

ORDINANCE NUMBER 187 (amending Ordinance Number 79)

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION,
CONSTRUCTION, USE OF BUILDINGS AND STRUCTURES, AND THE USE OF
LAND IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

DELETIONS SHOWN BY ~~STRIKE-THROUGH~~, ADDITIONS BY UNDERLINE

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

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

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

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

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. ~~The word "person"~~"Person" includes individuals, partnerships, associations and corporations.
4. ~~The word "lot" shall mean~~"Lot" means a parcel of land adequate for occupancy by a use permitted under this ordinance.
5. ~~The term "shall~~Shall" is always mandatory.
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.
1213. "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. **DIAGRAM**
1314. "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. **DIAGRAM**
1415. "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. **DIAGRAM**
1516. "Front Yard" means the area from the Front Foundation Line to the front lot line adjacent to the street right-of-way. On corner lots, the Front Yard may face either street; provided, however, that the Front Yard for Horn Elementary School faces both Benton Street and Emerald Street such that the areas to the north and to the east of the school building are Rear Yards (with a required Setback of 30 feet) and not Side Yards. The front lot line of lots adjacent to the east side of Olive Court shall be on the west side of said lots, adjacent to Olive Court. **SEE DIAGRAM**
1617. "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.
1718. "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.

19. "Front Setback" means the area between the front lot line adjacent to the street right-of-way and the Front Setback Line. SEE DIAGRAM
29. "Rear Setback" means the area between the rear lot line and the Rear Setback Line. SEE DIAGRAM
21. "Side Setback" means the area between the side lot line and the Side Setback Line. SEE DIAGRAM
2122. "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 DIAGRAM.
2223. "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 DIAGRAM.
2324. "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 DIAGRAM.
2425. "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 DIAGRAM.
2526. "Building Height" means the vertical distance from grade to the roofline. See Section 7 for further definitions and restrictions on Building Height.
27. "Maximum Structure Height" means the vertical distance from grade to ridge. See Section 7 for further definitions and restrictions on Maximum Structure Height.
2628. "Dwelling" ~~is means~~ a building or portion thereof which is designed or used for a residential purpose.
2729. "Single Family Dwelling" ~~is means~~ a dwelling that contains only one living unit.
2830. "Multiple-family Dwelling" ~~is means~~ a dwelling that contains more than one living unit.
2931. "Living Unit" ~~is means~~ a room or rooms occupied by a family, provided that a living unit must have a kitchen.
3032. "Family" ~~is means defined as~~ one person or two or more persons related by blood, marriage, or adoption occupying a dwelling as an individual housekeeping unit.
33. "Yard" means the area from the foundation to the lot line.

~~13. "Yard" shall mean an open space on the same lot with a building remaining unoccupied and unobstructed by any structure. Yard width or depth is measured by the minimum horizontal distance between the lot line and any overhang or projection of the main building.~~

~~14. "Front Yard" is the area from one side lot line to the other side lot line and between any overhang or projection of the front of the main building and the front lot line adjacent to the street right-of-way. On corner lots, the front yard may face either street; provided, however, that the front yard for Horn Elementary School faces both Benton Street and Emerald Street such that the areas to the north and to the east of the school building are rear yards (with a required minimum depth of 30 feet) and not side yards. The front lot line of lots adjacent to the east side of Olive Court shall be on the west side of said lots, adjacent to Olive Court.~~

~~15. "Rear Yard" is the area from one side lot line to the other side lot line and between any overhang or projection of the rear of the main building and the rear lot line. The rear yard is always on the opposite end of the lot from the front yard.~~

~~16. "Side Yard" is the area from the front yard line to the rear yard line, and from any overhang or projection of the main building to the side lot line.~~

~~17. "Front Yard Line" is a line drawn parallel to and as far back from the front lot line adjacent to the street right-of-way as is necessary to provide for the minimum required front yard.~~

~~18. "Rear Yard Line" is a line drawn parallel to and as far back from the rear lot line as is necessary to provide for the minimum rear yard.~~

~~19. "Private Garage" is an accessory building housing motor driven vehicles owned and used by the occupants of the main building.~~

~~3134. "Structural Alterations" are means any changes in the configuration of the exterior walls, foundation, or the roof of a building which results in an increase in the area, Building Hheight, or volume of the building.~~

~~3235. "Temporary Structures" are means trailers, mobile homes, or any building not on or permanently affixed to a permanent foundation.~~

~~3336. "Home Occupations" are means an accessory use consisting of any occupation or profession carried on by a member of the family residing on the premises; provided that in connection with such occupation or profession, no sign other than one non-illuminated sign, no larger than one square foot in area is used, which sign is attached to the building; that nothing is done to make the building or premises appear in any way as anything but a dwelling; that no products are sold except those prepared on the premises;~~

that no one is employed from outside the family residing on the premises; and that no mechanical equipment is used other than that which is permissible for purely domestic or household purposes.

