, are not. The forester recommended that neighbors work together to create habitat within neighborhoods.

Commissioners Yeggy and Wilson, along with council member Virginia Miller, met with the DNR forester Mark Vitosh, who noted that the city has 54% canopy coverage, which is considered quite high. If a city is infected with Emerald Ash Bore, within five to eight years there will be “significant death of trees”. Vitosh recommended updating Ordinance 31, regarding removal of dead Dutch elm trees on private property, to also include dead ash trees. He was recommends increasing the number of species of trees within the city.

Commission Rosebrook asked if Vitosh commented on the age of the trees within the city and their lifespan. Yeggy replied that Vitosh stated residential trees tend to live 60-90 years. Commissioners discussed surveying residents for trees on private property. Mayor From reminded the council that a city Tree Board will be established in January 2016 to address multiple issues.

* * *

ORDINANCE NO. 128

AN ORDINANCE REGULATING THE DEVELOPMENT OF SENSITIVE
AREAS WITHIN THE CITY OF UNIVERSITY HEIGHTS

SECTION 1. PURPOSE.

The purpose of this ordinance is to protect sensitive areas within the City of University Heights by regulating the development of such sensitive areas.

SECTION 2. DEFINITIONS.

- A. SENSITIVE AREAS DEVELOPMENT PLAN: A plan to be submitted in and approved that designates protected sensitive areas and associated buffers within a planned development.
- B. SENSITIVE AREAS SITE PLAN: A site plan for development on a tract of land that contains sensitive areas that warrant protection under an approved plan for protecting sensitive areas on said tract.
- C. STEEP SLOPE: A slope rising eighteen percent (18%), but less than twenty five percent (25%) over a run of 10 feet.
- D. CRITICAL SLOPE: A slope rising twenty five percent (25%), but less than forty percent (40%) over a run of 10 feet.
- E. PROTECTED SLOPE: Any slope rising forty percent (40%) or steeper over a run of 10 feet.
- F. WOODLANDS: Any tract of land with a contiguous wooded area not less than two acres.

SECTION 3. REQUIREMENTS AND REGULATIONS.

- A. Steep Slopes and Woodlands: Any property containing steep slopes and/or woodlands shall be required to submit a sensitive areas site plan, which must be approved by the University Heights City Council before commencement of any development.
- B. Critical Slopes: Any property containing critical slopes shall be required to submit a development plan and grading plan, as well as a sensitive areas site plan, all of which must be approved by the University Heights City Council before commencement of any development.

C. Protected Slopes: Any area designated as a protected slope shall not be graded and must remain in its existing state, except natural vegetation may be supplemented by other plant material. Development activities may be allowed within areas containing protected slopes previously altered by human activity if a geologist or professional engineer can demonstrate to the University Heights City Council's satisfaction that development activity will not undermine the stability of the slope, and the City further determines the development activities are consistent with the intent of the Sensitive Areas Ordinance. Moreover, proposed development of such property shall be required to submit a development plan and grading plan, as well as a sensitive areas site plan, all of which must be approved by the University Heights City Council before commencement of any development

Section 4. Saving Clause.

In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

Section 5. Effective Date.

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

Adopted by the University Heights City Council this 11th day of February, 2003, and approved this ____ day of _____, 2003.

Gloria N. Jacobson, Mayor

ATTEST: (seal)

Patricia Birk, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 11th day of February, 2003, before me, a notary public in and for the state of Iowa, personally appeared Gloria N. Jacobson and Patricia Birk, 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 signed and sealed on behalf of the city, and that Gloria N. Jacobson and Patricia Birk acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Patricia Birk, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 2003.

Patricia Birk

Signed and sworn to before me on the ____ day of _____, 2003, by Patricia Birk, Clerk of the city of University Heights.

Notary Public in and for the
State of Iowa

Ordinance No. 169

POST-CONSTRUCTION STORMWATER RUNOFF CONTROL

- 169.1 Short Title.
 - 169.2 Purpose.
 - 169.3 Findings.
 - 169.4 Applicability of Ordinance.
 - 169.5 Definitions.
 - 169.6 Administration.
 - 169.7 City Not Liable.
 - 169.8 Permit Required.
 - 169.9 Stormwater Management Plan Required.
 - 169.10 Stormwater Management Plan Requirements.
 - 169.11 Compliance Required.
 - 169.12 Maintenance and Repair of Stormwater BMPs
 - 169.13 Issuance of Permit.
 - 169.14 Denial of Permit.
 - 169.15 Right of Entry.
 - 169.16 Required Inspections for Stormwater BMPs.
 - 169.17 Stop Work Order.
 - 169.18 Fees.
 - 169.19 Misdemeanor and Municipal Infraction Penalties.
 - 169.20 Nuisance.
 - 169.21 Remedies Not Exclusive.
 - 169.22 Appeals.
-

169.1 Short Title. This ordinance shall be known as the Post Construction Stormwater Runoff Control Ordinance.

169.2 Purpose. It is the purpose of this ordinance to:

Protect, maintain and enhance the environment of the City of University Heights and the public health, safety, and general welfare of the public by adopting as the City's standards the guidelines established in the Iowa Stormwater Management Manual (hereinafter collectively the "standards") to manage the stormwater runoff to improve water quality and control the maximum rate of flow to prevent downstream flooding; and

Enable the City of University Heights to comply with its National Pollution Discharge Elimination System Permit (NPDES) and applicable statutes and regulations for stormwater runoff through the following objectives:

- A. Minimize increases in stormwater runoff from development within the city limits and fringe area in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- B. Minimize increases in nonpoint pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- C. Minimize the total annual volume of surface water runoff which flows from any specific development project site after completion to not exceed the pre-development hydrologic regime to the maximum extent practicable;
- D. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through establishment of appropriate minimum stormwater management standards and BMPs and to ensure that BMPs are maintained and pose no threat to public safety.

169.3 Findings.

- A. The United States Environmental Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) permit program administered by the Iowa Department of Natural Resources (IDNR) requires that cities meeting certain demographic and environmental criteria obtain from the IDNR an NPDES permit for the discharge of storm water from a Municipal Separate Storm Sewer System (MS4) Permit. The City of University Heights is subject to the NPDES permit program and is required to obtain, and has in fact obtained, an MS4 permit; the City's MS4 permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.
- B. As a condition of the City's MS4 permit, the City is obliged to adopt and enforce a Post-Construction Stormwater Runoff Control Ordinance.
- C. Land development and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion and sediment transport and deposition; this stormwater runoff contributes to increased quantities of water-borne pollutants, and; stormwater runoff, soil erosion and nonpoint source pollution can be controlled and

minimized through the regulation of stormwater runoff from development sites.

- D. Therefore, the City of University Heights establishes this set of City stormwater standards applicable to all surface waters to provide for reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff, is in the public interest and will prevent threats to public safety and welfare.

- E. The determination of appropriate minimum stormwater management standards ("standards") and the development of effective best management practices ("BMPs") to achieve those standards requires technical expertise that may not always be readily available with the City's own staff. Moreover, it is important that such standards and BMPs be reasonably consistent across the state so that property owners and developers are not confronted with myriad variations depending on the location of the development. The "Iowa Stormwater Management Manual," published collaboratively by the Iowa Department of Natural Resources and The Center for Transportation Research and Education at Iowa State University established guidelines consisting of unified sizing criteria, stormwater management designs and specifications and BMPs. The City of University Heights hereby finds and declares that the "Iowa Stormwater Management Manual" and future editions thereof, should be and is hereby adopted as the stormwater management standards of the City of University Heights. Any BMP installation that complies with the provisions of the Iowa Stormwater Management Manual, or future editions thereof, at the time of installation of the BMP shall be deemed to have been installed in accordance with this ordinance.

169.4 Applicability of Ordinance.

- A. This Post-Construction Stormwater Runoff Control Ordinance shall be applicable to all land disturbing activities greater than one-acre or part of a larger common plan of development. In addition, this

ordinance also applies to all applications for site plans or subdivisions that are less than one acre, but are commercial, industrial or multi-family residential uses as defined by the University Heights Zoning Code.

- B. Residential subdivision lots which have been preliminary or final platted prior to the adoption of this ordinance shall be deemed exempt from the requirements of this ordinance.
- C. The following activities are exempt from this ordinance:
 - 1. Any logging or agricultural activity which is consistent with an approved soil conservation plan or a timber management plan approved by an appropriate agency.
 - 2. Additions or modifications to single family homes.
 - 3. Repairs to any stormwater BMPs deemed necessary by the City.

169.5 Definitions. The following definitions shall apply in this ordinance. References to "Sections" shall hereafter mean references to sections in this ordinance unless otherwise specified. Defined terms shall remain defined terms whether capitalized or not capitalized.

- A. Applicant means any individual, firm, corporation, association, partnership, limited liability company or any other business entity or proprietor of land that will perform Land Disturbing Activity.
- B. Best Management Practices ("BMPs") means physical, structural and/or managerial practices that, when used singly or in combination, control activities including, but not limited to, site run-off, spillage and leaks, and waste disposal, and prevent or reduce the discharge of pollutants directly or indirectly to the Waters of the United States. BMP's may include schedules of activities, prohibition of practices, design standards, educational activities and treatment requirements.
- C. Board of Appeals means the University Heights City Council, sitting as an appeal board for this ordinance.
- D. Building means any structure, either temporary or permanent, having walls and a roof, designed for the

shelter of any person, animal, or property occupying over 100 square feet.

- E. Building Permit means a permit issued by the City of University Heights or its designee.
- F. Channel Protection Storage Volume means providing 24-hour extended detention of the 1-year, 24-hour storm event. If channel protection and water quality volumes share a common extended detention facility and outlet structure, water quality volume may be included in the channel protection volume.
- G. City Council means the City Council of the City of University Heights, Iowa.
- H. Mayor or Engineer means the Mayor or Engineer of the City of University Heights, Iowa and their authorized designees.
- I. City Stormwater Standards mean the guidelines provided for in the Iowa Stormwater Management Manual and this ordinance, as amended. Where conflict occurs between the Iowa Stormwater Manual and this ordinance, requirements of this ordinance shall apply.
- J. Department means the Iowa Department of Natural Resources.
- K. Dedication means the deliberate appropriation of property by its owner for general public use.
- L. Developer means a person who undertakes land disturbing activities.
- M. Development means either:
 - 1. Land Disturbing Activity 1 acre or greater, or which is part of a larger common plan of development; or
 - 2. Any land disturbing activity for any commercial, industrial, or multi-family residential use as defined by the University Heights Zoning Code.
- N. Drainage Easement means a legal right granted by a landowner to a grantee for the purposes of allowing use of private land for stormwater management purposes.
- O. Iowa Stormwater Management Manual means the manual collaboratively developed by the Iowa Department of Natural Resources (IDNR) and the Center for Transportation Research and Education (CTRE) at Iowa

State University that contains the sizing criteria, design and specification guidelines and BMPs that address stormwater quality and quantity management.

- P. Land disturbing activity means any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) or the existing topography. Land disturbing activity includes, but are not limited to, clearing, grading, filling, excavation or addition or replacement of impervious surface.
- Q. Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
- R. Maintenance Agreement means a legally recorded document that acts as a property deed restriction, and which provides for the long term maintenance of BMPs.
- S. Overbank Flood Protection Volume means providing discharge control such that the post-development 100-year storm event peak discharge does not exceed the 5-year pre-development peak discharge. If channel protection, water quality, and overbank flood protection volumes share a common extended detention facility and outlet structure, water quality and channel protection volumes may be included in the overbank flood protection discharge control.
- T. Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of the Premises or as the owner's agent.
- U. Responsible Person means an individual identified in a permit issued by the City of University Heights as the principal contact for communications regarding the permit.
- V. Storm Water means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
- W. Stormwater Management means the use of BMPs that are designed in accordance with the City stormwater standards to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

- X. Storm Water Pollution Prevention Plan ("SWPPP") means a document which describes the Best Management Practices and activities to be implemented by a Person to identify sources of pollution or contamination at a Site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or receiving waters of the United States to the maximum extent practicable.
- Y. *Storm Water Wet Detention Pond* means a constructed stormwater detention basin that has a permanent pool of water. Minimum pool depth shall be 10-feet for at least 25% of the permanent pool area. Upon completion of the pond, the owner shall stock the pond with appropriate bass, bluegill, and catfish combination. Owner may contact DNR fisheries or the City for fish stocking.
- Z. Water Quality Volume means the storage needed to capture and treat the runoff from 90% of the average annual rainfall. For purposes of this ordinance, the design rainfall depth for determining Water Quality Volume is 1.25 inches.

169.6 Administration. The Mayor or Engineer shall administer, implement and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Mayor or Engineer may be delegated by the Mayor or Engineer to persons or entities acting in the beneficial interest of or in the employ of the City.

169.7 City Not Liable. Nothing contained in this ordinance is intended to be nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents for any injury or damage resulting from the failure of Responsible Parties to comply with the provisions of this ordinance or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this ordinance, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this ordinance by its officers, employees or agents.

169.8 Permit Required. No Landowner or Developer shall receive any Construction Site Runoff Permit or Building Permit without first meeting the requirements

of this ordinance prior to commencing the proposed activity.

169.9 Stormwater Management Plan Required. No application for development subject to the provisions of this ordinance will be accepted unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled and managed.

169.10 Stormwater Management Plan Requirements. The Stormwater Management Plan for each development subject to this ordinance shall:

- A. Be prepared by a licensed professional engineer; and
- B. Indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of BMPs, with clear citations to the Iowa Stormwater Management Manual; and
- C. Include a signed and dated certification under penalty of perjury by the preparer of the Stormwater Management Plan that it complies with all of the requirements of this ordinance and the Iowa Stormwater Management Manual, meets the submittal requirements outlined in the Iowa Stormwater Management Manual, is designed to achieve the City stormwater standards, and that the City is entitled to rely upon the certification as due diligence on the part of the City.
- D. Include a scaled map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment and erosion BMPs.
- E. Include a map showing the proposed land use with a tabulation of the percentage of surface areas to be adapted to various uses, drainage patterns, location of utilities, roads and easements and the limits of clearing and grading.
- F. Include an appropriately scaled topographic base map of the site which extends an appropriate distance beyond the limits of the proposed development and indicates existing surface water drainage, including but not limited to, streams, ponds, culverts, ditches and wetlands; current land use including all existing structures; locations of utilities, roads and easements and significant natural and manmade features not otherwise shown.

- G. Include hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Iowa Stormwater Management Manual. Such calculations shall include:
1. Description of the design storm frequency, intensity and duration;
 2. Time of concentration
 3. Data on the increase in rate and volume of runoff for the design storms referenced in the Iowa Stormwater Management Manual
 4. Soil Curve Numbers or Runoff Coefficients
 5. Peak Runoff rates and total volumes for each watershed area
 6. Culvert capacities
 7. Flow velocities; and
 8. Documentation of sources for all computation methods and field test results.
- H. Include a soils report, if a stormwater BMP depends on the hydrologic properties of soils. The soils report shall be based on on-site boring or soil pit profiles.
- I. Include a maintenance and repair plan for all stormwater BMPs including detailed maintenance and repair procedures to ensure their continued efficient function. These plans shall identify the parts or components of a stormwater BMP that need to be maintained and the equipment and skills or training necessary. Provisions for periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- J. Include a detailed Landscaping plan for management of vegetation at the site after construction is finished, including the Person responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual approved by the City such as a registered landscape architect, wetland specialist, licensed engineer, landscape designer or by the soil and water conservation district.

- K. Include proof of permanent recorded Maintenance Easements that will ensure access to all stormwater BMPs at the site for the purpose of inspection and repair.
- L. Include proof of permanent recorded Maintenance Agreements binding on all subsequent Landowners served by stormwater BMPs to ensure maintenance and repair in accordance with the specifications of this ordinance.
- M. Include copies of all other applicable environmental permits for the site.
- N. Include any other information required by the Mayor or Engineer to ensure compliance with the requirements of this ordinance.

169.11 Compliance Required. Each Development subject to the requirements of this ordinance shall comply with the City's mandate to improve stormwater quality and manage stormwater quantity within the City.

The Developer is deemed to have complied with the City's mandate to improve stormwater quality and manage stormwater quantity if the development:

- A. Treats the water quality volume resulting from a rainfall depth of 1.25 inches in accordance with the City Stormwater Standards; and
- B. Provides Channel Protection Storage Volume and extended detention in accordance with the City Stormwater Standards; and
- C. Provides Overbank Flood Protection in accordance with the City Stormwater Standards (Q100, POST \leq Q5, PRE); and
- D. Provides an emergency overflow spillway (including one-foot freeboard) and designated overflow route for extreme rainfall events. The spillway shall be designed for the 100-yr event and assuming the initial outlet controls are completely blocked.
- E. Provides stormwater BMP facilities that are constructed and function in accordance with the approved design and maintained as required by the City Stormwater Standards.
- F. The property owner or applicant shall provide to the City an as-built plan detailing dimensions and elevations as well as certification that the approved facilities were installed and properly working. The

as-built plan shall be completed by an Iowa licensed Professional Engineer and submitted to the City prior to the acceptance of any improvements or issuance of any Certificates of Occupancy.

169.12 Maintenance and Repair of Stormwater BMPs

- A. The Landowner or Developer of every site subject to the provisions of this ordinance shall be responsible for maintaining as-built stormwater BMPs in an effective state as determined in the sole judgment of the City for 25 years after completion of construction.
- B. Prior to the issuance of any permit for development involving any stormwater BMP, the Landowner or Developer must execute a stormwater management easement for each BMP in a form acceptable to the City. Said easement will provide for access to the BMP by the City for periodic inspection. Said easement shall be recorded at the expense of the Landowner or Developer.
- C. Prior to the issuance of any development permit, the Landowner or Developer shall execute a Stormwater BMP Maintenance Agreement in a form acceptable to the City that requires the Landowner or Developer to inspect and maintain each stormwater BMP for a period of 25 years. In addition, the Stormwater BMP Maintenance Agreement shall provide for assessment against all owners of property in the development should the stormwater BMP not be maintained. In lieu of the assessment agreement, the Landowner/Developer may submit a maintenance bond for a period of 25 years.
- D. In the event that the responsible party fails to maintain the stormwater BMP, the City, upon thirty (30) days written notice, may repair or cause to be repaired, the stormwater BMP to its proper working condition. After completion of the repair, the City shall submit an invoice for the repair to the responsible party, who shall pay said invoice within 30 days. In the event that the invoice is not paid, the City shall either certify the amount to the County Treasurer for collection as contemplated in the Stormwater BMP Maintenance Agreement to be collected in the same manner as ordinary taxes. When applicable, the City may also commence proceedings against the surety for payment of the expenses.

- 169.13 Issuance of Permit.** If the Mayor or Engineer or their designee deems that the Stormwater Management Plan meets the requirement of this ordinance, the Mayor or Engineer or their designee will notify the appropriate City officials that appropriate development permits may be issued. However, this action by the Mayor or Engineer or their designee does not obviate the Developer from any of the additional requirement in this Code of Ordinances for the construction of a development.
- 169.14 Denial of Permit.** The Mayor or Engineer or their designee may reject a Stormwater Management Plan that the Mayor or Engineer or their designee believes does not meet the requirements of this ordinance. If a permit is denied, the Mayor or Engineer or their designee shall state the reasons for the denial in writing and return the application to the applicant.
- 169.15 Right of Entry.** The Mayor or Engineer or their designee or other duly authorized employees or contractors of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation and monitoring compliance with the with the provisions of this ordinance.
- 169.16 Required Inspections for Stormwater BMPs.** The City shall, on occasion, inspect each stormwater BMP to ensure that the stormwater BMP is working properly to achieve the goals of this ordinance. In the event a stormwater BMP is not working correctly, the City shall notify the Landowner per Section 12 of this ordinance.
- 169.17 Stop Work Order.** When the Mayor or Engineer or their designee determines that any land disturbing activity regulated by this ordinance is being performed in a manner contrary to the provisions of this ordinance, the Mayor or Engineer or their designee is authorized to issue a Stop Work Order.
- A. The Stop Work Order shall be in writing and shall be served upon the owner of the Site, Responsible Person, or to the Person(s) violating the requirements of this ordinance. The Stop Work Order shall state the reason for the order, and the conditions to be corrected prior to the lifting of the Stop Work Order.
 - B. Any Person who shall continue any work after having been served a stop work order, except such work as

that Person is ordered to perform to remove a violation or unsafe condition, shall be a violation of this ordinance.

169.18 Fees.

- A. Prior to the approval of the Stormwater Management Plan, the Applicant shall submit an application fee as adopted by Resolution of the City Council.
- B. The fees for review and inspection shall be adopted by Resolution of the City Council and may include, without limitation, engineering and attorney fees and expenses, as well as administrative fees.

169.19 Misdemeanor and Municipal Infraction Penalties.

- A. Any person who fails to perform an act required by this ordinance or who commits an act prohibited by this ordinance or who resists the enforcement of any section of this ordinance shall be guilty of a simple misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment.
- B. Any Person who fails to perform an act required by this ordinance or who commits an act prohibited by this ordinance or who resists the enforcement of any section of this ordinance shall be deemed to have committed a municipal infraction. The Mayor or Engineer or their designee may issue a civil citation to anyone in violation of any section or provision of this ordinance. A violation of this ordinance is punishable by a civil penalty of \$250.00 for a first offense and \$500.00 for a repeat offense.
- C. Each day that a violation of or failure to comply with any section or provision of this ordinance continues or exists constitutes a separate violation.

169.20 Nuisance. Any violation of this ordinance shall be deemed to be a public nuisance injurious to the public health, safety and welfare. The City Attorney, in addition to the penalties set forth above, may seek correction of any such violations as nuisances.

169.21 Remedies Not Exclusive. The remedies provided in the ordinance and otherwise in this Code of Ordinances are not exclusive, or in lieu of the rights and remedies that the City may have at law or in equity.

169.22 Appeals.

- A. The City Council, in regular or special session, shall sit as the Board of Appeals and, on appeals under this ordinance, may seek additional professional counsel schooled in matters contained in this ordinance. A simple majority of the appeal board shall be deemed to settle matters brought before the board.

- B. Any person aggrieved by any ruling, decision, interpretation or order regarding the denial of a Building Permit by the Mayor or Engineer or their Designee shall have the right to appeal to the Board of Appeals by filing written notice of such appeal with the City Clerk within ten (10) business days from the date of the ruling of the Mayor or Engineer or their designee. If such a notice is filed, the Mayor or Engineer or their designee shall set a time and place for hearing and so notify the party that has filed the appeal. The hearing shall be open to the public. The Board of Appeals by majority vote of the members present shall affirm, modify or reverse an appealed ruling, decision, interpretation or order of the Mayor or Engineer or their designee. The Board of Appeals may permit exceptions that do not decrease the health or safety of persons or property when the granting thereof will not violate the intent and purpose of this ordinance. Mere inconvenience or additional cost to the appellant is not grounds for the granting of such exception.

