

ORDINANCE NUMBER 187 (amending Ordinance Number 79)

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION,
CONSTRUCTION, USE OF BUILDINGS AND STRUCTURES, AND THE USE OF
LAND IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

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

Part I: AMENDMENTS:

University Heights Ordinance No. 79 is amended as follows (with additions indicated by underline; deletions indicated 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:

3. ~~The word "person"~~ "Person" includes individuals, partnerships, associations and corporations.
4. ~~The word "lot" shall mean~~ "Lot" means a parcel of land adequate for occupancy by a use permitted under this ordinance.
5. ~~The term "shall~~ Shall" is always mandatory.

8. "Accessory Structure" means a building that is incidental and subordinate to and smaller than the main building on the same property or to the use of that property and contributes to the comfort, convenience, or necessity of occupants of the main building. Accessory Structures may not be used for human occupancy or living. Sheds are not Accessory Structures.
9. "Shed" means a building that does not exceed one hundred forty-four (144) square feet in area and does not exceed eight (8) feet in Building Height.
10. "Garage" is an Accessory Structure that is used for storing private or pleasure-type motor-driven vehicles owned and used by the occupants of the main building.
11. "Garden Structure" means, pergolas, arbors, trellis or other similar structures without solid walls and without a solid roof, intended specifically to enhance the appearance of a garden or which has a function relating to the use of outdoor space, but not

including Dwellings, Garages, carports, Accessory Structures, or Sheds.

12. Play Structures" means swing sets, slides, playhouses, jungle gyms, sandboxes, or other similar structures intended specifically for outdoor recreational activity for persons but not including Dwellings, Garages, carports, Accessory Structures, or Sheds.
13. "Front Foundation Line" means a line drawn from one side lot line to the other side lot line intersecting the point of the foundation of the main building closest to the front lot line adjacent to the street right-of-way. See Figure 01 appended to this Ordinance.
14. "Rear Foundation Line" means a line drawn from one side lot line to the other side lot line intersecting the point of the foundation of the main building closest to the rear lot line. See Figure 01 appended to this Ordinance.
15. "Side Foundation Line" means a line drawn from Front Foundation Line to the Rear Foundation Line intersecting the point of the foundation of the main building closest to the side lot line. See Figure 01 appended to this Ordinance.
16. "Front Yard" means the area from the Front Foundation Line to 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 Setback 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. See Figure 01 appended to this Ordinance.
17. "Rear Yard" means the area from the Rear Foundation Line to the rear lot line. The Rear Yard is always on the opposite side of the lot from the Front Yard. See Figure 01 appended to this Ordinance.
18. "Side Yard" means the area from the Side Foundation Line to the nearest side lot line and between the Front Foundation Line and the Rear Foundation Line. See Figure 01 appended to this Ordinance.
19. "Front Setback" means the area between the front lot line adjacent to the street right-of-way and the Front Setback Line. See Figure 01 and Figure 02 appended to this Ordinance.
20. "Rear Setback" means the area between the rear lot line and the Rear Setback Line. See Figure 01 and Figure 02 appended to this Ordinance.
21. "Side Setback" means the area between the side lot line and the Side Setback Line. See Figure 01 and Figure 02 appended to this Ordinance.
22. "Front Setback Line" means a line drawn parallel to and as far back from the front lot line adjacent to the street right-of-way as is necessary to provide for the Front Setback. See Figure 01 and Figure 02 of this Ordinance.

23. "Rear Setback Line" means a line drawn parallel to and as far back from the rear lot line as is necessary to provide for the Rear Setback. See Figure 01 and Figure 02 appended to this Ordinance.
24. "Side Setback Line" means a line drawn parallel to and as far back from the side lot line as is necessary to provide for the Side Setback. See Figure 01 and Figure 02 appended to this Ordinance.
25. "Buildable Area" means that portion of a lot bordered by the Front Setback Line, Rear Setback Line, and Side Setback Lines. The primary building on a lot may only be in the Buildable Area. See Figure 02 appended to this Ordinance.
26. "Building Height" means the vertical distance from grade to the roofline. See Section 7 for further definitions and restrictions on Building Height. See Figure 03 appended to this Ordinance.
27. "Maximum Structure Height" means the vertical distance from grade to ridge. See Section 7 for further definitions and restrictions on Maximum Structure Height. See Figure 03 appended to this Ordinance.
28. "Dwelling" ~~is means~~ a building or portion thereof which is designed or used for a residential purpose.
29. "Single Family Dwelling" ~~is means~~ a dwelling that contains only one living unit.
30. "Multiple-family Dwelling" ~~is means~~ a dwelling that contains more than one living unit.
31. "Living Unit" ~~is means~~ a room or rooms occupied by a family, provided that a living unit must have a kitchen.
32. "Family" ~~is means defined as~~ one person or two or more persons related by blood, marriage, or adoption occupying a dwelling as an individual housekeeping unit.
33. "Yard" means the area from the foundation to the lot line.
- ~~13. "Yard" shall mean an open space on the same lot with a building remaining unoccupied and unobstructed by any structure. Yard width or depth is measured by the minimum horizontal distance between the lot line and any overhang or projection of the main building.~~
- ~~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.~~

~~15. "Rear Yard" is the area from one side lot line to the other side lot line and between any overhang or projection of the rear of the main building and the rear lot line. The rear yard is always on the opposite end of the lot from the front yard.~~

~~16. "Side Yard" is the area from the front yard line to the rear yard line, and from any overhang or projection of the main building to the side lot line.~~

~~17. "Front Yard Line" is a line drawn parallel to and as far back from the front lot line adjacent to the street right of way as is necessary to provide for the minimum required front yard.~~

~~18. "Rear Yard Line" is a line drawn parallel to and as far back from the rear lot line as is necessary to provide for the minimum rear yard.~~

~~19. "Private Garage" is an accessory building housing motor driven vehicles owned and used by the occupants of the main building.~~

34. "Structural Alterations" are means any changes in the configuration of the exterior walls, foundation, or the roof of a building which results in an increase in the area, Building Height, or volume of the building.

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

36. "Home Occupations" are means an accessory use consisting of any occupation or profession carried on by a member of the family residing on the premises; provided that in connection with such occupation or profession, no sign other than one non-illuminated sign, no larger than one square foot in area is used, which sign is attached to the building; that nothing is done to make the building or premises appear in any way as anything but a dwelling; that no products are sold except those prepared on the premises; that no one is employed from outside the family residing on the premises; and that no mechanical equipment is used other than that which is permissible for purely domestic or household purposes.

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 ~~height~~ 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 Six (6) zones, to-wit:

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:

4. Other customary accessory uses and ~~buildings~~Accessory Structures, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such ~~accessory buildings~~Accessory Structures shall not be used for human occupancy or living.

- B. Property in an R-3 Multiple-Family Residential Zone shall be used for the following purposes only:

3. As provided in the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Planned Unit Development (PUD) regulations and requirements set forth in Section 12 of this Ordinance. When development occurs pursuant to a Multiple-Family PUD, provisions of this Ordinance regarding ~~Building height~~Height restrictions, yard regulations, Setbacks, lot regulations, and off-street parking (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 12 and the Development Agreement between the City and Developer.

- D. Property in a C Commercial Zone shall be used for the following purposes only:

- E. Property in a PUD Planned Unit Development Zone shall be used as provided in the Development Agreement between the City of University Heights and the Developer pursuant to the PUD regulations and requirements set forth in Section 11 of this Ordinance. Provisions of this ordinance regarding yard regulations, Setbacks, lot regulations, and off-street parking (Sections 8, 9, and 10) are superseded in the PUD Zone by the provisions of Section 11 and the Development Agreement between the City and Developer.

- F. Property in a Multiple-Family Commercial zone shall be used for the following purposes only:

1. All uses which are allowed in an R-1 Single-Family Residential Zone, subject to the ~~Building height~~Height restrictions, yard regulations, Setbacks, lot regulations, and off-street

parking regulations specified for the R-1 Single-Family Residential Zone in Sections 7, 8, 9, and 10 or this Ordinance.

2. As provided in or limited by the Development Agreement between the City of University Heights and the Developer pursuant to the Multiple-Family Commercial Planned Unit Development (PUD) regulations and requirements set forth in Section 13 of this Ordinance.
 - a. When development occurs pursuant to a Multiple-Family Commercial PUD, the provisions of this Ordinance regarding Building height—~~Height~~ restrictions, yard regulations, Setbacks, lot regulations, and off-street parking regulations (Sections 7, 8, 9, and 10) are superseded by the provisions of Section 13 and the Development Agreement between the City and Developer.

~~Section 7. Height Restrictions. No building in any zone shall exceed 35 feet in height. Height for this purpose shall be the vertical distance from the highest point of the finished grade of any street on which said property abuts to the highest point of the roof or coping. Radio or TV towers, spires, steeples, and chimneys are exempt from these height restrictions, but only to the extent such towers, spires, steeples and chimneys are appended to a building for the purpose of serving only that building.~~

Section 7. Height Restrictions. "Building Height" means the vertical distance from grade to the roofline. "Maximum Structure Height" means the vertical distance from grade to ridge.

- A. "Grade" means the average point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line or, if the lot line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. If the finished surface of the ground has been raised by adding fill to create a higher grade around a building, the slope of the fill within twenty (20) feet of the building shall not exceed four (4) horizontal to one (1) vertical or twenty-five (25) percent. **See Figure 03 appended to this Ordinance.**
- B. "Roofline" means the highest point of the coping of a flat roof, the deck line of a mansard roof, or the midpoint between the eaves and ridges of saddle, hip, gable, gambrel, or ogee roofs. **See Figure 03 appended to this Ordinance.**
- C. "Ridge" means the highest point of any roof other than a flat roof including mansard, saddle, hip, gable, gambrel, or ogee roofs. On flat roofs, "Ridge" means the coping.

D. The following are exempt from "Building Height" and "Maximum Structure Height" but only to the extent they are appended to a building for the purpose of serving only that building:

(1) Chimneys or flues.

(2) Spires on religious or other institutional buildings.

(3) Cupolas, domes, skylights and other similar roof protrusions not used for the purpose of obtaining habitable floor space.

(4) Flagpoles that extend not more than ten (10) feet above the height limit or not more than five (5) feet above the highest point of the roof, whichever is less.

(5) Parapet or fire walls extending not more than three (3) feet above the limiting height of the building.

(6) Poles, towers and other structures accessory to a basic utility use, such as street lights and utility poles.

(7) Roof structures, including elevator bulkheads, stairways, ventilating fans, cooling towers, solar panels, and similar necessary mechanical and electrical appurtenances required to operate and maintain the building.

(8) Television antennas and similar apparatus.

E. Unless otherwise provided, Building Height of the main building in any zone may not exceed thirty (30) feet and Maximum Structure Height may not exceed thirty-five (35) feet. See Figure 03 appended to this Ordinance.

F. Unless otherwise provided, Building Height of an Accessory Structure in any zone may not exceed fifteen (15) feet and Maximum Structure Height may not exceed twenty (20) feet. See Figure 03 appended to this Ordinance.

Section 8. Yard Regulations.

A. The following minimum ~~yards~~ Setbacks shall be provided ~~for each building, as follows:~~

<u>ZONE</u>	<u>ONE FRONT YARD</u>	<u>TWO SIDE YARDS</u>	<u>ONE REAR YARD</u>
	<u>HAVING A DEPTH</u>	<u>HAVING A DEPTH</u>	<u>HAVING A DEPTH</u>
	<u>OF</u>	<u>OF</u>	<u>OF</u>

ZONE	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
R-1	25 ft.	5 ft.	30 ft.
R-3	25 ft.	10 ft.	30 ft.
B	10 ft.	0 ft.	20 ft.
C	30 ft.	15 ft.	20 ft.

See Figure 02 appended to this Ordinance.

- B. On corner lots, there shall be a set back from each street to the main building equal to the ~~minimum front~~Front Setback ~~yard~~ depth.
- C. Except as otherwise provided, Setbacks shall remain open space, unoccupied and unobstructed by any structure. See Figure 02 appended to this Ordinance.
- D. If a ~~garage~~Garage is detached from the primary dwelling structure, the garage may be located in the ~~rear yard~~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 2 three (3) feet from any overhang or projection of the ~~garage~~Garage to any lot line and provided further that the square footage of the Garage does not exceed one-third (1/3) the area of the Rear Setback. See Figure 02 appended to this Ordinance.
- E. Accessory Structures must be at least five (5) feet from the main building and any lot line, measured from the Foundation Line. Any eave or overhang of Accessory Structures must be at least one (1) foot from any lot line. Accessory Structures other than detached Garages may be located only in the Buildable Area of a Rear Yard See Figure 01 and Figure 02 appended to this Ordinance.
- F. Sheds may be located in Rear Setbacks, provided that the square footage of the Shed plus the square footage of any Garage located in the Rear Yard does not exceed 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 ~~(collectively "projections")~~ that do not extend above the level of the ground may project into a ~~required yard~~Setbacks, provided ~~these~~they ~~projections~~ remain at least 2 two (2) feet from ~~the any 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 they~~ shall not be used for parking of motor vehicles. However, no such open terraces, patios, or concrete slabs ~~projections~~ may be located in any ~~front yard or rear yard~~ unless the sum of their square footage ~~of the projection~~ 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 of the required yard~~ where they are located. If they are attached to, immediately adjacent to, or abutting the primary building on the lot and are not enclosed, then 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.

- H. Steps or ramps that are necessary to provide access to the first floor of buildings or for access to a lot from a street may extend into Setbacks.
- I. The following appurtenances may extend up to two (2) feet into Setbacks, measured from the Foundation Line, provided that they are attached to the main building on the lot and are supported by that building and not from the ground:
 - (1) Architectural projections or features such as sills, eaves, cornices, and other ornamental features;
 - (2) Gutters and downspouts;
 - (3) Awnings, eaves, and canopies;
 - (4) Bay windows; and
 - (5) Any combination of the above listed appurtenances.
- J. Garden Structures may be located in Setbacks, provided that no part of the Garden Structures is within two (2) feet of any street right-of-way line. See Figure 02 appended to this Ordinance.
- K. Play Structures may be located in Rear or Side Setbacks, provided that no part of the Play Structures is within two (2) feet of any lot line. See Figure 02 appended to this Ordinance.
- L. Concrete slabs for air-conditioning units shall be placed in the ~~rear yard~~Rear Yard or Side Yard at least five (5) feet ~~5-feet~~ from the ~~adjacent~~ lot line. See Figure 01 and Figure 02 appended to this Ordinance.