3437. "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, reconstructed, structurally altered, or placed upon any property located in the City except in conformity with the provisions of this Zoning Ordinance unless otherwise hereinafter provided.

Section 5. Districts and Boundaries Thereof.

- A. In order to classify, regulate and restrict the location of residences, trades, industries, businesses, and other land uses and the location of buildings designed for specified uses, to regulate and limit the ~~height~~ 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 ~~buildings~~Accessory Structures, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such ~~accessory buildings~~Accessory Structures shall not be used for human occupancy or living.
 - 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~~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-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 of this Ordinance.
 2. As provided in or limited by the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Commercial Planned Unit Development (PUD) regulations and requirements set forth in Section 13 of this Ordinance.

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

- b. When development occurs pursuant to a Multiple-Family Commercial PUD, the following uses of the commercial space portion of the PUD are permitted:
 1. Professional offices.
 2. Bakeries.
 3. Drug Store.
 4. Grocery Stores.
 5. Barber shops or beauty shops.
 6. Catering Businesses.
 7. Restaurants, tea rooms, cafés, coffee shops, or similar establishments but not including bars, saloons, taverns, or drinking establishments.
 8. Retail shops but not including liquor stores.
 9. Art galleries.
 10. Personal fitness centers.
 11. Such other and further uses as provided in or limited by the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Commercial Planned Unit Development (PUD) regulations and requirements set forth in Section 13 of this Ordinance.

~~Section 7. Height Restrictions. No building in any zone shall exceed 35 feet in height. Height for this purpose shall be the vertical distance from the highest point of the finished grade of any street on which said property abuts to the highest point of the roof or coping. Radio or TV towers, spires,~~

~~steeple, and chimneys are exempt from these height restrictions, but only to the extent such towers, spires, steeples and chimneys are appended to a building for the purpose of serving only that building.~~

Section 7. Height Restrictions. "Building Height" means the vertical distance from grade to the roofline. "Maximum Structure Height" means the vertical distance from grade to ridge.

- A. "Grade" means the average point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the 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 DIAGRAM**
- 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 DIAGRAM**
- 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; Maximum Structure Height for a main building with a flat roof may not exceed thirty (30) feet. SEE DIAGRAM

E. Unless otherwise provided, Building Height of an Accessory Structure in any zone may not exceed fifteen (15) feet and Maximum Structure Height may not exceed twenty (20) feet; Maximum Structure Height for an Accessory Structure with a flat roof may not exceed fifteen (15) feet. SEE DIAGRAM

Section 8. Yard Regulations.

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

<u>ZONE</u>	<u>ONE FRONT YARD</u>	<u>TWO SIDE YARDS</u>	<u>ONE REAR YARD</u>
	<u>HAVING A DEPTH</u>	<u>HAVING A DEPTH</u>	<u>HAVING A DEPTH</u>
	<u>OF</u>	<u>OF</u>	<u>OF</u>

<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.

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

C. Except as otherwise provided, Setbacks shall remain open space, unoccupied and unobstructed by any structure.

CD. If a ~~garage~~ Garage is detached from the primary dwelling structure, the garage may be located in the ~~rear yard~~ Rear Setback, provided, however, that it is not less than sixty (60) feet from the front lot line, in which event there shall be a minimum distance of 2 three (3) feet from any overhang or projection of the ~~garage~~ Garage to any lot line and provided further that the square footage of the Garage does not exceed one-third (1/3) the area of the Rear Setback.

