

ORDINANCE NO. 226

AN ORDINANCE AMENDING ORDINANCE NO. 79 (ZONING) TO MODIFY MAXIMUM STRUCTURE HEIGHT AND THE MAXIMUM NUMBER OFF-STREET PARKING SPACES IN THE CH COMMERCIAL HOTEL ZONE AND TO REQUIRE DEVELOPERS TO ENTER INTO AGREEMENTS TO REIMBURSE THE CITY FOR PROFESSIONAL AND OTHER FEES IN CONSIDERING DEVELOPMENT PROPOSALS

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

**PART I. AMENDMENTS:**

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

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Section 14A. Commercial Hotel PUD.

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

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3. The Maximum Structure Height of the hotel building shall not exceed seventy-four (74) ~~sixty-five (65)~~ feet in height; provided, however, that any portion of the hotel building exceeding sixty-five (65) feet may be used only for a rooftop restaurant and may not be enclosed and used for hotel rooms or used for any other purpose. "Maximum Structure Height" is defined in Section 3 and Section 7 of this Ordinance.
4. No more than one hundred ninety-six (196) ~~one hundred fifty-six (156)~~ off-street parking spaces. "Parking space" is defined in Section 10 of this Ordinance.

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Section 14B. Agreement to Reimburse Fees and Expenses.

- A. Before the City of University Heights, the City Council, Zoning Commission, or City Staff will undertake to review or evaluate any development proposal, the proponent must first enter into a written agreement, in a form satisfactory to the City, requiring the proponent to reimburse the City for the clerical and professional fees and expenses the City will incur in reviewing, evaluating, considering, administering, and overseeing the development proposal and associated documents, permits, and construction.
- B. For purposes of this Section, "development proposal" means an application, proposal, or other submission that seeks any change to the City's Zoning Ordinance and/or seeks to subdivide real property.
- C. For purposes of this Section, "clerical and professional fees and expenses" includes but is not limited to the City's fees and expenses for engineering, legal, financial consulting, construction administration and oversight, and City Clerk services.
- D. An agreement to reimburse the City for clerical and professional fees and expenses does not confer or provide the proponent the right or authority to direct, regulate, or influence the professional judgment of the City's legal counsel, City Engineer, or other of the City's agents, employees, consultants, contractors, or Clerk.
- E. All of the professional and ethical duties of the City's legal counsel, City Engineer, and all other of the City's agents, employees, consultants, contractors and Clerk, including duties of diligence, loyalty, confidentiality, shall extend and run exclusively to the City and not to the proponent or any other person or entity, notwithstanding the agreement to reimburse the City for clerical and professional fees and expenses.

**PART II. EFFECTIVE DATE.**

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

Adopted by the University Heights City Council on this 18<sup>th</sup> day of April, 2018, and approved this 18<sup>th</sup> day of April, 2018, 2018.

/s/\_\_\_\_\_  
Louise A. From, Mayor

ATTEST:

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