

**Proposed Amendment to University Heights Zoning Ordinance  
St. Andrew Presbyterian Church Redevelopment Proposal**

The University Heights Zoning Ordinance (No. 79) is amended as follows (additions are shown by underline; deletions by "\*\*\*\*"):

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Section 5. Districts and Boundaries Thereof.

A. In order to classify, regulate and restrict the location of residences, trades, industries, businesses, and other land uses and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereinafter erected or structurally altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards and other open spaces around such buildings, the City of University Heights, Iowa, is hereby divided into Five (5) 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.

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

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

1. One single-family dwelling per lot.
2. Public schools, public libraries, public parks and public playgrounds.
3. Churches and places of worship and parochial schools.
4. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such accessory buildings shall not be used for human occupancy or living.
5. One person not a member of the family as defined herein may occupy the premises as part of the individual housekeeping unit.
6. Home occupations.

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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.
2. As provided in the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-

Family Commercial Planed Unit Development (PUD) regulations and requirements set forth in Section 13 of this Ordinance. When development occurs pursuant to a Multiple-Family Commercial PUD, provisions of this Ordinance regarding height restrictions, yard regulations, lot regulations, and off-street parking (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 13 and the Development Agreement between the City and Developer.

Section 13. Multiple-Family Commercial. (Entire section is new.)

- 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 ninety-three (93) 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 shall not exceed fifty-four (54) feet in height, and the rear building shall not exceed seventy-six (76) feet in height. "Height" is defined in Section 7 of this Ordinance.
  - 6. A minimum of two hundred seventy-five (275) off-street parking spaces shall be provided. "Parking space" is defined in Section 10 of this Ordinance.
  - 7. The eaves or building projections, including screened porches or walls, of any building 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 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 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.
- E. Multiple-Family Commercial PUD Plan Application Requirements. A Multiple-Family Commercial PUD Plan Application must set forth or otherwise include all of the following:
1. Location, size, and legal description of the site.
  2. Location and area of land uses.
  3. Detailed site plan showing all existing or proposed easements.
  4. Front, side, and rear yard setbacks.
  5. Existing topography at two-foot intervals.
  6. Grading plan at one-foot contours.
  7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.
  8. Erosion control plan.
  9. Proposed type or types of development, e.g., commercial condominium, multiple-family dwelling, etc.
  10. Location and size of buildings or building footprints.
  11. Design elevations showing all sides of every building, roofline, and perimeter fences.
  12. Description of materials for all exterior building surfaces and perimeter fences.
  13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.
  14. Maximum height of proposed structures and perimeter fences.
  15. Floor plans showing square footage of each 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.
  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 Commercial 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 Commercial 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, administrative, publication and recording fees, incurred by the City of University Heights in considering the PUD Plan.

**Action by Zoning Commission**

The University Heights Zoning Commission has considered this proposed amendment to the city's Zoning Ordinance. Upon such consideration, the Commission voted May 20, 2009 to recommend that the City Council approve/not approve the amendment by the following vote:

	<u>Approve</u>	<u>Not Approve</u>
William Gay	_____	_____
Wally Heitman	_____	_____
Catherine Lane	_____	_____
Karl Robertson	_____	_____
Patrick Bauer, Chair	_____	_____

Dated this 20<sup>th</sup> day of May, 2009.

UNIVERSITY HEIGHTS ZONING COMMISSION

By Patrick Bauer, Chair

Steve/UH/UHOrdinances/Proposed Zoning Amendment - St. Andrew 0509