

ORDINANCE NO. 191 (as amended)

AN ORDINANCE ESTABLISHING REQUIRMENTS AND PROCEDURES FOR DEVELOPMENT ENTITIES MANDATING THAT THEY DEDICATE ADEQUATE LAND FOR COMMUNITY PARKLAND AND, OR PAY A FEE IN LIEU OF SUCH DEDICATION

BE IT ENACTED by the Council of the City of University Heights, Iowa:

SECTION 1. PURPOSE.

The purpose of this ordinance is to establish requirements and procedures for development entities to ensure that in, or within reasonable proximity to new developments, there will be sufficient park and recreational areas ("Parkland") to meet the demand and needs of future and current residents of the City of University Heights. In determining the size of the parcels that should be dedicated in this section, the City Council has taken into consideration the current and future needs of the City and its residents.

SECTION 2. APPLICABILITY.

Before the issuance of any building permit for (1) a subdivision or (2) a rezoning of land that would increase population or dwelling-unit density, Parkland must be dedicated to the City or a Park Development Fee must be paid to the City. Council approval for any zoning change is required by City Ordinance and Iowa law, and this Ordinance shall not be construed as authorizing or commenting upon any zoning change proposal.

Acceptance of public improvements shall not be issued for any (1) subdivision or (2) rezoning of land that would increase density unless Parkland is dedicated for such subdivision or rezoning or unless cash shall have been paid in lieu of such dedication (or a combination thereof) for park, recreational or open space purposed in accordance with the standards and criteria in this Ordinance.

SECTION 3. DEDICATION AND CHARACTER OF LAND.

A. AMOUNT OF LAND TO BE DEDICATED.

The minimum amount of Parkland to be dedicated pursuant to this Ordinance shall be one-half (1/2) of an acre for every one hundred (100) dwelling units ("DUs"). The required amount of Parkland shall be proportionate to the one-half acre for every 100 DUs. For example, a 50 DUs would require one-quarter (1/4) of an acre; 150 DUs would require three-quarters (3/4) of an acre; and so on.

B. CHARACTER OF LAND TO BE DEDICATED

1. No Land shall be dedicated that is deemed unusable for Parkland. The City Council shall decide whether particular land is suitable. This determination may include consideration of the following: land lying in floodplains, lakes, ponds, or other bodies of water. The topography of the land to be dedicated should be similar to surrounding neighborhoods and be usable for either active or passive parks.

Active Parkland - Land to be used for sporting fields and similar uses.

Passive Parkland - Land to be used for playgrounds, nature trails, bike trails, and nature areas that may have a greater portion of slopes and wooded areas.

2. No land dedicated in compliance with this Ordinance shall have dimensions smaller than 150 feet in width and 200 feet in depth. In any development that includes wooded areas, tree preservation, or other natural features that are desirable to maintain, the City Council may decide to allow these lands to deviate from the strict adherence to the above dimensions if determined

that by doing so the protection and preservation of such areas will be promoted.

SECTION 4. PLATTING REQUIREMENTS FOR DEDICATED PARKLAND.

Any land dedicated for Parkland shall be shown on the face of a development plan submitted for approval by Zoning Commission and City Council. Simultaneously with the filing of the development plan, a plat depicting the land proposed to be dedicated shall be submitted by the developer or owner to the Zoning Commission and the City Council. Upon approval, the plat shall be filed of record with the Johnson County Recorder. However, if the dedication of Parkland is made for a new subdivision, and said Parkland is shown on a final plat approved by the City Council pursuant to Ordinance No. 199, no separate development plan or plat shall be required pursuant to this Section.

SECTION 5. PAYMENT OF CASH IN LIEU OF DEDICATION.

Unless otherwise recommended by the Zoning Commission, in any cases in which the land requirement to be dedicated by this section would be less than 150 feet by 200 feet, and in all cases in which the City Council determines, in its sole discretion, that the park and recreational needs of a proposed development would be better served in a different location or by the expansion of or improvement to other public lands, the developer shall pay to the City a sum of money that is equal to the fair market value of the Parkland otherwise required for dedication. This assessment shall be determined and based on the fair market value of the land otherwise required to be dedicated as Parkland under this Ordinance at the time of the proposed plat but valued in a final, as-built condition as proposed by the plat, subdivision, development, or rezoning application. The amount of the payment will be determined by the City Council with the assistance of a certified real property appraiser. No subdivision, rezoning, or other development application shall be approved unless and until such amount is paid to the City.

SECTION 6. SAVINGS 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.

SECTION 8. REPEALER.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this 10<sup>th</sup> day of November, 2015, and approved this 10<sup>th</sup> day of November, 2015.

\_\_\_\_\_  
Louise From, Mayor

ATTEST: (seal)

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Christine M. Anderson, City Clerk

STATE OF IOWA            )  
                                  )     SS:  
COUNTY OF JOHNSON    )

On this 13<sup>th</sup> day of December, 2015, before me, a notary public in and for the state of Iowa, personally appeared Louise From and Christine M. Anderson, 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 Louise From and Christine M. 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.

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Notary Public in and for  
the State of Iowa

Ordinance No. 211 amending Section 4, was passed and approved on \_\_\_\_\_, \_\_\_\_\_ and published in the Iowa City Press-Citizen on \_\_\_\_\_, \_\_\_\_\_. The amendment provides that where a dedication for Parkland is made in a new subdivision, as shown on the final plat of subdivision, no separate development plan or plat is required.

State of Iowa

STATE OF IOWA            )  
                                  )     SS:  
COUNTY OF JOHNSON     )

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Christine M. Anderson

Signed and sworn to before me on the \_\_\_\_ day of \_\_\_\_\_, 2016, by Christine M. Anderson, Clerk of the city of University Heights.

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Notary Public in and for the  
State of Iowa