

ORDINANCE NUMBER 79 (as amended)

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

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

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

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

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

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. The word "person" includes individuals, partnerships, associations and corporations.
4. The word "lot" shall mean a parcel of land adequate for occupancy by a use permitted under this ordinance.
5. The term "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. "Dwelling" is a building or portion thereof which is designed or used for a residential purpose.
9. "Single Family Dwelling" is a dwelling that contains only one living unit.
10. "Multiple-family Dwelling" is a dwelling that contains more than one living unit.
11. "Living Unit" is a room or rooms occupied by a family, provided that a living unit must have a kitchen.
12. "Family" is defined as one person or two or more persons related by blood, marriage, or adoption occupying a dwelling as an individual housekeeping unit.
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.
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.
20. "Structural Alterations" are any changes in the configuration of the exterior walls, foundation, or the roof of a building which results in an increase in the area, height, or volume of the building.
21. "Temporary Structures" are trailers, mobile homes, or any building not on or permanently affixed to a permanent foundation.
22. "Home Occupations" are 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.
23. "Cul-de-sac" means a local street that terminates in a turn-around.

Section 4. General Effect of Zoning Ordinance.

- A. The use of premises and buildings in the City shall be in accordance with the minimum standards hereinafter set forth.
- B. No building or structure shall be erected, converted, enlarged, re-constructed, structurally altered, or placed upon any property located in the City except in conformity with the provisions of this Zoning Ordinance unless otherwise hereinafter provided.

Section 5. Districts and Boundaries Thereof.

- A. In order to classify, regulate and restrict the location of residences, trades, industries, businesses, and other land uses and

the location of buildings designed for specified uses, to regulate and limit the 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.
- 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, 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.
- 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 height restrictions, yard regulations, 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, 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.

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, steeples, 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 8. Yard Regulations.

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

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

C. If a garage is detached from the primary dwelling structure, the garage may be located in the rear yard, provided, however, that it is not less than 60 feet from the front lot line, in which event there shall be a minimum distance of 2 feet from any overhang or projection of the garage to any lot line.

D. Open terraces, patios, or concrete slabs that do not extend above the level of ground may project into a required yard, provided these projections remain at least 2 feet from the adjacent lot line, and provided further that the terraces, patios, or concrete slabs shall not be used for parking of motor vehicles.

E. Concrete slabs for air-conditioning units shall be placed in the rear yard at least 5 feet from the adjacent 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 (FEET)</u>	<u>WIDTH (FEET)</u>	<u>AREA (SQ.FT.)</u>	<u>AREA PER FAMILY (SQ.FT.)</u>	
				<u>SINGLE FAMILY</u>	<u>MULTI- FAMILY</u>
R-1	50	75	7,500	7,500	*
R-3	50	75	5,000	5,000	2,600
B	30	40	10,000	5,000	3,000
C	30	40	10,000	5,000	3,000

B. For purposes of the above regulations, lot frontage is the distance of a lot measured along a street, and lot width is the width of a lot at the front yard 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>
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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 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 may be located in the front yard provided that a minimum of two-thirds (2/3rds) of the required front yard area shall remain open space, free of parking spaces and driveways.
2. In Multiple-family residential (R-3) zones - parking may be allowed in the required minimum rear yard but not closer than 10 feet to the rear lot line. Driveways may be located in the required minimum front or side yards, provided a minimum of 50% of the required front and side yards shall remain in open space free of driveways.
3. In Business (B) zones - parking spaces may be located in any required yard.
4. In Commercial (C) zones - parking spaces may be located in any required yard 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, 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. 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 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 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 as defined in Section 7 of this Ordinance.

c. A minimum of two hundred (200) off-street parking spaces shall be provided. "Parking space" is defined in Section 10 of this Ordinance.

d. A minimum of eighty-seven thousand nine hundred seventy-six (87,976) square feet of the property shall not be encumbered by buildings, parking areas, or walkways, but rather shall be maintained as green space consisting of grass, trees, shrubs, or other living vegetation.

e. The eave of any building shall not be less than forty-five (45) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; twenty (20) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and thirty (30) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property; provided, however, that the existing garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

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

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

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

C. Additional Development Regulations and Restrictions. The following regulations and restrictions apply to property developed as a Multiple-Family PUD under either alternative:

1. The eave of any building shall not be less than forty-five (45) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; twenty (20) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and thirty (30) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.
2. Building projections, including screened porches or walls, shall not be less than thirty-five (35) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; ten (10) feet from the westerly one

hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

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

D. Procedure.

1. Any person or entity proposing a project in the Multiple-Family PUD Zone shall submit fifteen (15) copies of a Multiple-Family PUD Plan Application setting forth all the information specified in Section 12(D) of this Ordinance.
2. The University Heights City Council shall hold a public hearing regarding such Plan Application. The public hearing may occur as part of any regularly scheduled or special Council meeting.
3. The University Heights City Council may approve, deny, or approve on condition any such Plan Application.
4. No building permit shall issue for development of any property pursuant to a Multiple-Family PUD until the University Heights City Council has approved a Plan Application pursuant to Section 12(D) and the Council and Developer have executed a Development Agreement pursuant to Section 12(E) of this Ordinance.
5. Once approved, a Plan Application may be modified by written instrument approved by the University Heights City Council and by the Developer.
6. Once approved, a Development Agreement may be modified by written instrument approved by the University Heights City Council and by the Developer.

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

1. Location, size, and legal description of the site.
2. Location and area of land uses.
3. Detailed site plan showing all existing or proposed easements.
4. Front, side, and rear 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.

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. 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 14. 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, 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 15. 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 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 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 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 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.

