

ORDINANCE No. 133

AN ORDINANCE AMENDING ORDINANCE No. 79 CONCERNING ZONING

Ordinance No. 79 is amended as follows:

Section 6. Uses.

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regarding height restrictions, yard regulations, lot regulations, and off-street parking (Sections 7, 8, 9, and 10) are superceded by the provisions of Section 12 and the Development Agreement between the City and Developer.

Section 12. Multiple-Family Planned Unit Development (PUD). [New section].

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

1. No more than one hundred forty-four (144) single-family dwelling units may be constructed.
2. No building may exceed fifty-five (55) feet in height as defined in Section 7 of this Ordinance.
3. 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.
4. A minimum of one hundred thirty-two thousand eight hundred twenty-five (132,825) 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.
5. 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; and thirty (30) feet from the lot line that constitutes the municipal boundary to the south of the property.
6. 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; and twenty (20) feet from the lot line that constitutes the municipal boundary to the south of the property.
7. 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 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.

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

1. Location, size, and legal description of the site.
2. Location and area of land uses.
3. Detailed site plan showing all existing or proposed easements.
4. Front, side, and rear yard setbacks.
5. Existing topography at two-foot intervals.
6. Grading plan at one-foot contours.
7. Location and description of major site features, including tree masses, drainageways, wetlands, and soils.
8. Erosion control plan.
9. Proposed type of development, e.g., condominium, multiple-family dwelling, etc.
10. Location and size of buildings or building footprints.
11. Design elevations showing all sides of every building, roofline, and perimeter fences.
12. Description of materials for all exterior building surfaces and perimeter fences.
13. Vertical and horizontal dimensions of the exterior of all buildings and perimeter fences.
14. Maximum height of proposed structures and perimeter fences.
15. Floor plans showing square footage of each dwelling unit.
16. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.
17. Preliminary Plat.
18. Final Plat.

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

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

E. 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 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 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.

[Current Zoning Ordinance Sections 12-20 would be renumbered to Sections 13-21, respectively].

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

Adopted by the University Heights City Council on this 9th day of March, 2004, and approved this 9th day of March, 2004.

Gloria N. Jacobson, Mayor

ATTEST:

(SEAL)

Jerry Musser, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this _____ day of _____, 200__, before me, a notary public in and for the state of Iowa, personally appeared Gloria N. Jacobson and Jerry Musser, 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 Jerry Musser 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, Jerry Musser, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the _____ day of _____, 200__.

Jerry Musser

Signed and sworn to before me on the _____ day of _____, 2004, by Jerry Musser, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa