

ORDINANCE NO. 257

AN ORDINANCE AMENDING ORDINANCE NO. 79 (ZONING) REGARDING PARTICULAR PROPERTIES TO SUPPORT, FURTHER, AND ACCOMMODATE THE MELROSE AVENUE COMPLETE STREETS PROJECT

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

**PART I. FINDINGS:**

**WHEREAS**, the City Council of the City of University Heights, Iowa, on its own motion, hereby makes, adopts, and ratifies the following findings relating to the zoning regulations, restrictions, limitations, and provisions applicable to certain real property known locally as 1007 Melrose Avenue and 1009 Melrose Avenue (jointly, "the Property") in support, furtherance, and accommodation of the Melrose Avenue Complete Streets Project:

1. The City has engaged in planning, review, and design of the Melrose Avenue Complete Streets Project ("the Project") for several years, including the Community Visioning processes in 2016 to plan for streetscape investments in and improvements to the Melrose Avenue corridor.
2. The City has secured partial funding to improvements through the Project with a Surface Transportation Block Grant through the Metropolitan Planning Organization of Johnson County.
3. The City Council has determined that the Project represents, embodies, and constitutes the City's inherent authority to enact and enforce laws and regulations for the protection and promotion of the safety, welfare, and general benefit of the community.
4. The City Council has determined that the Project will preserve, promote, and improve the peace, safety, health, welfare, comfort, and convenience of the City's residents.
5. For these reasons, the Project and the changes to the Zoning Ordinance represent a valid exercise of the City's police power under the Iowa Constitution and home rule authority. See Iowa Const. art. III, § 38A; Iowa Code § 364.1 (2025).

6. The Project and the changes to the Zoning Ordinance are consistent with and advance the objectives, goals, and recommendations of the City of University Heights Comprehensive Plan Update adopted by the City Council on December 8, 2020.
7. The Comprehensive Plan Update makes the following observations, findings, and determinations, and sets forth the following objectives, goals, and recommendations for the City generally and with regard to Melrose Avenue particularly:
  - a. "Melrose Avenue serves as a major route by which daily commuter traffic flows into the west campus and medical complex and, on fall weekends, gameday traffic and activities surrounding Kinnick Stadium create another set of transportation and parking challenges for the community. Considering the needs of long-term residents and homeowners in light of the continued growth of the metro area and university campus is essential for ensuring that University Heights continues to thrive as a small community." (Comprehensive Plan Update, p. 1).
  - b. "Melrose Avenue has the most daily traffic of any street in University Heights." (Id. at p. 24).
  - c. "Transit service for University Heights is provided by Iowa City Transit (four bus routes, servicing 10 stops) University of Iowa Cambus (one bus route, with stops along Melrose Avenue)." (Id. at p. 26).
  - d. "In 2016, residents of University Heights completed a community visioning process to plan for streetscape investments for the Melrose Avenue corridor. These concepts address pedestrian and bicycle safety and include other streetscape improvements, such as lighting, landscaping, wayfinding, parkland improvements, and community identification. Partial funding to make planned improvements is secured with Surface

Transportation Block Grant through the Metropolitan Planning Organization of Johnson County." (Id. at p. 2).

- e. Particular properties, including 1005, 1007, and 1009 Melrose Avenue are identified as locations for "[p]otential additional, small-scale commercial uses," contingent upon elimination or consolidation of driveway access onto Melrose Avenue. (Id. at pp. 22, 29).
- f. The intersection of Melrose Avenue, Koser Avenue, and Golfview Avenue is identified as an area providing "opportunities to enhance the community through entranceway identification, pedestrian improvements, and potential small-scale commercial uses." (Id.).
- g. The Project is specifically identified as an important part, aspect, and feature of the Comprehensive Plan Update:
  - The Project, including "bike lanes, improved pedestrian facilities, lighting, landscaping, and open space improvements" along Melrose Avenue are cited as important goals. (Id. at p. 26).
  - One goal of the 2016 Community Visioning is to "[s]upport implementation of proposed design improvements to Melrose Avenue in the Community Visioning Plan, including the provision of bicycle lanes, wide sidewalks, enhanced crosswalks, street lighting, and traffic calming." (Id.).
  - The Comprehensive Plan Update recommends that the City Council "[s]upport implementation of proposed design improvements to Melrose Avenue in the Community Visioning Plan, including the provision of bicycle lanes, wide sidewalks, enhanced crosswalks, streetlighting, and traffic calming." (Id.).

- h. The Comprehensive Plan Update recommends that the City Council reduce the number of driveways on Melrose Avenue: "Wherever possible, curb cuts on Melrose Avenue should be eliminated or consolidated. Ideally, vehicle access should be provided from a side street or alley." (Id. p. 30).
  - i. The Comprehensive Plan recommends that the City Council consider installation of wider sidewalks to improve pedestrian travel. (Id. at p. 31).
  - j. "Streetscape enhancements, such as wider sidewalks and parkways, additional street tree or other landscaping, bicycle parking, and street furnishings as well as intersection improvements, pedestrian crossings, and pedestrian scale lighting should be carefully considered as part of a redevelopment plan." (Id. at p. 31).
  - k. "With any redevelopment or rezoning along Melrose Avenue, dedication of additional right-of-way should be considered in order to provide the wide sidewalks and other streetscape features (such as shade trees, lighting, and landscaping) that will enhance the safety and appeal of this busy section of roadway."
- 8. The Project calls for elimination of driveway access from Melrose Avenue for the Property, acquisition of right-of-way from the Property, and installation of wide sidewalks at the Property.
  - 9. The Project calls for improvements to the intersection of Melrose Avenue, Koser Avenue, and Golfview Avenue to improve vehicle traffic flow, enhance the community through entranceway identification, and provide for pedestrian travel improvements.
  - 10. In these ways, among others, the Project is consistent with and advances the objectives, goals, and recommendations of the City of University Heights Comprehensive Plan Update.