- C. The Board of Appeals shall act within thirty (30) days on a timely filed appeal. A decision by the Board of Appeals modifying, affirming or reversing the decision of the Mayor or Engineer or their designee must be in writing and supported by written findings establishing the reasonableness of the decision.

Adopted by the University Heights City Council this 13th day of May, 2008, and approved this 13th day of May, 2008.

/S/
Louise From, Mayor

ATTEST: (seal)

/S/
Christine Anderson, City Clerk

Iowa City -- 14-51-8 Regulated Slopes	University Heights -- Ordinance 128 (2003)
<p>C. Environmental Review Required: A <u>sensitive areas development plan</u> for property containing regulated slopes must include evidence demonstrating that all regulations of this section will be met. Such plan must include the following information:</p> <p>Delineation of all steep, critical, and protected slopes and any required buffer area.</p> <p>Submission of a grading plan that is in conformance with title 17, chapter 8, "Grading Ordinance", of this code.</p> <p>Delineation of construction area limits and specification of associated restrictions thereof.</p> <p>STEEP SLOPES: A slope of eighteen percent (18%), but less than twenty five percent (25%).</p> <p>CRITICAL SLOPES: A slope of twenty five percent (25%), but less than forty percent (40%).</p> <p>PROTECTED SLOPES: Any slope of forty percent (40%) or steeper.</p>	<p>A. SENSITIVE AREAS <u>DEVELOPMENT PLAN</u>: A plan to be submitted in and approved that designates protected sensitive areas and associated buffers within a planned development.</p> <p>B. SENSITIVE AREAS <u>SITE PLAN</u>: A site plan for development on a tract of land that contains sensitive areas that warrant protection under an approved plan for protecting sensitive areas on said tract.</p> <p>C. STEEP SLOPE: A slope rising eighteen percent (18%), but less than twenty five percent (25%) over a run of 10 feet.</p> <p>D. CRITICAL SLOPE: A slope rising twenty five percent (25%), but less than forty percent (40%) over a run of 10 feet.</p>

<p>Wooded Areas:</p> <p>Woodlands, two (2) acres in size or greater.</p> <p>"Groves of trees", as defined in this title.</p> <p>Woodland Retention And Replacement Requirements: Regulated woodlands must be retained according to the following provisions. The percentage of the regulated woodland that must be retained is specified in table 5I-1 of this section according to the underlying base zone..... etc.</p>	<p>E. PROTECTED SLOPE: Any slope rising forty percent (40%) or steeper over a run of 10 feet.</p> <p>F. WOODLANDS: Any tract of land with a contiguous wooded area not less than two acres.</p> <p>No requirement</p>
<p>D. Buffer Requirements:</p> <p>A buffer will be required around all protected slopes. Two feet (2') of buffer must be provided for each foot of vertical rise of the protected slope, up to a maximum buffer of fifty feet (50'). The buffer area is to be measured from the top, toe and sides of the protected slope. No development activity, including removal of trees and other vegetation, will be allowed within the buffer..... etc.</p>	<p>No requirement.</p>
	<p>Steep Slopes and Woodlands: Any property containing steep slopes and/or woodlands shall be required to submit a <u>sensitive areas site plan</u>, which must be approved by the University Heights City Council before commencement of any development.</p>

	<p>Critical Slopes: Any property containing critical slopes shall be required to submit a <u>development plan and grading plan</u>, as well as a <u>sensitive areas site plan</u>, all of which must be approved by the University Heights City Council before commencement of any development.</p>
	<p>Protected Slopes: Any area designated as a protected slope shall not be graded and must remain in its existing state, except natural vegetation may be supplemented by other plant material. Development activities may be allowed within areas containing protected slopes previously altered by human activity if a geologist or professional engineer can demonstrate to the University Heights City Council's satisfaction that development activity will not undermine the stability of the slope, and the City further determines the development activities are consistent with the intent of the Sensitive Areas Ordinance. Moreover, proposed development of such property shall be required to submit a development plan and grading plan, as well as a <u>sensitive areas site plan</u>, all of which must be approved by the University Heights City Council before commencement of any development</p>

ORDINANCE NO. 128
AN ORDINANCE REGULATING THE DEVELOPMENT OF SENSITIVE
AREAS WITHIN THE CITY OF UNIVERSITY HEIGHTS

SECTION 1. PURPOSE.

The purpose of this ordinance is to protect sensitive areas within the City of University Heights by regulating the development of such sensitive areas.

It is the intent of this ordinance to ensure that the development of land protect and preserve areas defined as "sensitive". In seeking to achieve this and the goals defined in the City of University Heights Comprehensive Plan the purpose of this ordinance shall be to:

1. Protect and preserve areas of environmental concern (sensitive areas) while accommodating development and existing agricultural uses.
2. Encourage and recognize innovations that demonstrate good stewardship of the land.
3. Manage and conserve areas of unique or locally significant resources.
4. Prevent injury and damage from natural hazards (floods, erosion).
5. Prevent and minimize degradation of surface and groundwater.
- ~~2. Implement the environmental goals of the Land Use Plan~~
- ~~7. Encourage higher density or clustering on non sensitive areas of property to promote development that provides for open space.~~
- ~~8. Encourage incentives such as conservation easements with waivers on taxes for that portion of the property protected as sensitive areas or created as open space through the use of higher density conservation designs~~
- ~~9. Provide a mechanism for on site or off site mitigation when it is not possible or feasible to avoid disturbance of a sensitive area during development.~~

SECTION 2. DEFINITIONS.

The following definitions apply to the interpretation and enforcement of the Sensitive Areas Ordinance regulations: (Ord. 128)

- A) BUFFER:** An area of land that is located adjacent to a designated sensitive area that provides a transition area that protects slope stability, attenuates surface water flows and preserves wildlife habitat and protected wetlands, stream corridors and woodlands. Any building, grading, or clearing are prohibited.

- B) CRITICAL WILDLIFE HABITAT:** Areas identified as containing endangered species as defined in this ordinance.
- C) CUTBACK CAVING:** Soils with a severe risk of cutbank caving that will be considered unstable landforms and subject to the Johnson County Sensitive Areas Ordinance are primarily soils with high sand content and significant slopes. (Slope Categories include: A=0-2%; B=2-5%; C=5-9%; D=9-14%; E=14-18%; F=18-25%; G=25%) The soils types in this category of unstable landforms are:
- 41C, 41D - Sparta loamy fine sand
 - 63C - Chelsea loamy fine sand
 - 110C, 110E - Lamont fine sandy loam
 - 175C - Dickinson fine sandy loam
 - 285C - Burkhardt sandy loam
 - 293C, 293C2, 293D, 293D2-Chelsea-Lamont-Fayette complex
 - 352C2 - Whittier silt loam
- D) ENDANGERED SPECIES:** Any species found in Johnson County that is protected and identified by the Endangered Species List published by the United States Fish and Wildlife Service, or the Iowa Threatened and Endangered Species List published by the Iowa Department of Natural Resources.
- E) FLOOD PLAIN:** The land area susceptible to inundation by water as a result of a flood.
- F) FLOODWAY:** Channel of a river or stream and those portions of the flood plain joining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
- G) GROVE OF TREES:** Ten (10) or more individual trees having a diameter of at least twelve inches (12"), and whose combined canopies cover at least fifty percent (50%) of the area encompassed by the trees.
- H) HISTORIC PROPERTIES:** Areas containing significant information regarding the history or prehistory of the United States of America, the State of Iowa, and/or Johnson County (as defined as an historic district and/or site in Resolution 11-09-89-2, as amended).
- I) HYDRIC SOILS:** A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation. Criteria for identifying hydric soils can be found in the U.S. Corps of Engineers Wetland Delineation Manual. A list of hydric soils is available at the Natural Resources Conservation Service (NRCS).

J) PRAIRIES AND PRAIRIE REMNANTS: An association of native grasses, sedges, and broadleaf plants. For the purposes of this ordinance, it includes areas of at least 0.3 acres in size that have at least 4 prairie grass species and 10 broadleaf plant species (with a coefficient of conservatism of 5 or greater in either Illinois or Missouri) such as those listed in The Tallgrass Restoration Handbook by Packard and Mutel, 1997, Table A.3, pp. 356-397. These native species are remnants of associations typical of pre-settlement ecosystems. Conservation Reserve Program (CRP) plantings will not be considered prairie.

K) REGULATED SENSITIVE SLOPES:

1. **CRITICAL SLOPE:** A slope rising twenty five percent (25%), but less than forty percent (40%) over a run of 10 feet.
2. **EXCESSIVE SLOPES:** Soils with excessive slopes that are considered unstable landforms and subject to the Johnson County Sensitive Areas Ordinance include soils with E, F, or G slopes- or - soils with 15% slope or greater (15 feet or more of vertical drop in 100 feet of horizontal run), or (6.5:1 slope). (Slope Categories include: A=0-2%; B=2-5%; C=5-9%; D=9-14%; E=14-18%; F=18-25%; G=25%) The soil types in this category of unstable landforms are:
 - 63E - Chelsea loamy fine sand
 - 65E2, 65F, 65F2 - Lindley loam
 - 163E, 163E2, 163E3, 163F, 163F2, 163G - Fayette silt loam
 - 179E2 - Gara loam
 - 293E, 293E2, 293F, 293G - Chelsea-Lamont-Fayette complex
 - 993E2 - Gara-Armstrong loams
3. **PERCENT OF SLOPE:** The slope of a designated area determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value.
4. **PROTECTED SLOPE:** Any slope rising forty percent (40%) or steeper over a run of 10 feet.
5. **STEEP SLOPE:** A slope rising eighteen percent (18%), but less than twenty five percent (25%) over a run of 10 feet.

L) SAVANNA AND SAVANNA REMNANTS: A mixed association of native trees in grassland (originally prairie but may now also have domestic grass). The native trees are open grown and are frequently oaks and hickories. For the purposes of this ordinance, it includes areas of at least 1 acre in size. Savannas may contain species not found in prairie

such as those listed in The Tallgrass Restoration Handbook by Packard and Mutel, 1997, Table 5.1, pp. 69-71. These native species are remnants of associations typical of pre-settlement ecosystems.

- M) SENSITIVE AREAS DEVELOPMENT PLAN:** A plan to be submitted in and approved that designates protected sensitive areas and associated buffers within a planned development.
- N) SENSITIVE AREAS SITE PLAN:** A site plan for development on a tract of land that contains sensitive areas that warrant protection under an approved plan for protecting sensitive areas on said tract.
- O) STREAM CORRIDORS:** A river, stream or drainageway shown in blue (the blue line) on the most current U.S. Geological Survey Quadrangle Maps, and the area of its delineated floodway. In cases where no floodway is delineated, the blue line will serve as the centerline of a 30-foot wide stream corridor.
- P) UNSTABLE LANDFORMS:** Landforms that contain certain soils with severe limitations for excavations are considered "unstable landforms" and subject to the Johnson County Sensitive Areas Ordinance. Unstable landforms contain soils with excessive slopes or soils with high sand content that have a tendency for cutbanks to cave during or after excavation.
- Q) WETLANDS:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The diagnostic characteristics of wetlands are vegetation, hydric soils and hydrology. For the purposes of this ordinance, wetland shall mean a wetland that is regulated by the U.S. Army Corps of Engineers or other agencies. Determination of wetlands shall be made either by the Corps, Natural Resource Conservation Service (NRCS) or by a wetland specialist and accepted by the Corps.
- R) WOODLANDS:** An association of native forest trees such as those listed in Forest Trees of Johnson County by McBride, 1897 (pp. 105-108, in Calvin, Geology of Johnson County). For the purposes of this ordinance, it includes areas of at least 2 acres in size which have at least 8 typical understory wildflower species such as those listed in Wildflowers of Iowa Woodlands by Runkle and Bull, 1979. These native species are remnants of associations typical of pre-settlement ecosystems or areas with rare, threatened, endangered, or special concern species.