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, height, yards, 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 16. 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 17. Amendments to this Ordinance. The boundaries of districts as now established and the regulations thereof may be amended, supplemented, changed, 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, modification or change.
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 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.
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 20% or more, either of the area of the lots included in such proposed change, or 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, such amendment, supplement, change, modifications or repeal shall not become effective except by the favorable vote of three-fourths (3/4ths) of the members of the Council.

Section 18. 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 19. 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 20. 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 21. 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 22. Effective Date. This Ordinance shall become effective upon its passage and publication as provided by law.

Passed by the City Council on January 12, 1982, and approved January 12, 1982.

s/Chan F. Coulter, MAYOR

Attest: s/Lloyd A. Knowles, CITY CLERK

Published in the Iowa City Press Citizen January 20, 1982.

*The signed original ordinance is on file with the University Heights City Attorney.

Amendment adding Section 3(23) and Section 9(C) passed and approved March 10, 1998, and published in the Iowa City Press Citizen on March 24, 1998. See attached amendment following this amended version.

Amendment adding Section 6(C)(8) passed and approved June 9, 1998, and published in the Iowa City Press Citizen on June 9, 1998. Amendment provided as follows:

Catering businesses. These businesses are permitted to sell products for off-premises consumption. They also are permitted to have seating for no more than 20 persons and to sell products for on-premises consumption to this limited extent.

Ordinance No. 113, amending Section 6(C)(8) and Section 7 and adding Section 6(C)(9) was passed and approved October 10, 2000, and published in the Iowa City Press-Citizen on January 12, 2001. The amendment deleted text following "Catering businesses" (Section 6(C)(8)), added Section 6(C)(9), and added language to the height restrictions (Section 7).

Ordinance No. 130, amending Section 5(A)(5), Section 6(E), and Section 11, and deleting Section 9(C), was passed and approved on June 10, 2003, and published June 26, 2003. The amendment added an additional zone, the PUD Planned Unit Development Zone and specified uses for that zone. The amendment removed prior lot regulations regarding the University Athletic Club Subdivision. The amendment also created a Planned Unit Development regulations for that property, and renumbered former sections 11-19 to be known as sections 12-20.

Ordinance No. 133, amending Section 6(B) and Section 12 Multiple-Family Planned Unit Development, was passed and approved March 9, 2004, and published in the Iowa City Press-Citizen on April 17, 2004. The Amendment added an additional use for property in the R-3 Multiple-Family Residential Zone (Section 6(B)(3)) and created Multiple-Family Planned Unit Development regulations (Section 12). It also renumbered former Sections 12-20.

Ordinance No. 134, amending Section 12(B)(5) and Section 12(B)(6), was passed and approved May 11, 2004, and published in the Iowa City Press-Citizen on May 25, 2004. The amendment revised green space and set back requirements for Multiple-Family Planned Unit Development projects.

Ordinance No. 146, amending Section 12(B) and adding Section 12(C), was passed and approved April 12, 2005, and published in the Iowa City Press-Citizen on May 6, 2005. The amendment reorganized Section 12 (B) into (1) Alternative 1 - Vertical Concept and (2) Alternative 2 - Horizontal Concept. It renumbered former Sections 12(B)(5), 12(B)(6) and 12(B)(7) as Sections 12(C)(1), 12(C)(2) and 12(C)(3). Zoning Ordinance Subsections 12(C) to 12(E) will be renumbered as Subsections 12(D) to 12(F). The amendment added zoning guidelines for multiple family Planned Unit Development.

Ordinance No. 150, amending Section 12 (B)(1) and 12 (B)(2), was passed and approved June 14, 2005 and published in the Iowa City Press-Citizen on January 29, 2005. The amendment renumbered former Sections 12 (C)(1), (2) and (3) to be known as Section 12 (B)(1)(E), (F) and (G). It added Sections 12 (B)(2)(E),(F) and (G). The amendment also renumbered former Section 12 (C)(3) as Section 12(B)(2)(h). The amendment added eave and building projection limitations on lot lines along

Marietta Avenue, George and Sunset Streets, and parking spaces for multi-family planned unit development projects.

Ordinance No. 152 amending Section 12 (B)(2), was passed and approved August 9, 2005 and published in the Iowa City Press-Citizen on July 22, 2005. The amendment changed the building height for multiple-family planned unit development projects from 35 to 39 feet in height.

Ordinance No. 156 amending Section 3 (14), was passed and approved on March 13, 2007 and published in the Iowa City Press Citizen on May 12, 2007. The amendment adds language defining the front yard for Horn Elementary School.

Ordinance No. 171 amending Section 8 (D), Section 10(B) and (D), and Section 11 (B)(4) and adding Section 14 (3)(d), Section 15 (D)(7) and 15 (D)(8), was passed and approved on March 10, 2009 and published in the Iowa City Press-Citizen on March 18, 2009. Ordinance No. 171 amended Section 8(d) to provide that terraces, patios, and concrete slabs projecting into required yards may not be used for parking of motor vehicles. It amended Section 10(b) to provide that off-street parking spaces must be constructed of asphalt, cement, or another permanent, dust-free material but not constructed of dirt, gravel, rock, or stone. It amended Section 10(D) to provide that two-thirds of required front yards in the R-1 zone must remain free of parking. It amended Section 11(b)(4) to change the name of "Quarterback Court" to "Birkdale Court". It amended Section 14(3)(d) to empower the Board of Adjustment to hear appeals concerning fences as provided in Ordinance No. 105. Finally, it added Section 15(d)(7) and (8) to provide for certain non-conforming driveways, parking spaces, or parking areas.

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

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