- 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.
- 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.
- DG. Open terraces, patios, or concrete slabs ~~(collectively "projections")~~ that do not extend above the level of the ground may project into ~~a required yard~~Setbacks, provided ~~these~~they ~~projections~~remain at least ~~2~~two (2) feet from ~~the any adjacent~~lot line, and provided further that ~~the terraces, patios, or concrete slabs shall not exceed one-third (1/3) the size of the required front or rear yard where the projection is located, and~~they shall not be used for parking of motor vehicles. However, no such ~~open terraces, patios, or concrete slabs~~ ~~projections~~may be located in any ~~front yard or rear yard~~unless the sum of their square footage ~~of the projection~~plus the square footage of any parking spaces and/or driveway located in the same yard does not exceed one-third (1/3) ~~the area of the Setback of the required yard~~where they are located. ~~If they are attached to, immediately adjacent to, or abutting the primary building on the lot and are not enclosed, then such open terraces, patios, or concrete slabs may extend up to sixteen (16) inches above the level of the ground.~~
- 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.
- 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.

EL. Concrete slabs for air-conditioning units shall be placed in the ~~rear yard~~Rear Yard or Side Yard at least five (5) feet ~~5 feet~~ from ~~the adjacent~~any lot line.

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</u> <u>(FEET)</u>	<u>WIDTH</u> <u>(FEET)</u>	<u>AREA</u> <u>(SQ.FT.)</u>	<u>AREA PER FAMILY</u> <u>(SQ.FT.)</u>	
				<u>SINGLE</u> <u>FAMILY</u>	<u>MULTI-</u> <u>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 yard~~Front Setback line.

Section 10. Off-street Parking Regulations. At any time any building is erected or structurally altered or any change in use is made, unless otherwise provided in this ordinance, off-street parking spaces shall be provided in accordance with the following requirements.

A. Minimum Required Off-street Spaces:

<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 - ~~required~~ parking spaces and driveways may be located in the ~~front yard~~Front Yard provided that the parking spaces may not exceed an area greater than one-third (1/3) of the Front Setback; the remainder of the Front Yard a minimum of two-thirds (2/3rds) of the required front yard area shall remain open space, free of parking spaces and driveways. However, for lots adjacent to the east side of Olive Court, ~~required~~ parking spaces and driveways may be located in the ~~rear yard~~Rear Yard, provided that the parking spaces may not exceed an area greater than one-third (1/3) of the Rear Setback; the remainder of the Rear Yard a minimum of two-thirds (2/3rds) of the required rear yard shall remain open space, free of parking spaces and driveways. If ~~required~~ parking spaces for a lot adjacent to the east side of Olive Court are located in the ~~rear yard~~Rear Yard, then required spaces may not also be located in the ~~front yard~~Front Yard of that lot.
2. In Multiple-family residential (R-3) zones - parking may be allowed in the ~~required minimum rear yard~~Rear Setback but not closer than 10 feet to the rear lot line. Driveways may be located in the ~~required minimum front or side yards~~Front Setback or Side Setback, provided a minimum of 50% of the ~~required front~~Front Setback and ~~side yards~~Side Setback shall remain in open space free of driveways.
3. In Business (B) zones - parking spaces may be located in any ~~required yard~~Setback.
4. In Commercial (C) zones - parking spaces may be located in any ~~required yard~~Setback provided, however, no parking shall be located within 15 feet of any adjoining property located in a residential zone.

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~~Side, and ~~rear~~Rear yard setbacksSetbacks.
 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~~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-Height as defined in Section 7 of this Ordinance.

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

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

e. The eave of any building shall not be less than forty-five (45) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; twenty (20) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and thirty (30) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

f. Building projections, including screened porches or walls, shall not be less than thirty-five (35) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; ten (10) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

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

2. Alternative 2 - Horizontal Concept.

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

b. No building may exceed thirty-nine (39) feet in height 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~~ Garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new ~~garage~~ Garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

f. Building projections, including screened porches or walls, shall not be less than thirty-five (35) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; ten (10) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property; provided, however, that the existing ~~garages~~ Garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new ~~garage~~ Garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

g. The University Heights City Council may approve a Multiple-Family PUD application that includes parking spaces 18 feet in length and includes parking spaces in ~~required minimum yards~~ Setbacks notwithstanding the provisions of Section 10 of this ordinance.

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~~Side, and ~~rear~~Rear yard setbacksSetbacks.
 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 Hheight of proposed structures and perimeter fences.
 15. Floor plans showing square footage of each dwelling unit.
 16. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.
 17. Preliminary Plat.
 18. Final Plat.
 19. Deed restrictions, covenants, agreements, association bylaws and/or other documents controlling the use of the property and controlling the type of construction or development activities of future residents.