SECTION 3. REQUIREMENTS AND REGULATIONS.

This process seeks to optimize land use, while carefully considering all of the identified sensitive elements, and to reach a reasonable balance for the development of the land.

A) GENERAL PROVISIONS

Prior to any grading or ground disturbance and prior to removal or alteration of existing structures or other above- or below-ground features, including vegetation, the applicant shall supply to the University Heights City Council a Sensitive Areas Development Plan. The Sensitive Areas Development Plan should be drawn to scale, which shall demonstrate, delineate and label all of the following items listed below:

1. Sensitive Areas Development Plan submittal information:

- a) Soils and topography, including areas to be graded, drainage provisions, existing contour lines and any new proposed contour lines and any other significant topographical features.
- b) The location and type of any sensitive areas or elements as defined under Definitions, Section 2.
- c) Existing zoning, land use(s), and approximate density of residential uses.
- d) Existing or proposed wastewater systems.
- e) Areas designated to remain open space, or areas of conservation shall be marked for identification upon site inspection.
- f) A statement shall be included on the Sensitive Areas Development Plan that the applicant shall protect sensitive areas, areas of conservation and areas containing sensitive elements.

A. SPECIFIC PROVISIONS

- ##### 1. **Critical Wildlife Habitat, Flood Plain, and Floodway Areas:** The intent of these portions of the University Heights Sensitive Ordinance is to help ensure that applicants adhere to federal, state, and other county regulations that protect these sensitive areas.

a) Critical Wildlife Habitats

1. Contact the Iowa DNR Environmental Review Coordinator in Des Moines and/ or a local naturalist to determine

if any critical habitat exists in an area for planned development.

2. If critical wildlife habitat is found, either preserve the area or develop a mitigation plan in consultation with DNR prior to any disturbance.

b) Floodplain

Floodplains shall be regulated by the Johnson County Floodplain Management section 8:1.17 of the Johnson County Unified Development Ordinance.

c) Floodway

Uses other than those permitted by the Iowa Department of Natural Resources shall not be permitted in any floodway.

2. Prairie and Prairie Remnants, Savanna and Savanna Remnant Areas, Wetlands, and Woodland Areas: The intent of these portions of the University Heights Sensitive Areas Ordinance is to help ensure applicants identify, protect and enhance unique and valuable native remnant ecosystems of the tallgrass prairie region. The function and values of these remnant systems, when protected and enhanced, will improve the environmental qualities of development sites for University Heights residents.

a) Prairie and Prairie Remnants

1. A consultant must be hired to evaluate the presence, quality and diversity of native species. It should be determined if the area measures at least 0.3 contiguous acres, as well as if it is contiguous to other sensitive areas. If it is at least 0.3 contiguous acres or if it is contiguous with another sensitive area, the area is considered a sensitive area.

2. Where possible, the area, if identified as a sensitive area, should be left undisturbed except for management activities necessary for restoration and maintenance. A buffer zone shall be established that measures at least fifty feet(50') around the prairie or prairie remnant.

b) Savanna and Savanna Remnants

1. Determine whether large (greater than 18 inches diameter breast height), open grown, native trees are present.

Prairies, savannas, wetlands, and woodlands: see the Johnson County Unified Development Ordinance, Sensitive Areas Ordinance (8:3.5) Implementaion.

From: Wilson, Larry T <larry-wilson@uiowa.edu>

To: 'PatBauer' <pbb338koser@aol.com>

Cc: Silvia Quezada <uh-sq@outlook.com>

Subject: Meeting with Emmons & Oliver Resources about Preparing a UH Sensitive Areas Map

Date: Fri, Apr 29, 2016 10:08 am

Attachments: UHZoningCommissionSensitiveAreasMappingMeeting 04-28-16.dotm (23K),
UHEmmons&OliverResourcesIncProposalSensitiveAreasMapping 12-17-15.pdf (2290K),
UHSensitiveSitesMappingContractEmmons&OlivierResourcesInc 04-13-16.doc (88K)

Good morning Pat--

I have finally gotten to writing up some notes about my meeting with Jay Michels, Emmons & Oliver Resources and Coralville about what would be provided for UH if we piggybacked onto the Coralville sensitive areas mapping (see attachment 1). I think it would be important for the Zoning Commission to decide at the May 3 meeting if they would like to ask the council for the \$1800 funding if you want to go forward with it. In the meeting notes, I indicated there are a couple of options for contracting. UH Council could go ahead and approve contracting with them now, or if they would want to wait until after the next F.Y. budget on July 1, they could send some sort of letter of commitment and Emmons & Oliver would do the survey along with Coralville's surveying with the mapping and payment done after July 1. [As I mentioned earlier, either Jay Michels \(or staff member Joe Pallardy\) would be willing to meet by phone conference at our May 3 Zoning Commission meeting and he knows that it would be in the evening. If you are interested, I would need to let him know pretty soon and we would need to make the phone-in arrangements at City Hall.](#)

As mentioned in the notes, the value of the survey might be as much in showing where there are NOT any sensitive areas so that we would know for sure that a particular property submitted for a building permit is NOT affected as in knowing if a property IS affected.

I have also attached their proposal from the brochure they provide to Pat Yeggy and me last December and also the contract proposal that I sent earlier so you would have all the info together. Notice in the contract that it is for an amount not to exceed \$1,800 so it might be a bit less in cost. F.Y.I., I have not shared this info with the rest of the committee thinking you would do so if you want to add it to the agenda.

Please let me know how you would like to proceed.

Larry

UNIVERSITY HEIGHTS ZONING COMMISSION SENSITIVE AREAS MAPPING

Meeting: Emmons & Oliver Resources, Inc. and Coralville Engineering Department

Date: April 15, 2016

Location: Coralville City Hall

Purpose: Finalize cost and deliverables for Coralville sensitive areas map and determine the cost, deliverables and timing for University Heights sensitive area map

Attendance: Jay Michels, Emmons & Oliver; Dan Holderness, Coralville City Engineer; Amy Foster, Stormwater Coordinator; Scott Larson, Assistant City engineer; Larry Wilson University Heights zoning Commission

Coralville was immensely helpful in defining what the deliverables would be. I sat in on their session with Jay Michel and I learned a lot about the process. While Coralville will not gain anything in terms of cost savings and mapping per se by UH joining in on the mapping, they view working with UH as a cooperative effort in addressing stormwater management and preservation of sensitive areas for the larger Coralville UH area. UH gains the most in the cooperative effort because the UH costs would be considerably less by piggybacking onto Coralville's mapping. I don't know the amount of saving for UH, but Jay said it would be considerable because when they are in the area doing Coralville's mapping, adding the UH mapping would not require much additional effort or cost.

If UH should wait until after the Coralville mapping is finished, the cost would be considerably more. I did mention that up to \$1800 is not in the UH Council budget for this year and \$1800 is not an amount easy to add at the end of the fiscal year. Jay said that if UH would make a solid commitment to doing the work, they would do the surveying at the same time as the Coralville survey and the UH portion could be mapped/paid for after July 1.

Jay Michels or staff member Joe Pallardy, Emmons & Oliver Resources, Inc., would be willing to talk to the Zoning Commission members by telephone conference at the May 3 Zoning Commission Meeting.

Goals:

1. Buffer map per Coralville city ordinance (Coralville only since UH doesn't have a buffer ordinance).
2. Sensitive areas maps.
3. Pave way for future ordinance.
4. Have printed map available for UH building inspector to use to determine if a property submitted for a building permit would need a survey to verify whether or not sensitive areas are on property.
5. Have digital map online so homeowners could determine if there might be a sensitive area(s) on their property which would trigger the sensitive areas ordinance.

NOTE: it might be that the maps would be as valuable in showing the **ABSENCE** of sensitive areas as well as the **PRESENCE** of sensitive areas.

Deliverables:

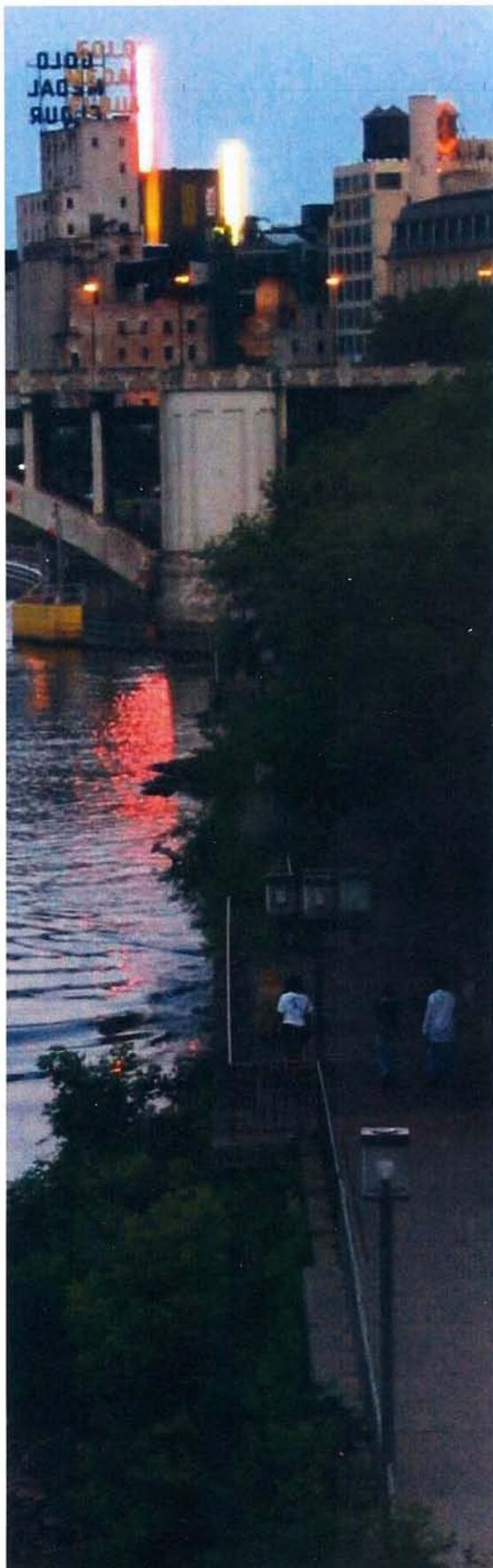
1. Physical/printed individual maps of each timber areas/woodlands, prairies, slopes, wetlands, soils, streams and water bodies sensitive areas and a map of all areas combined for UH inspector to use to trigger a more detailed review.
2. Digital online individual maps showing timber areas/woodlands, prairies, slopes, wetlands, soils, streams and water bodies sensitive areas and a map of all areas combined that could be viewed by public. Digital online map could be expandable to look at specific areas in more

detail. Maps could be in pdf, etc. (Shape maps--Separate Maps for each sensitive area, plus combined map, both printed and digital)

3. Data would be 1 meter X 1 meter resolution and would be able to determine 3 slope categories (steep, critical and protected) and also measure degree/% of slope.

