

ORDINANCE NO. 129

AN ORDINANCE REGULATING THE DEVELOPMENT OF SENSITIVE
AREAS WITHIN THE CITY OF UNIVERSITY HEIGHTS

SECTION 1. PURPOSE.

The purpose of this ordinance is to protect sensitive areas within the City of University Heights by regulating the development of such sensitive areas.

SECTION 2. DEFINITIONS.

- A. SENSITIVE AREAS DEVELOPMENT PLAN: A plan to be submitted in and approved that designates protected sensitive areas and associated buffers within a planned development.
- B. SENSITIVE AREAS SITE PLAN: A site plan for development on a tract of land that contains sensitive areas that warrant protection under an approved plan for protecting sensitive areas on said tract.
- C. STEEP SLOPE: A slope rising eighteen percent (18%), but less than twenty five percent (25%) over a run of 30 feet.
- D. CRITICAL SLOPE: A slope rising twenty five percent (25%), but less than forty percent (40%) over a run of 30 feet.
- E. PROTECTED SLOPE: Any slope rising forty percent (40%) or steeper over a run of 30 feet.
- F. WOODLANDS: Any tract of land with a contiguous wooded area not less than two acres and containing not less than two hundred (200) forest trees per acre.

SECTION 3. APPLICABILITY.

The provisions of this ordinance are applicable to tracts of land containing one or more of the following: steep slopes; critical slopes; protected slopes; and woodlands.

SECTION 4. REQUIREMENTS.

A sensitive areas site plan must be submitted and approved prior to development activity with regard to development of any tract of land containing one or more of the following:

- 1. Steep slopes.
- 2. Critical slopes.

3. Protected slopes.
4. Woodlands, where no other sensitive features are present.

SECTION 5. REGULATIONS.

- A. Steep Slopes: Any property containing steep slopes shall be required to submit a sensitive areas site plan, which must be approved by the University Heights City Council before commencement of any development.
- B. Critical Slopes: Any property containing critical slopes shall be required to submit a development plan and grading plan, as well as a sensitive areas site plan, all of which must be approved by the University Heights City Council before commencement of any development.
- C. Protected Slopes: Any area designated as a protected slope shall not be graded and must remain in its existing state, except natural vegetation may be supplemented by other plant material. Development activities may be allowed within areas containing protected slopes previously altered by human activity if a geologist or professional engineer can demonstrate to the University Heights City Council's satisfaction that development activity will not undermine the stability of the slope, and the City further determines the development activities are consistent with the intent of the Sensitive Areas Ordinance. Moreover, proposed development of such property shall be required to submit a development plan and grading plan, as well as a sensitive areas site plan, all of which must be approved by the University Heights City Council before commencement of any development

Section 6. Saving Clause.

In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

Section 7. Effective Date.

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

Adopted by the University Heights City Council this ____ day of _____, 200_, and approved this ____ day of _____, 200_.

Gloria N. Jacobson, Mayor

ATTEST: (seal)

Patricia Birk, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this ____ day of _____, 200_, before me, a notary public in and for the state of Iowa, personally appeared Gloria N. Jacobson and Patricia Birk, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Gloria N. Jacobson and Patricia Birk acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.

Notary Public in and for the
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Patricia Birk, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the ____ day of _____, 200_.

Patricia Birk

Signed and sworn to before me on the ____ day of _____, 200_, by Patricia Birk, Clerk of the city of University Heights.

Steven E. Ballard,
Notary Public - State of Iowa

Leff/dml/SEB/UH/Ordinances/Ordinance-9/02SensitiveAreas