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

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

1. Design standard applicable to the project.
2. Development covenants, easements, and restrictions, including a prohibition on further subdivision of the property developed pursuant to the Multiple-Family PUD.
3. Site improvements, including sidewalks, that will be constructed following approval of the Site Development Plan.
4. Timing of commencement and completion of construction of buildings and improvements pursuant to the Multiple-Family PUD Plan.
5. Payment by the Developer of the costs and fees, including engineering, legal, publication and recording fees, incurred by the City of University Heights in considering the PUD Plan.

Section 13. Multiple-Family Commercial PUD.

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

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

1. No more than two (2) buildings may be constructed with combined footprints of no more than forty-five thousand (45,000) square feet.
2. No more than eighty (80) dwelling units may be constructed.

3. No more than twenty thousand (20,000) square feet of commercial space may be constructed.
4. No more than one person not a member of the family as defined in Section 3 of this Ordinance may occupy each dwelling unit as part of the individual housekeeping unit.
5. The front building of the development (closest to Melrose Avenue) shall not exceed thirty-eight (38) feet in ~~height~~Building Height, and the rear building shall not exceed seventy-six (76) feet in ~~height~~Building Height. "Building Height" is defined in Section 7 of this Ordinance.
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~~Side, and ~~rear~~Rear yard ~~s~~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 ~~Building height~~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-Height, or lot area regulations where there is an exceptional or unusual dimensional configuration or physical condition of the lot not generally

prevalent in the neighborhood and which condition when related to the regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.

- 2) Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Chapter but providing that such a reduction not be more than 50 percent of the usual requirement.
- d) Hear and decide appeals concerning fences as provided in Ordinance No. 105.
4. No order of the Board permitting any construction of or to a building shall be valid for a period longer than one (1) year unless a building permit is obtained within such period.

Section 16. Non-conforming Uses and Buildings.

A. Intent. It is the intent of this ordinance to restrict and eventually eliminate non-conforming uses because they have been found to be incompatible with permitted uses in the zone involved. Non-conforming buildings shall be regulated to prevent an increase in the degree of non-conformity. The lawful use of any building or land existing on the effective date of this ordinance may continue although such use does not conform with the provisions of this ordinance, subject to the conditions contained herein.

B. General Provisions.

1. Construction Approved Prior to Ordinance. Nothing in this ordinance shall require any change in plans, construction or designated use of a building or structure for which substantial construction has lawfully begun prior to the effective date of this ordinance. Substantial construction shall be deemed to include excavation and demolition of existing buildings.
2. Unlawful Use Not Authorized. Nothing in this ordinance shall be interpreted as authorization for the continuance of the use of a structure or land in violation of the zoning regulation in effect prior to the enactment of this ordinance.

C. Non-conforming Lots of Record.

1. In an R-1 or B zone, a building may be erected for any use permitted in the zone on any lot of record on the effective date of this ordinance notwithstanding the lot's failure to meet the requirements of the zone for frontage and width. In any zone in which single-family dwellings are permitted, a single-family dwelling and ~~accessory buildings~~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.
3. If two (2) or more contiguous non-conforming lots or portions thereof become owned by a common owner, the land involved shall be deemed a single parcel for the purposes of this ordinance and no portion of said parcel shall be sold or used in a manner which diminishes compliance with lot width and area requirements.

D. Non-conforming Use.

1. No existing structure devoted to a use not permitted by this ordinance in the zone in which it is located shall be enlarged, reconstructed, moved or structurally altered as provided herein.
2. No non-conforming use may be extended through additional parts of a building nor to occupy any land outside such building.
3. A non-conforming use may be changed only to a use permitted in the same or higher zone. For the purposes of this section, the same zone means the most restrictive zone in which the non-conforming use is a permitted use; a higher zone means a zone which is more restrictive than the most restrictive zone in which the non-conforming use is a permitted use. If it is changed to a higher or conforming use, it may not resume the prior non-conforming use.
4. Any structure devoted to a non-conforming use which has been destroyed or damaged by fire, explosion, act of God or by a public enemy to the extent of fifty percent (50%) or more of its value, shall thereafter conform to the provisions of this ordinance. Where the damage is less than fifty percent (50%), such structure may be restored to the same non-conforming use as existed before such damage.
5. Any non-conforming use of land may not be extended to occupy a greater area of land than was owned on the effective date of the ordinance nor may additional structures be erected in connection with such non-conforming use of land.