Questions to be answered:

1. How would timber area be defined?
2. ??



Overview

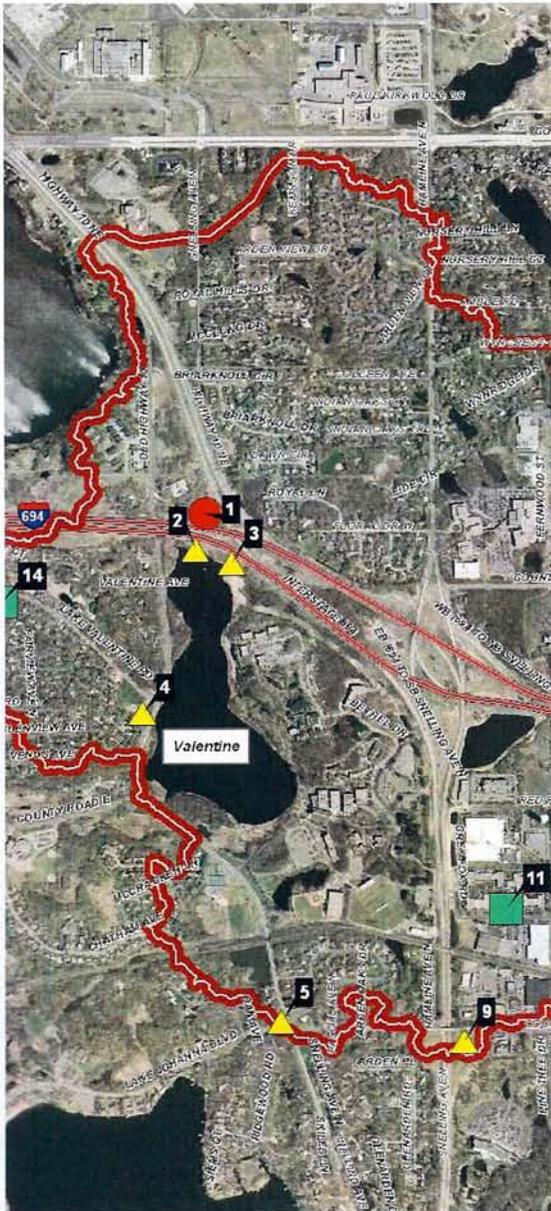
Sensitive Site and Buffer Mapping

The goal of this document is to provide the cities of North Liberty, Coralville, and Iowa City with a framework for conducting buffer and sensitive site mapping. Inputs used to identify areas in need of buffers and/or sensitive sites most often include:

1. LiDAR data used to:
 - a. Generate 3 meter rasters of slope and distance ("cost-distance") to the nearest perennial stream.
 - b. Identify areas with significant accumulation of overland flow that are also steeply sloped through calculation of stream power index (SPI).
 - c. Identify areas of significant accumulation of overland flow that may store water through calculation of compound topographic index (CTI).
2. National Land Cover 2001,2006, 2011 Data (NLCD) used to:
 - a. To pinpoint areas where landuse has changed
3. County-soil survey information used to:
 - a. Delineate soils with low vs. high runoff potential

The stream power index (SPI) calculation measures the erosive power of overland flow as a function of local slope and upstream drainage area. High SPI values are typically correlated with active erosion problems on the landscape. The Compound Topographic Index (CTI) can be used to identify areas where ponding (potentially restorable wetlands) naturally occurs in a watershed. Areas with high CTI scores can be targeted for potential wetland restoration strategies. SPI and CTI signatures can be combined with other GIS data to identify areas that:

1. Are coincident with hydric soils and appropriate land uses for implementation of management practices.
2. Are located within 30-50' of river/stream/lake.
3. Show visible signs of active erosion or ponding.
4. Are cost effective based on a comparison of 2015 Environmental Quality Incentive Program (EQIP) rates with estimated reductions in (constituent) loading.



Project Approach

Step 1- GIS Data Collection

Compile, organize, and begin reviewing all GIS data needed to do buffer and sensitive site mapping including:

- Parcel Shapefile
- Land use data - 2011 National Land Cover Dataset (NLCD)
- County Zoning Shapefile used to define new development and redevelopment areas
- National Wetland Inventory used to identify existing wetlands
- Light Detection and Ranging (LIDAR) used to create high resolution digital elevation model from which flow accumulation, flow direction, slope, stream power index and compound topographic index can be calculated.
- Rivers, Lakes, and Streams Shapefiles
- County SSURGO Soils database used to identify hydric soils

Step 1 Output:

GIS Database of all input and output files used in analysis

Step 2- Terrain Analysis

The project area should be split up into quarter-sections ("QS"; roughly 160 acre, 2640 feet on a side) for landscape sediment source assessment and ranking. Each QS should be analyzed according to the following procedure:

- LiDAR should be used to generate 3 rasters of SPI, CTI and distance ("cost-distance") to the nearest perennial stream.
- NLCD 2001-2011 land use change data should be used to pinpoint areas that have been recently changed.
- County-soil survey information (using 30 meter digital SSURGO soils data) should be used to delineate soils with low vs. high runoff potential (using hydrologic soil group ratings: "A", "B", "C", "D", "A/D", "B/D", "C/D").
- These five GIS raster layers should then be intersected using raster algebra and zonal statistics to produce a representative, weighted QS "Runoff Risk" with qualitative ratings of Critical, Very High, High or Present.

Step 2 Output:

GIS methodology documentation and metadata
GIS files used to determine runoff risk

Step 3- GIS Map Development and Summary Memo

Develop high resolution maps that will be used to depict runoff risk at a variety of scales including the county scale, watershed scale, and field scale. Include maps in a summary memo that highlights methods used, findings of the GIS analysis, prioritized areas for implementation and recommendations for next steps.

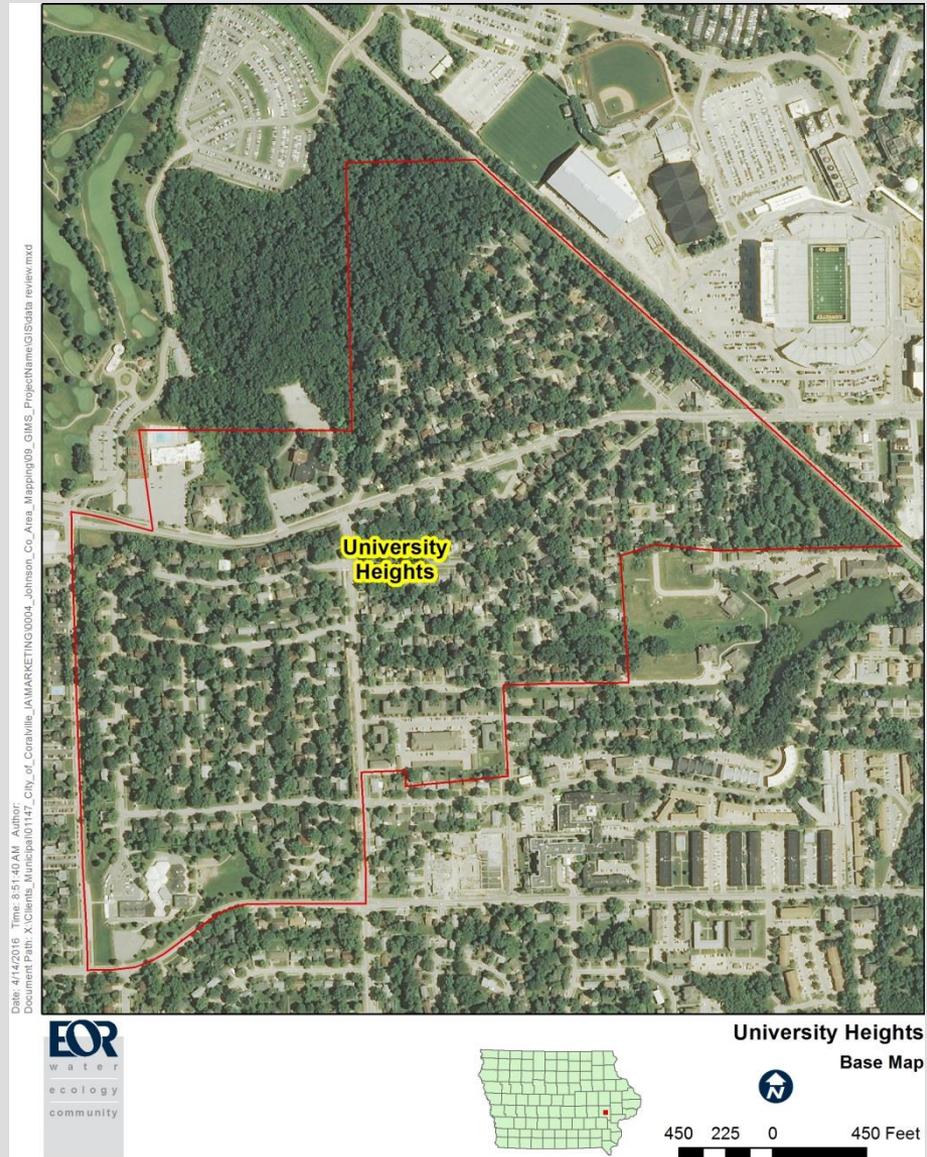
Step 3 Output:

Large scale, color maps.

Summary memo

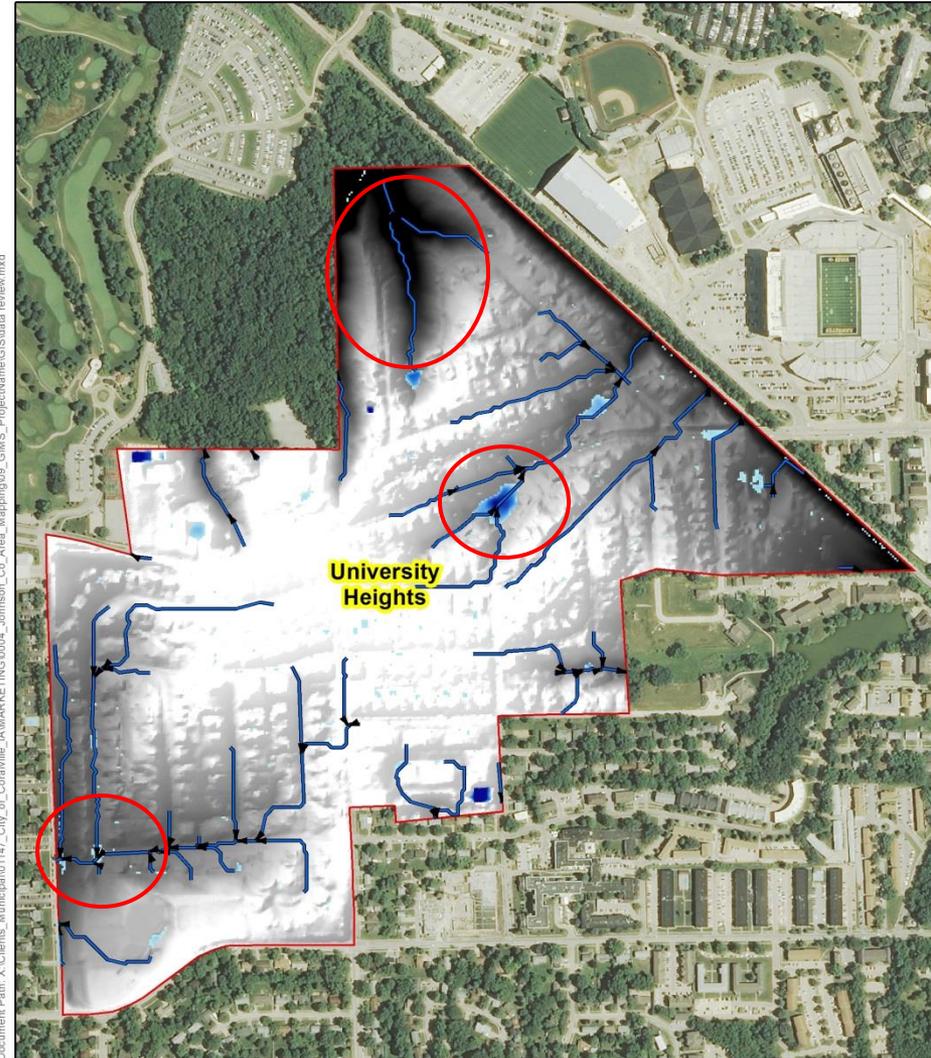
University Heights

Land Cover Category	Area (Acres)
Developed- Open Space 0-20% Impervious	34.65
Developed -Low Intensity 20-49% Impervious	109.27
Developed - Med Intensity 50-79% Impervious	11.10
Developed -High Intensity >79% Impervious	3.11
Forested	11.55



