

ORDINANCE NO. 255

AN ORDINANCE AMENDING ORDINANCE NO. 79 (ZONING) TO AMEND THE DEFINITION OF "TEMPORARY STRUCTURES" AND RESTRICT THEIR USE; TO DEFINE "GAME DAY"; TO CREATE THE PUBLIC AND CIVIC ZONE; TO CLARIFY THE SIZE RESTRICTION OF GARAGES EXTENDING INTO REAR SETBACKS; TO ENLARGE THE PORTION OF REAR YARDS THAT MAY BE USED AS OPEN TERRACES OR PATIOS; AND TO PERMIT ENLARGEMENT OF CERTAIN NON-CONFORMING STRUCTURES; AND TO PROVIDE FOR ENFORCEMENT BY MUNICIPAL INFRACTION.

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

PART I. AMENDMENTS:

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

Section 3. Definitions.

35. "Temporary Structures" means trailers ~~homes~~, mobile homes, campers, recreational vehicles, or any building not on or permanently affixed to a permanent foundation.

40. "Game Day" means any day on which The University of Iowa plays football games in Kinnick Stadium.

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 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 ~~Seven (7)~~ Eight (8) zones, to-wit:

8. Public and Civic.

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:

8. Trailer homes and mobile homes are prohibited. Other Temporary Structures may not be used for human occupancy or living.

- H. Property in a Public and Civic District is owned by the public to provide for public uses, including parks and open spaces, to serve the recreation and other needs of the community, its residents, and visitors.

Section 8. Yard Regulations.

- D. If a Garage is detached from the primary dwelling structure, the garage may be located in the 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 three (3) feet from any overhang or projection of the Garage to any lot line and provided further that the square footage of that portion of the Garage extending into the Rear Setback does not exceed one-third (1/3) the area of the Rear Setback. **See Figure 02 appended to this Ordinance.**

- G. Open terraces, patios, or concrete slabs that do not extend above the level of the ground may project into Setbacks, provided they remain at least two (2) feet from any lot line, and provided further that they shall not be used for parking of motor vehicles. However, no such open terraces, patios, or concrete slabs may be located in any yard (except the Rear Yard) unless the sum of their square footage 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 where they are located. Open terraces, patios, or concrete slabs may be located Rear Yards so long as the sum of their square footage plus the square footage of any parking spaces and/or driveways located in the same yard does not exceed one-half (1/2) the area of the Rear Setback. If they are attached to, immediately adjacent to, or abutting the primary building on the lot and are not enclosed, then any such open terraces, patios, or concrete slabs may extend up to sixteen (16) inches above the level of the ground. **See Figure 01 and Figure 02 appended to this Ordinance.**

Section 16. Non-conforming Uses and Buildings.

- E. Non-conforming Buildings.
1. Any building, ~~which~~ that 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, 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; provided, however, that in the R-1 Single-Family Residential Zone, the exterior side walls of the principal dwelling that do not meet the Side Setback may be extended (parallel to the side lot line but not closer to that line) as part of an addition or expansion of the principal dwelling.

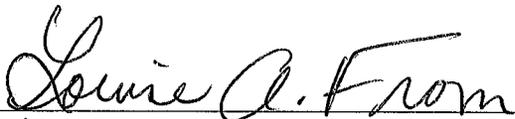
See Figure 02 and Figure 03 appended to this Ordinance.

~~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. Any violation of this Ordinance may be cited and enforced as a municipal infraction. The Chief of Police, Building Official, Housing Official, City Administrator, or City Clerk is authorized to enforce this Ordinance and may issue a civil citation to anyone who violates any section or provision of this Ordinance. A violation of this Ordinance is punishable by a civil penalty of \$250.00 for a first offense and a civil penalty of \$500.00 for each repeat offense. Each day that a violation is permitted to exist after proper notice shall constitute a separate offense.~~

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 10th day of December, 2024, and approved this 10th day of December, 2024.



Louise A. From, Mayor

(SEAL)

ATTEST:

Mike Haverkamp
Mike Haverkamp, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the 10th day of December, 2024, before me, a notary public in and for the state of Iowa, personally appeared Louise A. From, Mayor, and Mike Haverkamp, Clerk of the City of University Heights, Iowa, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the City; and that this instrument was acknowledged and sealed on behalf of the City, and that Louise A. From and Mike Haverkamp acknowledged the execution of this instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it and by them voluntarily executed.

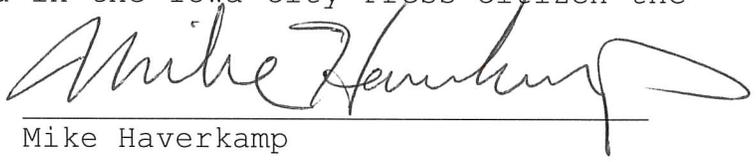
[Signature]

Notary Public in and for the
State of Iowa



STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Mike Haverkamp, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the 18th day of February, 2025.



Mike Haverkamp

Signed and sworn to before me on the 18th day of February, 2025, by Mike Haverkamp, Clerk of the City of University Heights, Iowa.



Notary Public in and for the
State of Iowa