6. Any non-conforming use of land or buildings which has ceased by discontinuance or abandonment for a period of three months shall thereafter conform to the provisions of this ordinance.
7. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise more than one-third (1/3) of the ~~required front yard~~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.
8. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise one-third (1/3) or less of the ~~required front yard~~Front Setback may continue to be used if they are constructed of loose gravel, rock, or stone; or compacted gravel, rock, or stone; or crushed rock or chip seal surfaces. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged.
9. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that project into a ~~rear yard~~Rear Yard may continue to be used if they lead to or provide access to a ~~garage~~Garage with a door or opening large enough to admit automobiles; and if the door or opening faces the ~~rear yard~~Rear Yard; and if the door or opening was in place as of December 1, 2008; and if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced, but they may not be enlarged. In the event the ~~garage~~Garage door or opening that faces the ~~rear yard~~Rear Yard is ever closed off or otherwise abandoned, the non-conforming driveways, parking spaces, or parking areas must be removed and the ~~rear yard~~Rear Yard shall thereafter conform to the provisions of this ordinance.
10. Any open terrace, patio, or concrete slab (collectively "projections") permitted by Section ~~8~~10(D) to be located in the ~~rear yard~~Rear Yard of a lot adjacent to the east side of Olive Court that is in place and in use as of February 1, 2013, may continue to be used only as follows:
 - A. If the projection itself comprises an area that is more than one-third (1/3) of the ~~required rear yard~~Rear Setback, it may continue to be used only under the following conditions:
 - i) it is not used for parking motor vehicles; and
 - ii) it is constructed of asphaltic concrete, Portland

such cement concrete, manufactured paving material as brick, or similar permanent, dust-free surface material.

B. If the square footage of the projection plus the square footage of any parking spaces and driveway located in the same yard comprise an area that is more than one-third (1/3) of the ~~required rear yard~~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 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.

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

E. Non-conforming Buildings.

1. Any building, which contains a conforming use, but could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, Building height~~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.

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 ~~change~~repeal.
2. The Zoning Commission shall file its recommendations and report to the City Clerk and the Council shall, before enacting any proposed amendment, supplement, change, modification, or repeal, hold a public hearing in relation thereto, giving at least seven (7) but not more than twenty (20)15 days' notice of the time and place of such hearing, which notice shall be published in a newspaper having a general circulation in the City of University Heights, Iowa, but in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.
3. If the Zoning Commission recommends against, or if a protest against such proposal, amendment, supplement, change, modification, or repeal shall be presented in writing to the City Clerk, duly signed ~~and acknowledged~~ by the owners of twenty percent (20%) or more, ~~either~~ of the area of the lots included in ~~such the~~ proposed change ~~or repeal,~~ or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, the change or repeal ~~such amendment, supplement, change, modifications or repeal~~ shall not become effective except by the favorable vote of three-fourths (3/4ths) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

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.

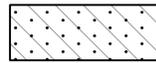
Section 23. Effective Date. This Ordinance shall become effective upon its passage and publication as provided by law.