Preliminary Terrain Analysis

- Steeply sloped forested areas adjacent to residential areas
- Depressions (wetlands)
- Areas where overland flow signatures are converging



Date: 4/14/2016 Time: 9:00:28 AM Author:
Document Path: X:\Clients_Municipal\01147_City_of_Coralville\IA\MARKETING\0004_Johnson_Co_Area_Mapping\09_GMS_ProjectName\GIS\data/review.mxd

ENGINEERING CONSULTANT STANDARD SERVICE CONTRACT

This Agreement is effective on the 1st day of March, 2016, by and between the City of University Heights, Iowa (“Client”) and Emmons & Olivier Resources, Inc. (“Consultant”) for services that Consultant will perform for the Sensitive Sites Mapping Project within the city limits of University Heights, Iowa (the “Site”).

SCOPE OF SERVICES

Consultant will provide Client with the services described in the Consultant’s proposal, attached as Attachment I and incorporated by reference (the “Work”).

COMPENSATION

Client agrees to pay Consultant the fees stated in Attachment I (the “Fees”) for the Work. Client agrees to pay for any services that are (a) required because of a material increase in the scope of the Work or (b) requested in addition to the Work on a time and materials basis at the rates provide in the Consultant’s schedule of fees which are a part of Attachment I unless otherwise agreed to by both parties in writing.

This Agreement is subject to the following General Conditions:

SECTION 1: FEE PAYMENT

1.1 Consultant will submit invoices to Client monthly with a final invoice on completion of the Work. Invoices will show charges based on the Fees. A detailed separation of charges and backup data will be provided at Client’s request.

1.2 Payment is due upon receipt of invoice. If the invoice is not paid within thirty (30) days after invoice date, Client will also pay a finance charge thereon of 1.5 percent or the maximum rate allowed by law, whichever is less, for each month thereafter or portion thereof that an invoice remains unpaid. Payments will be credited first to interest and then to principal.

1.3 If Client fails to pay Consultant within sixty (60) days after invoice date, Consultant may deem failure to pay a breach of this Agreement, terminate the same, and be relieved of any and all duties under this Agreement.

SECTION 2: PROJECT INFORMATION

2.1 Client will provide to Consultant in writing information known to Client regarding existing and proposed conditions of the Site. The

information will include without limitation, but only as appropriate to the work, as-built blueprints, mechanical drawings, construction specifications, operating and performance criteria for mechanical systems, site plans, hydrologic data, subsurface or latent physical conditions at the Site, previous soil data including borings, field or laboratory tests, and written reports, and notice of all known hazardous, toxic, radioactive, pollutant, or irritant conditions at the Site (“Project Information”).

2.2 Client will immediately transmit to Consultant any updates, revisions, or additions to the Project information as they become available to it or its consultants.

SECTION 3: OWNERSHIP - DOCUMENTS

3.1 Consultant will prepare and deliver to Client certain design documents as instruments of the professional services performed. All design documents delivered to Client will become the property of Client; provided, however, Consultant will retain an ownership and property interest (including the right to reuse). Client will, to the fullest extent permitted by applicable

law, indemnify, defend, and hold harmless Consultant from and against any and all claims, liabilities, losses, damages, costs, or expenses including, without limitation, reasonable attorney's fees, awards, fines, or judgments arising out of or related to: (a) use of the design documents for locations or times not covered by the design documents; (b) use of information from the design documents out of context; or (c) interpretation of the meaning of the design documents by third parties without the written consent of Consultant.

3.2 Client agrees that all reports and other instruments of professional service furnished to the Client that are not paid for will be returned to Consultant upon written demand by Consultant and will not be used by Client for any purpose.

3.3 Consultant will retain all pertinent records relating to the Work for a period of three (3) years after the report is delivered. During that time, the records will be made available to Client during Consultant's normal business hours.

3.4 Consultant understands that all documents related to the project are by Iowa Law considered public record and shall be provided to the City of Storm Lake and the City shall have the right to distribute as such.

SECTION 4: STANDARD OF CARE

4.1 The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

4.2 Engineer shall provide construction oversight for various parts of the construction and shall act as the City's representative on the project site from time to time, however Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences,

or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

4.3 Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

4.4 Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any contractor's agents or employees or any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by Owner without consultation and advice of Engineer.

SECTION 5: INDEMNIFICATION AND LIMITATION OF LIABILITY

5.1 Client and Consultant each agree to indemnify and hold the other (and their respective officers, employees, and agents) harmless for losses resulting from and to the extent of its own negligence or willful-misconduct, except as provided in Section 5.2.

5.2 Notwithstanding the provisions of Sections 5.1, Consultant will not be responsible for any consequential, special, or indirect damages or any loss of anticipated profits sustained by Client, its successors or assigns.

5.3 Nothing in this Section 5 will be deemed a waiver of any statutory limitation of liability or any obligation set out in this Agreement.

SECTION 6: INSURANCE

Consultant will carry: (a) workers' compensation and employer's liability insurance to comply with laws of the state in which any project is undertaken by Consultant under this Agreement and applicable Federal laws, (b) comprehensive general liability insurance with a combined limit for bodily injury and property damage in an amount not less than \$1 million per occurrence and \$2 million aggregate and with completed

operations coverage having a \$1 million aggregate limit, (c) comprehensive automobile liability insurance, covering all automobiles, trucks, and miscellaneous powered and automotive equipment owned or used by Consultant, with a combined limit for bodily injury and property damage in an amount not less than \$1 million per occurrence, and (d) professional liability insurance in an amount not less than \$1 million per occurrence. Certificates for insurance will be provided to Client upon request.

SECTION 7: ATTORNEY'S FEES

In the event of any controversy, claim, dispute, or litigation between the parties related to this Agreement or its breach, the prevailing party will be entitled to recover from the other party, in addition to other relief as may be granted, a reasonable sum as and for its attorney's fees together with expert's fees and other costs incurred as may be determined by a court of competent jurisdiction. Client also agrees to pay all costs of collection, including reasonable attorney's fees, in the event payment is not received as provided herein; this liability for attorney fees is not contingent upon suit being filed by Consultant.

SECTION 8: SITE LOCATION/ACCESS /PERMITS AND APPROVALS

8.1 Client will provide access to the Site for Consultant personnel and equipment as Consultant may deem necessary to complete the Work.

8.2 Consultant will take reasonable precautions to minimize damage to property on which it performs Work. Client agrees, however, that some damages may occur to property in the normal course of work absent negligence by Consultant and that the correction of any damage to property will be undertaken by Consultant and billed to Client. In the event of negligence by Consultant resulting in damage to property, Consultant will bear the cost of correcting the damage in proportion to its negligence.

SECTION 9: AGENCY/RIGHT OF ENTRY

In order to permit timely access to properties owned by third parties where access is deemed

by Consultant to be necessary or beneficial to the Work, Client hereby appoints Consultant and its employees as its agent authorized to execute right of entry agreements on behalf of Client. Client agrees that Consultant's failure to obtain entry to property owned by third parties will not be deemed a breach of this Agreement and Consultant will have no obligation to provide indemnification of third parties, or otherwise obligate itself, in order to obtain entry to property.

SECTION 10: UTILITIES

Consultant will take reasonable precautions in locating and identifying all subterranean structures or utilities and to avoid damage or injury to subterranean structures or utilities. However, Consultant may reasonably rely on Project Information and information provided by local utilities related to structures or utilities and will not be liable for damages incurred where Consultant has proceeded with reasonable precautions and in reliance on that information.

SECTION 11: FORCE MAJEURE

If completion of any portion of the Work is delayed for causes beyond the control of or without the fault of Consultant including Force Majeure, the time of performance of the Work will be extended for a period equal to the delay. Force Majeure includes, without limitation, acts of God; acts of the public enemy; acts of federal, state, local, or foreign governments; acts of Client's subconsultants or agents; fires; floods; epidemics; strikes; riots; freight embargoes; and unusually severe weather.

SECTION 12: TERMINATION

12.1 This Agreement may be terminated by either party upon seven (7) calendar days written notice if there is a substantial failure of performance by the other party. Termination will not be effective if the substantial failure is remedied before expiration of the seven (7) days.

12.2 Upon termination, Consultant will be paid for services completed but not yet paid.

SECTION 13: ASSIGNMENT

Neither party may delegate duties or assign interest in this Agreement without obtaining the prior written consent of the other party, which consent will not be unreasonably withheld, except Consultant may use the services of persons and entities not in its employ when it is customary to do so. These may include, without limitation, surveyors, specialized consultants, drilling contractors, testing laboratories, and construction contractors.

SECTION 15: MISCELLANEOUS

14.1 The parties acknowledge that this Agreement supersedes all written and oral agreements, if any, between the parties, and that this Agreement constitutes the entire and only agreement pertaining to the Work.

14.2 This Agreement will be binding upon and will inure to the benefit of the successors and assigns of the respective parties hereto.

14.3 This Agreement will be construed, the rights and obligations created hereby will be governed, and the remedies available will be provided in accordance with the laws of the state in which the Work is performed, regardless of the conflict of law principles customarily applied by the courts of any jurisdiction. Venue and adjudication will be in that state.

14.4 Any of the terms or conditions of this Agreement may be waived at any time by the party that is entitled to benefit therefrom, but no waiver will affect or impair the right of the waiving party to require observance,

performance, or satisfaction of any other term or condition hereof. Any of the terms or provisions of this Agreement may be amended or modified at any time by agreement in writing executed by each party hereto.

14.5 All provisions of this Agreement allocating responsibility between Client and Consultant will survive the completion of the Work or termination of this Agreement.

14.6 Any provision or part of this Agreement adjudicated to be void or unenforceable under any law will be deemed deleted, such deletion to apply only with respect to the jurisdiction in which such adjudication is made, and all remaining provisions will continue to be valid and binding upon the parties. The parties agree that this Agreement will be reformed to replace the deleted provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the deleted provision.

