

ORDINANCE NO. 183 (amending Ordinance No. 79)

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO RESTRICT PAVEMENT OF YARDS THROUGHOUT THE CITY AND PAVEMENT AND PARKING ON LOTS ADJACENT TO THE EAST SIDE OF OLIVE COURT.

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

Part I. AMENDMENTS:

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

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

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.

Section 8. Yard Regulations.

- D. Open terraces, patios, or concrete slabs (collectively "projections") that do not extend above the level of ground may project into a front or rear 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 exceed one-third (1/3) the

size of the required front or rear yard where the projection is located, and shall not be used for parking of motor vehicles. However, no such projections may be located in any front yard or rear yard unless the sum of the square footage of the projection plus the square footage of any parking spaces and driveway located in the same yard does not exceed one-third (1/3) of the required yard where they are located.

Section 10. Off-street Parking Regulations.

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. However, for lots adjacent to the east side of Olive Court, required parking spaces may be located in the rear yard, provided that 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, then required spaces may not also be located in the front yard of that lot.

Section 16. Non-conforming Uses and Buildings.

D. Non-conforming Use.

10. Any open terrace, patio, or concrete slab (collectively "projections") permitted by Section 8(D) to be located in the 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, 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 cement concrete, manufactured paving material such 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, 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 such 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.
- C. Such non-conforming terraces, patios, or concrete slabs may be repaired or replaced with like material, but they may not be enlarged.

PART II. EFFECTIVE DATE.

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

Adopted by the University Heights City Council on this 14th day of May, 2013, and approved this 14th day of May, 2013.

Louise From
Louise From, Mayor

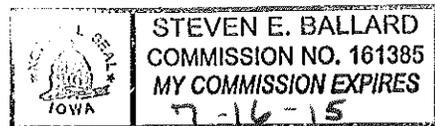
ATTEST:
(SEAL)

Christine Anderson
Christine Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the 14th day of May, 2014, before me, a notary public in and for the state of Iowa, personally appeared Louise From, Mayor, and Christine Anderson, Clerk of the City of University Heights, 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 acknowledged and sealed on behalf of the City, and that Louise From and Christine Anderson 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.

S. E. Ballard
Notary Public in and for the
State of Iowa



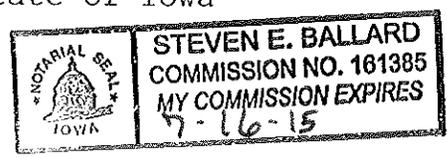
STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the 22nd day of July, 2014.

Christine Anderson
Christine Anderson

Signed and sworn to before me on the 24th day of July, 2014, by Christine Anderson, Clerk of the City of University Heights.

[Signature]
Notary Public in and for the
State of Iowa



Steve/UH/UHOrdinances/Ordinance 183 amending 079 Zoning re pavement and parking 051413