DRAFT UNIVERSITY HEIGHTS, IOWA TYPICAL R-1 SINGLE FAMILY RESIDENTIAL

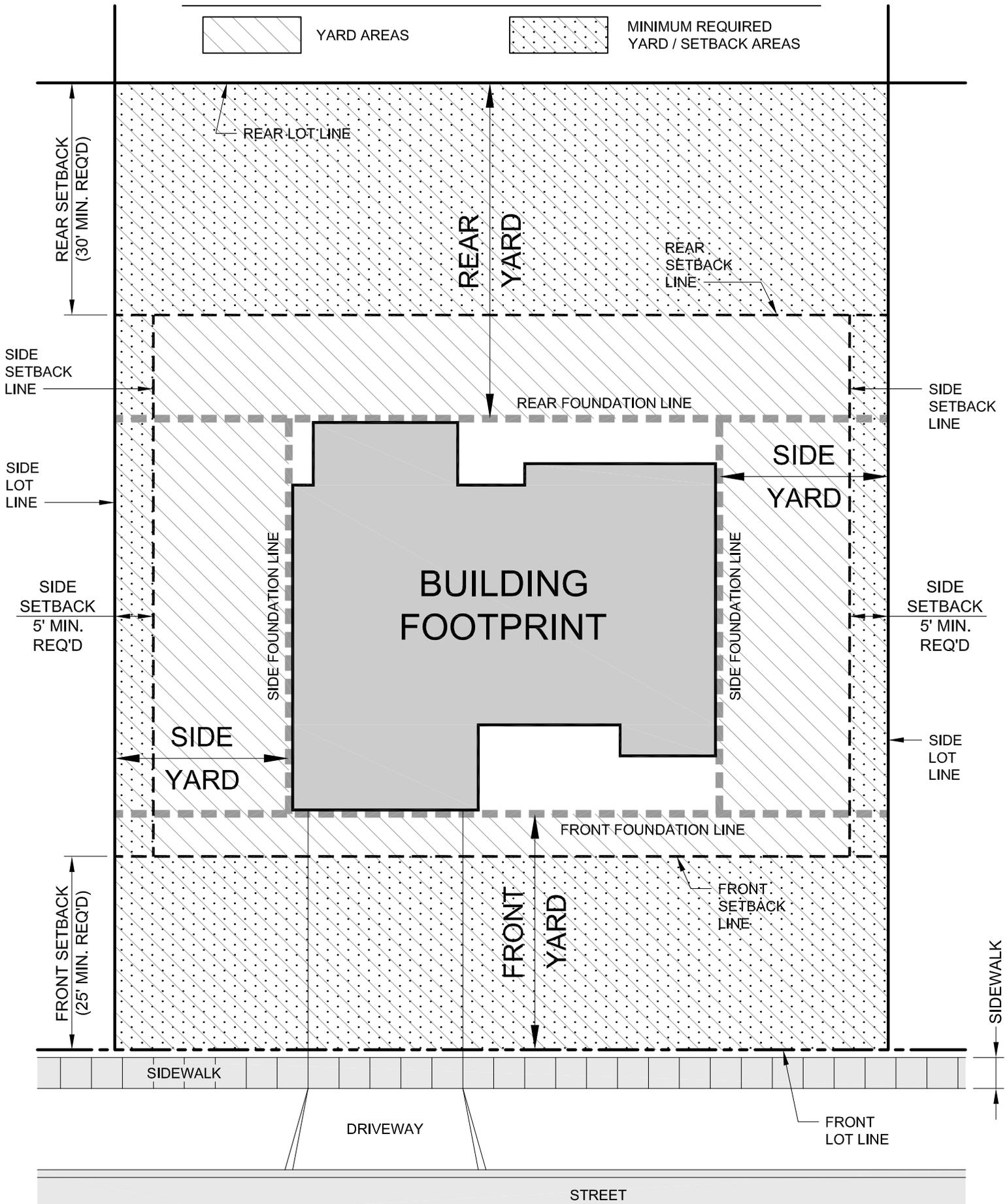
LEGEND



YARD AREAS



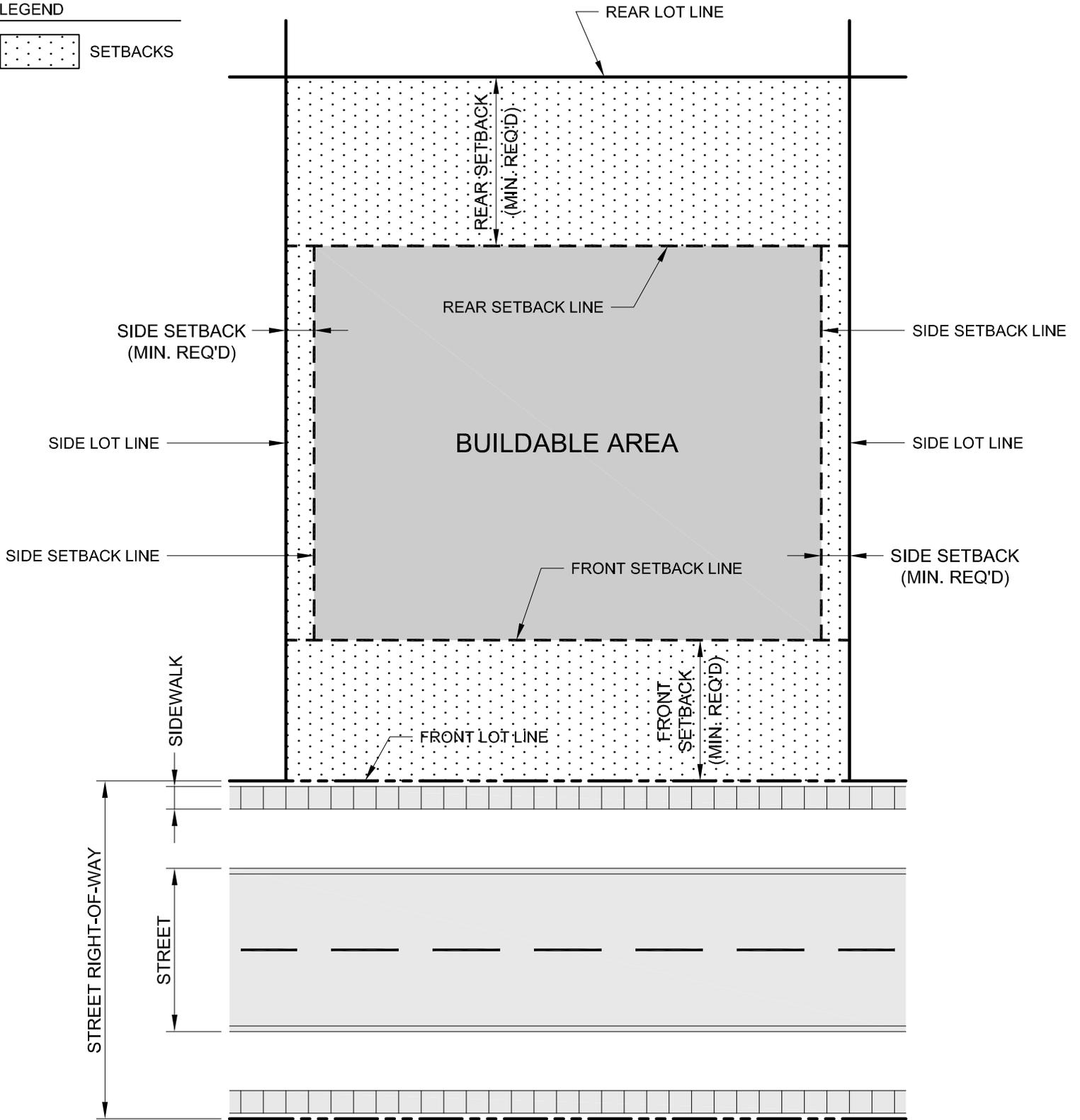