11. At the City's request, and to further the designs, plans, and specifications of the Project, the owners of the Property will be agreeing to forego, give up, and relinquish various rights, features, and accoutrements of the Property, including these:
  - a. Access to and from Melrose Avenue and curb cuts providing such access;
  - b. Parking in Front Yards;
  - c. Temporary construction easements;
  - d. Permanent utility easements;
  - e. Right-of-way; and
  - f. Landscaping features in the Front Yards.
12. The City, its residents, and the Project receive significant advantages based upon the owners of the Property agreeing to make concessions needed for the Project to proceed in the manner designed, planned, and specified.
13. In return, the City Council desires to accommodate the need for parking at the Property by amending the Zoning Ordinance to permit such parking in Rear Yards. Access to the Rear Yard of 1007 Melrose Avenue already exists over, upon, and across a portion of that property extending east to Olive Court. Access to the Rear Yard of 1009 Melrose Avenue will be created by a permanent and perpetual easement running with the land over, upon, and across this same access to Olive Court.
14. For all of these reasons, sufficient basis, justification, and rationale exists to modify certain regulations, restrictions, limitations, and provisions set forth in the Zoning Ordinance related to the Property.
15. During its deliberations of this Ordinance No. 257, the City Council of the City of University Heights considered all the following "smart planning principles" set forth in Iowa Code § 18B.1:
  - a. Collaboration;
  - b. Efficiency, transparency, and consistency;
  - c. Clean, renewable, and efficient energy;
  - d. Occupational diversity;
  - e. Revitalization;
  - f. Housing diversity;

- g. Community character;
- h. Natural resources and agricultural protection;
- i. Sustainable design; and
- j. Transportation diversity.

**PART II. AMENDMENTS:**

Based upon these Findings, the University Heights Zoning Ordinance (No. 79) is amended as follows (additions are shown by underline, omissions by "\*\*\*\*"):

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Section 8. Yard Regulations.

A. The following minimum Setbacks shall be provided:

ZONE	FRONT SETBACK	SID SETBACK	REA SETBA
R-1	25 ft.	5 ft.	30 ft.
R-3	25 .ft.	10 ft.	3 ft.
B	10 ft.	0 ft.	20 ft.
C	30 ft.	15 ft.	20 ft.

***See Figure 02 appended to this Ordinance.***

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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.**

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M. The regulations, restrictions, limitations, and provisions specified in Section 8(A) and Section 8(G) of this Ordinance do not apply to properties known locally as 1007 Melrose Avenue and 1009 Melrose Avenue. The dimensions of setbacks and the dimension, location, use (including parking of motor vehicles), size, and area of terraces, patios, and/or concrete slabs at those properties shall be as determined by the City Council of the City of University Heights, Iowa as part of a written agreement with the owners of those properties related to the Melrose Avenue Complete Streets Project.

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#### 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 - parking spaces and driveways may be located in the Front Yard provided that the parking spaces may not exceed an area greater than one-third (1/3) of the Front Setback; the remainder of the Front Yard shall remain open space, free of parking spaces and driveways. However, for lots adjacent to the east side of Olive Court, parking spaces and driveways may be located in the Rear Yard, provided that the parking spaces may not exceed an area greater than one-third (1/3) of the Rear Setback; the remainder of the Rear Yard shall remain open space, free of parking spaces and driveways. If 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. **See Figure 01 and Figure 02 appended to this Ordinance.**

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E. Exception. The regulations, restrictions, limitations, and provisions specified in Section 10(D) of this Ordinance do not apply to properties known locally as 1007 Melrose Avenue and 1009 Melrose Avenue. The location of parking spaces in Yards at these properties and the size of parking spaces (in dimensional area, in proportion to the area of the Yard where the parking spaces are located, and in all other respects), shall be as determined by the City Council of the City of University Heights, Iowa as part of a written agreement with the owners of those properties related to the Melrose Avenue Complete Streets Project.

**PART III. EFFECTIVE DATE.**

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

Adopted by the City Council of the City of University Heights, Iowa, on this **9TH** day of **SEPTEMBER**, 2025, and approved this his 9TH day of **SEPTEMBER**, 2025.

  
Louise A. From, Mayor

(SEAL)

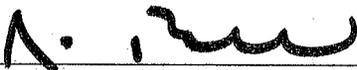
ATTEST:

  
Mike Haverkamp, City Clerk

STATE OF IOWA            )  
                                  )     SS:  
COUNTY OF JOHNSON    )

On the **9TH** day of **SEPTEMBER**, 2025, 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.



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 13<sup>th</sup> day of SEPTEMBER, 2025.

  
Mike Haverkamp

Signed and sworn to before me on the 13<sup>th</sup> day of SEPTEMBER, 2025, by Mike Haverkamp, Clerk of the City of University Heights, Iowa.

  
Notary Public in and for the  
State of Iowa