14.7 In keeping with the intent of the parties that this is the entire Agreement between them, the parties agree that the preprinted terms and conditions of any Client activating letter/purchase order issued to request Work pursuant to this Agreement will not apply to the Work, regardless of whether Consultant executes the activating letter/purchase order in acceptance of the Work.

14.8 Client has authority to enter into this Agreement and any person signing it on Client's behalf has been duly authorized to sign.

WHEREUPON, the parties caused this Agreement to be duly executed and to be effective on the date first above written.

SIGNATURES

Emmons & Olivier Resources, Inc.

Client: City of University Heights, Ia

By _____
Signature

By _____
Signature

Printed Name

Printed Name

Its _____
Title

Its _____
Title

ATTACHMENT I

Project Understanding + Approach

The goal of this project is to do buffer, forest, prairie, critical slope and sensitive site mapping for the City of University Heights. Inputs used to identify areas in need of buffers and/or sensitive sites will include:

1. LiDAR data used to:
 - a. Generate 3 meter rasters of slope and distance to the nearest perennial stream.
 - b. Identify areas with critical slopes through calculation of stream power index (SPI).
 - c. Identify areas with significant depressions through calculation of compound topographic index (CTI).
2. National Land Cover (NLCD) 2001,2006, 2011 data, National Agricultural Statistics Service (NASS) Cropland Data Layer (CDL)and aerial photography used to:
 - a. To pinpoint areas where landuse has changed
3. County-soil survey information used to:
 - a. delineate soils with low vs. high runoff potential
 - b. identify, verify, and map all forested areas.

The stream power index (SPI) calculation measures the erosive power of overland flow as a function of local slope and upstream drainage area. High SPI values are typically correlated with active erosion problems on the landscape. The Compound Topographic Index (CTI) can be used to identify areas where ponding (potentially restorable wetlands) naturally occurs in a watershed. Areas with high CTI scores can be targeted for potential wetland restoration strategies. EOR will combine the SPI and CTI signatures with other GIS data to identify areas that:

1. Are coincident with hydric soils and appropriate land uses for implementation of management practices.
2. Are located within 30-50' of river/stream/lake:

Residential	30 feet
Industrial	50 feet
Mid/High Density Residential & Commercial	50 feet

3. Show visible signs of active erosion or ponding.
4. Are cost effective based on a cost benefit comparison of 2015 Environmental Quality Incentive Program (EQIP) rates with estimated reductions in (constituent) loading.

The 2014 NASS CDL and the 2011 NLCD land use layer will be queried to identify all forested land uses. These forested areas will be compared against the 2013 NAIP aerial image and LiDAR data (return density) to verify the extent of all forests within the city boundary.

Work Plan

Task 1.0- GIS Data Collection

Compile, organize, and begin reviewing all GIS data needed to do buffer and sensitive site mapping including:

- Parcel Shapefile
- National Agricultural Statistics Service (NASS) Cropland Data Layer (CDL) -2014
- 2013 National Agriculture Imagery Program (NAIP) Ortho Imagery of Johnson County, Iowa
- Land use data - 2011 National Land Cover Dataset (NLCD)
- County Zoning Shapefile used to define new development and redevelopment areas
- National Wetland Inventory used to identify existing wetlands

- Light Detection and Ranging (LiDAR) used to create high resolution digital elevation model from which flow accumulation, flow direction, slope, stream power index and compound topographic index can be calculated. LiDAR data can also be used to verify the locations of forests.
- Rivers, Lakes, and Streams Shapefiles
- County SSURGO Soils database used to identify hydric soils

Task 1 Output:

GIS Database of all input and output files used in analysis

Task 2.0- Terrain Analysis

The project area should be split up into quarter-sections (“QS”; roughly 160 acre, 2640 feet on a side) for landscape sediment source assessment and ranking. Each QS should be analyzed according to the following procedure:

- LiDAR should be used to generate 3 rasters of SPI, CTI and distance to the nearest perennial stream.
- NLCD 2001-2011 land use change data should be used to pinpoint areas that have been recently changed.
- NLCD 2011, NASS CDL 2014, NAIP 2013 imagery, and LiDAR data should be used to identify and verify all forests within the city boundary.
- County-soil survey information (using 30 meter digital SSURGO soils data) should be used to delineate soils with low vs. high runoff potential (using hydrologic soil group ratings: “A”, “B”, “C”, “D”, “A/D”, “B/D”, “C/D”).
- These five GIS raster layers should then be intersected using raster algebra and zonal statistics to produce a representative, weighted QS “Runoff Risk” with qualitative ratings of Critical, Very High, High or Present.

Task 2 Output:

GIS methodology documentation and metadata

GIS files used to determine runoff risk

Task 3.0- GIS Map Development and Summary Memo

Develop high resolution maps that will be used to depict runoff risk at a variety of scales including the county scale, watershed scale, and field scale. Include maps in a summary memo that highlights methods used, findings of the GIS analysis, prioritized areas for implementation, forested areas, and recommendations for next steps.

Task 3 Output:

Large scale, color maps.

Summary memo

Shapefiles of buffers, forests ,prairies, wetlands, critical slopes and sensitive sites (individually).

Shapefile of “runoff risks” data.

Project Budget

The project will be completed as described for a not to exceed cost of \$1,800.00

The project will be billed at the following rates:

Jason Naber, Project Manager	\$157.00
Joe Pallardy, Water & Natural Resource Specialist	\$ 93.00
Etoile Jensen, GIS Director	\$ 98.00

	A	B	C	D
1		PRIORITY		
2	TOPIC	HIGH	MEDIUM	LOW
3	Code Enforcement Responsibilities & Procedures			
4	Commercial Building Maintenance Standards			
5	Game Day Activities (Parking and Other)			
6	Housing Code/International Property Maintenance Code			
7	Non-Game Day Parking (Paid or Otherwise)			
8	Paving of Yards			
9	Procedures for Presenting/Explaining Proposed Code Changes			
10	Redevelopment Restrictions (Demolition Permits & Lot Consolidation)			
11	Redevelopment Restrictions (Lot Coverage/Floor Area Ratios)			
12	Solar Panels & Cell Towers			
13	Subdivision Ordinance			
14	Urban Chickens			

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. "Person" includes individuals, partnerships, associations and corporations.
4. "Lot" means a parcel of land adequate for occupancy by a use permitted under this ordinance.
5. "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. "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. **See Figure 01 appended to this Ordinance.** 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.
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 appended to 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" means a building or portion thereof which is designed or used for a residential purpose.
29. "Single Family Dwelling" means a dwelling that contains only one living unit.
30. "Multiple-family Dwelling" means a dwelling that contains more than one living unit.
31. "Living Unit" means a room or rooms occupied by a family, provided that a living unit must have a kitchen.
32. "Family" means 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.
34. "Structural Alterations" 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 Height, or volume of the building.
35. "Temporary Structures" means trailers, mobile homes, or any building not on or permanently affixed to a permanent foundation.
36. "Home Occupations" 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.
37. "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 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:
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 Accessory Structures, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such Accessory Structures 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 Building 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.
- 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, 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 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 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.
 - 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. "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 front 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 03 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.**

- F. 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 Setbacks shall be provided:

<u>ZONE</u>	<u>FRONT SETBACK</u>	<u>SIDE SETBACK</u>	<u>REAR SETBACK</u>
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 Front Setback 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 is detached from the primary dwelling structure, the garage may be located in the 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 three (3) feet from any overhang or projection of the 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 one-third (1/3) the area of the Rear Setback. **See Figure 02 appended to this Ordinance.**
- G. Open terraces, patios, or concrete slabs that do not extend above the level of the ground may project into Setbacks, provided they remain at least two (2) feet from any lot line, and provided further that they shall not be used for parking of motor vehicles. However, no such open terraces, patios, or concrete slabs may be located in any yard unless the sum of their square footage 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 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 or Side Yard at least five (5) feet from any lot line. **See Figure 01 and Figure 02 appended to this Ordinance.**

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

<u>ZONE</u>	<u>FRONTAGE (FEET)</u>	<u>WIDTH (FEET)</u>	<u>AREA (SQ.FT.)</u>	<u>AREA PER FAMILY (SQ.FT.)</u>	
				<u>SINGLE FAMILY</u>	<u>MULTI- FAMILY</u>
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 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.

- A. Minimum Required Off-street Spaces:

<u>USE</u>	<u>SPACE REQUIREMENTS</u>
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 - parking spaces and driveways may be located in the 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 shall remain open space, free of parking spaces and driveways. However, for lots adjacent to the east side of Olive Court, parking spaces and driveways may be located in the 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 shall remain open space, free of parking spaces and driveways. If 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. **See Figure 01 and Figure 02 appended to this Ordinance.**
2. In Multiple-family residential (R-3) zones - parking may be allowed in the Rear Setback but not closer than 10 feet to the rear lot line. Driveways may be located in the Front Setback or Side Setback, provided a minimum of 50% of the Front Setback and 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 Setback. **See Figure 02 appended to this Ordinance.**
4. In Commercial (C) zones - parking spaces may be located in any 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).

- 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 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 Building 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 Building 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 Building 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 Setbacks 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 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 Building 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 Building Height, and the rear building shall not exceed seventy-six (76) feet in Building Height. "Building 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 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, Setbacks, Building 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 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.**
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 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 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 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. **See Figure 01 appended to this Ordinance.**
10. Any open terrace, patio, or concrete slab (collectively "projections") permitted by Section 8(G) 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 Rear Setback, 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 Rear Setback, 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.

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, yards, Setbacks, 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.

See Figure 02 and Figure 03 appended to this Ordinance.

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, 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 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) 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 by the owners of twenty percent 20% or more of the area of the lots included in 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, the change 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.

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.