MINIMUM REQUIRED
YARD / SETBACK AREAS



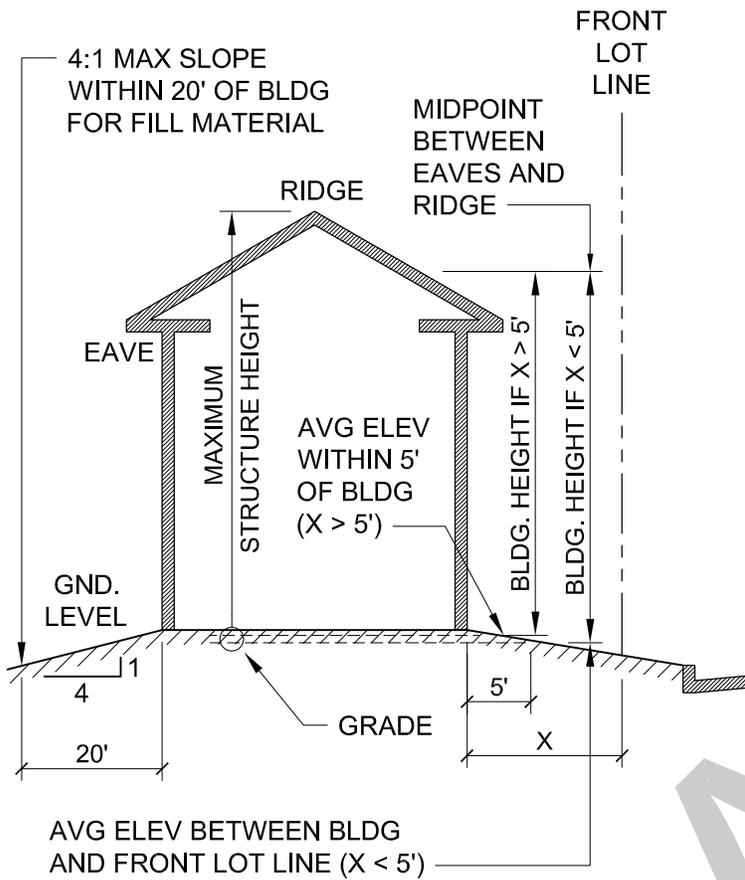
DRAFT UNIVERSITY HEIGHTS, IOWA TYPICAL PROPERTY LAYOUT

LEGEND

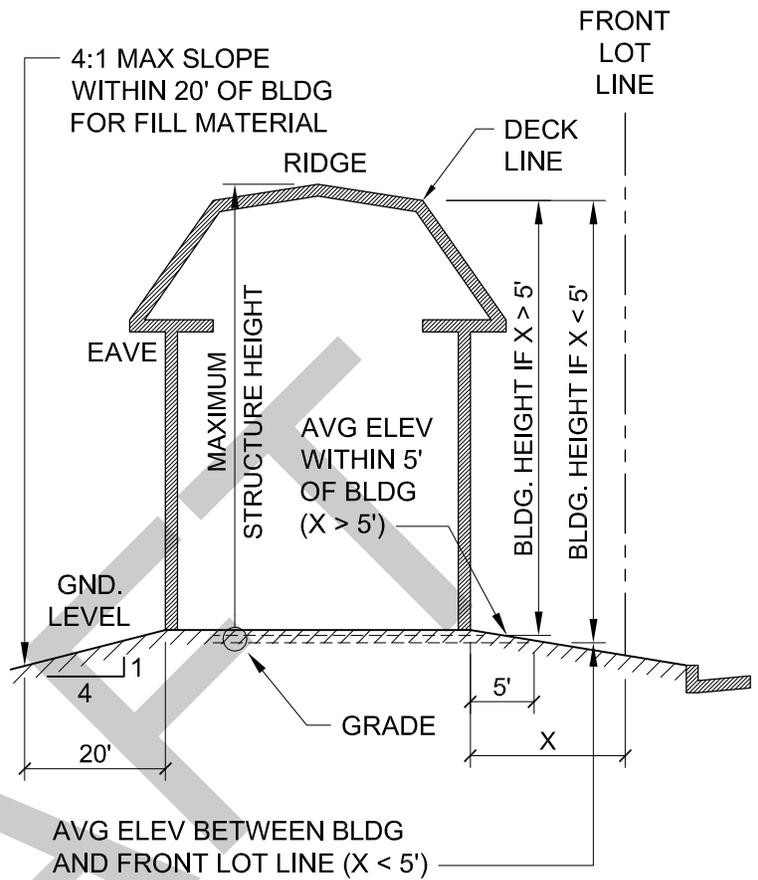
 SETBACKS



HIP, GABLE, GAMBREL, SADDLE AND OGEE ROOFS



MANSARD ROOFS



BUILDING HEIGHT:
VERTICAL DISTANCE FROM GRADE TO THE ROOFLINE.

MAXIMUM STRUCTURE HEIGHT:
VERTICAL DISTANCE FROM GRADE TO THE RIDGE OR COPING.

GRADE:
THE AVERAGE POINT OF ELEVATION OF THE FINISHED SURFACE OF THE GROUND, PAVING OR SIDEWALK WITHIN THE AREA BETWEEN THE BUILDING AND THE FRONT LOT LINE OR, IF THE FRONT LOT LINE IS MORE THAN FIVE FEET (5') FROM THE BUILDING, BETWEEN THE BUILDING AND A LINE FIVE FEET (5') FROM THE BUILDING. IF THE FINISHED SURFACE OF THE GROUND HAS BEEN RAISED BY ADDING FILL TO CREATE A HIGHER GRADE AROUND A BUILDING, THE SLOPE OF THE FILL WITHIN TWENTY FEET (20') OF THE BUILDING SHALL NOT EXCEED FOUR (4) HORIZONTAL TO ONE (1) VERTICAL OR TWENTY-FIVE PERCENT (25%).

ROOFLINE:
THE HIGHEST POINT OF THE COPING OF A FLAT ROOF, THE DECK LINE OF A MANSARD ROOF, OR THE MIDPOINT BETWEEN THE EAVES AND RIDGE OF A SADDLE, HIP, GABLE, GAMBREL, OR OGEE ROOF.

(UH 79, SECTION 7)

FLAT ROOFS