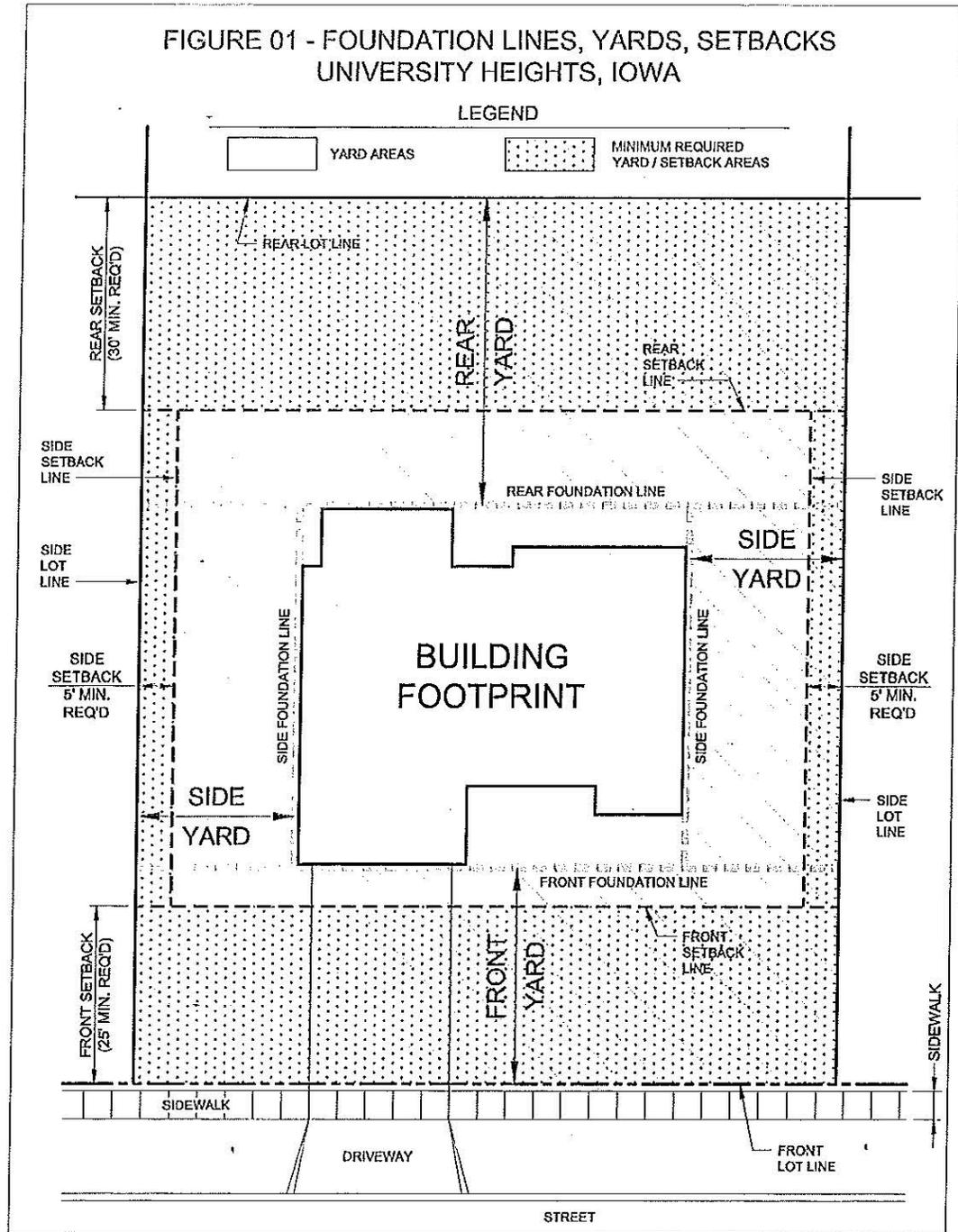
Ordinance No. 173 adding Section 15(D)(9), was passed and approved on December 8, 2009 and published in the Iowa City Press-Citizen on December 17, 2009. The amendment adds language regarding driveways, parking spaces, or parking areas that project into a rear yard.

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.

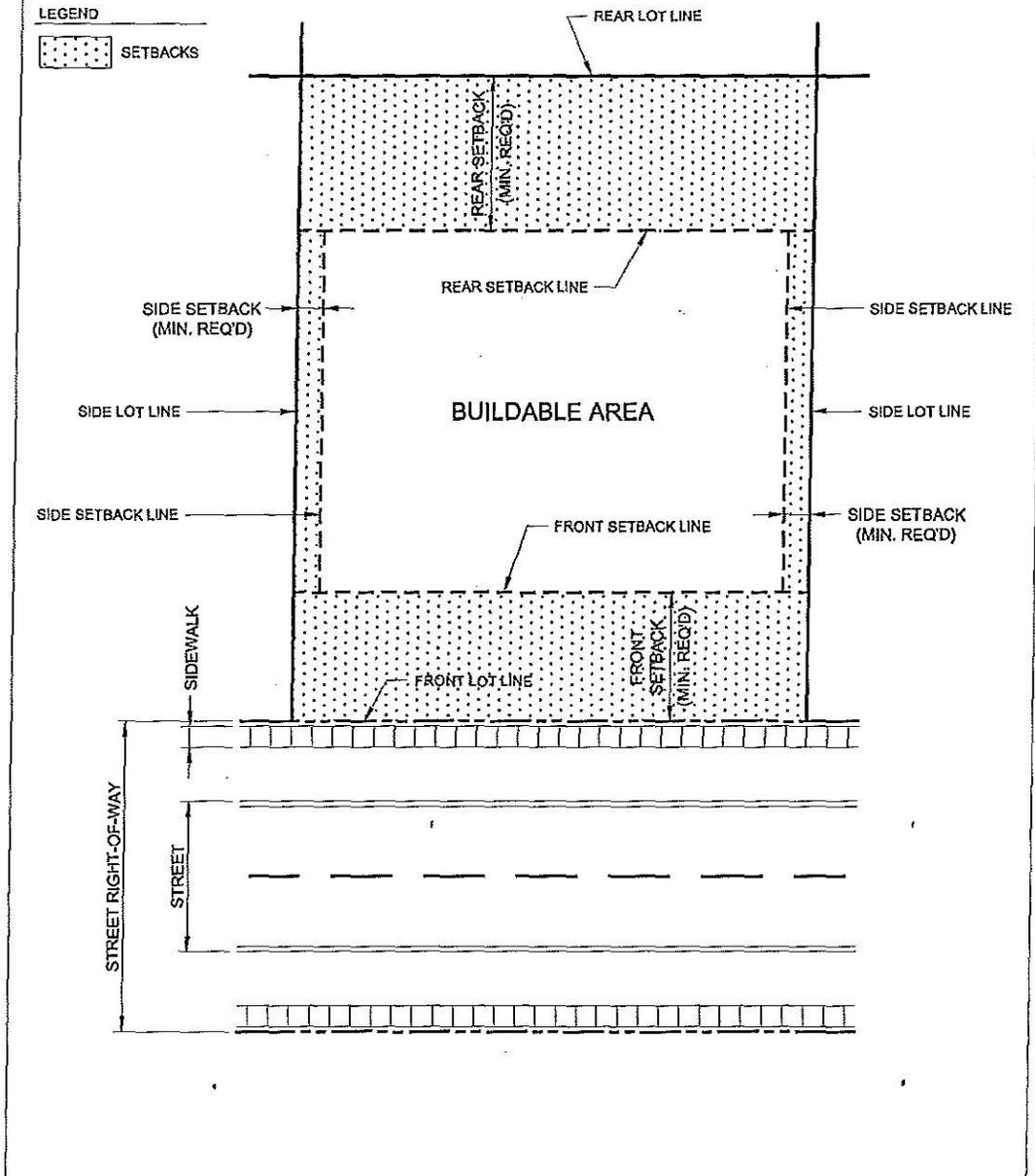
Ordinance No. 187 amending Section 3, Section 5, Section 6, Section 7, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 15, Section 16, Section 18 and adding Figures 01, 02, and 03 in an Appendix, was passed and approved on March 10, 2015 and published in the Iowa City Press-Citizen on March 27, 2015. The amendment made many changes, including, but not limited to these: changed or added definitions in Section 3 (3)-(36), including the definition and calculation of height restrictions (Section 7); made changes to yard regulations, including Accessory Structures, sheds, open terraces, patios and concrete slabs (Section 8); changed off-street parking regulations (Section 10); changed public hearing notice requirements (Section 18); and added diagrams depicting certain building and lot features defined in the ordinance (Appendix).

Steve/UH/UHOrdinances/Ordinance 079 Amended by 146,150,152,156,171,173, 180, 183, 187

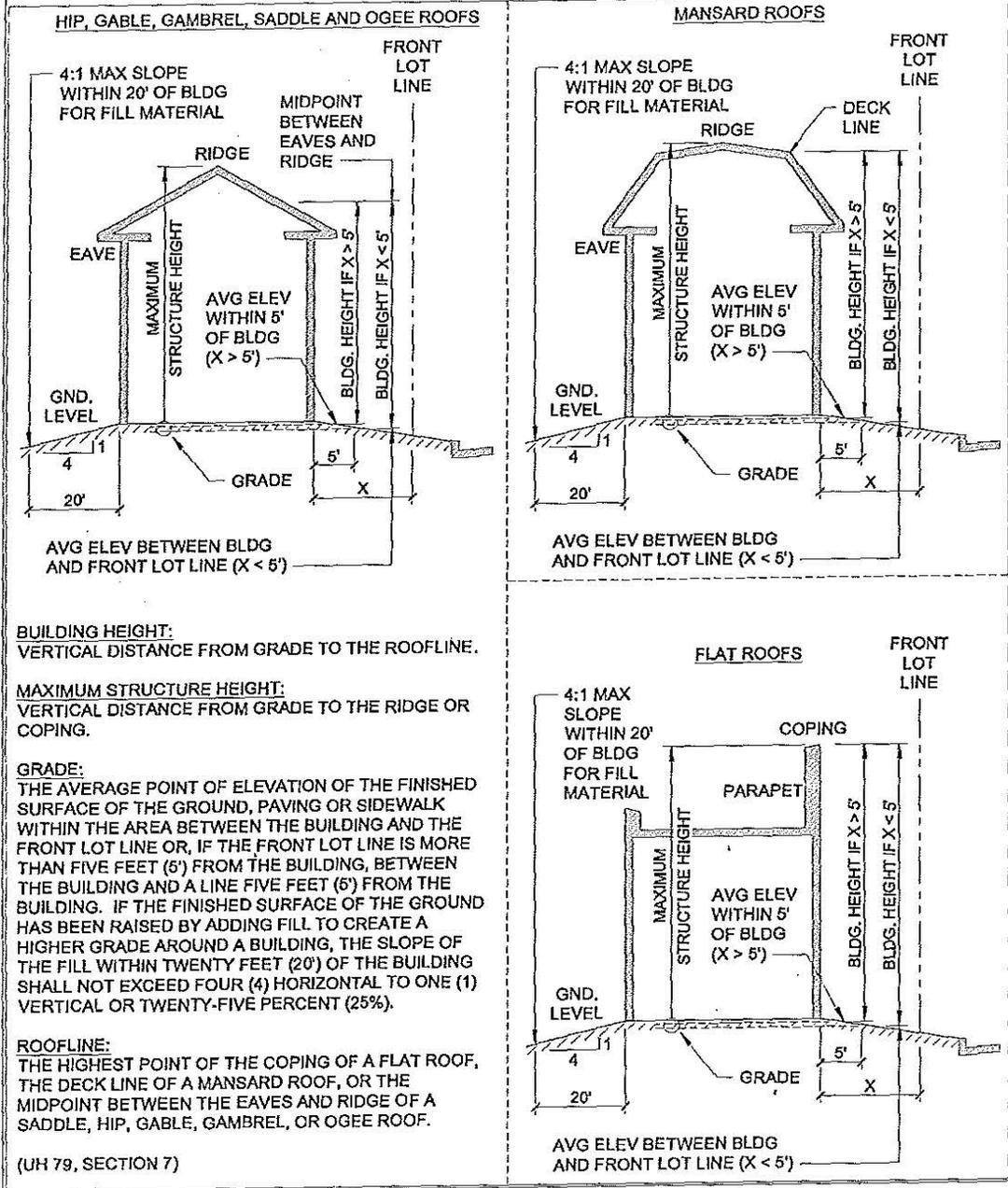


* If the depictions in the Figures set forth in this Appendix differ or are contrary to the text of the Ordinance, the text of the Ordinance itself controls; any ambiguity in construction and interpretation of the Ordinance shall be resolved by reference to the text of the Ordinance itself and not to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

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



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



ZONING MAP

CITY OF UNIVERSITY HEIGHTS, IOWA
OCTOBER 2010

-  B (BUSINESS)
-  C (COMMERCIAL)
-  CM (MULTIPLE FAMILY COMMERCIAL)
-  R-3 (MULTIPLE FAMILY RESIDENTIAL)
-  R-1 (SINGLE FAMILY)

NOT TO SCALE