Section 9. Lot Regulations.

- B. For purposes of the above regulations, lot frontage is the distance of a lot measured along a street, and lot width is the width of a lot at the ~~front yard~~Front Setback line. See Figure 01 and Figure 02 appended to this Ordinance.

Section 10. Off-street Parking Regulations. At any time any building is erected or structurally altered or any change in use is made, unless otherwise provided in this ordinance, off-street parking spaces shall be provided in accordance with the following requirements.

- 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 and driveways may be located in the ~~front yard~~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 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 and driveways may be located in the ~~rear yard~~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 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~~Rear Yard, then required spaces may not also be located in the ~~front yard~~Front Yard of that lot. See Figure 01 and Figure 02 appended to this Ordinance.

2. In Multiple-family residential (R-3) zones - parking may be allowed in the ~~required minimum rear yard~~Rear Setback but not closer than 10 feet to the rear lot line. Driveways may be located in the ~~required minimum front or side yards~~Front Setback or Side Setback, provided a minimum of 50% of the ~~required front~~Front Setback and ~~side yards~~Side Setback shall remain in open space free of driveways. See Figure 01 and Figure 02 appended to this Ordinance.
3. In Business (B) zones - parking spaces may be located in any ~~required yard~~Setback. See Figure 02 appended to this Ordinance.
4. In Commercial (C) zones - parking spaces may be located in any ~~required yard~~Setback provided, however, no parking shall be located within 15 feet of any adjoining property located in a residential zone. See Figure 02 appended to this Ordinance.

Section 11. Planned Unit Development (PUD).

- D. PUD Plan Application Requirements. A PUD Plan Application must set forth or otherwise include all of the following:

4. Front, ~~side~~Side, and ~~rear~~Rear yard setbacksSetbacks.

14. Maximum Building height~~Height~~ of proposed structures and perimeter fences.

15. Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems.

Section 12. Multiple-Family Planned Unit Development (PUD).

- B. Development Options - Density, Height, Parking, and Green Space Restrictions. Property may be developed as a Multiple-Family PUD in the following alternatives pursuant to the respective regulations and restrictions provided:

1. Alternative 1 - Vertical Concept.

b. No building may exceed fifty-five (55) feet in ~~height~~ Building Height as defined in Section 7 of this Ordinance.

2. Alternative 2 - Horizontal Concept.

b. No building may exceed thirty-nine (39) feet in ~~height~~ Building Height as defined in Section 7 of this Ordinance.

e. The eave of any building shall not be less than forty-five (45) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; twenty (20) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and thirty (30) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property; provided, however, that the existing ~~garages~~ Garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new ~~garage~~ Garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

f. Building projections, including screened porches or walls, shall not be less than thirty-five (35) feet from the lot line along Marietta Avenue; twenty-five (25) feet from the lot lines along George and Sunset Streets; ten (10) feet from the westerly one hundred forty-five and eighty-two hundredths (145.82) feet of the lot line that constitutes the municipal boundary to the south of the property; and twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property; provided, however, that the existing

~~garages~~ Garages may remain as presently situated and located if they are part of the Multiple-Family PUD; and further provided that the foundation of a new ~~garage~~ Garage shall not be less than twenty (20) feet from the easterly five hundred four and twenty-nine hundredths (504.29) feet of the lot line that constitutes the municipal boundary to the south of the property.

g. The University Heights City Council may approve a Multiple-Family PUD application that includes parking spaces 18 feet in length and includes parking spaces in ~~required minimum yards~~ Setbacks notwithstanding the provisions of Section 10 of this ordinance.

- E. Multiple-Family PUD Plan Application Requirements. A Multiple-Family PUD Plan Application must set forth or otherwise include all of the following:

4. Front, ~~side~~ Side, and ~~rear Rear yard setbacks~~ Setbacks.

14. Maximum ~~Building H~~ Building Height of proposed structures and perimeter fences.

Section 13. Multiple-Family Commercial PUD.

5. The front building of the development (closest to Melrose Avenue) shall not exceed thirty-eight (38) feet in ~~height~~ Building Height, and the rear building shall not exceed seventy-six (76) feet in ~~height~~ Building Height. "Building Height" is defined in Section 7 of this Ordinance.

- D. Multiple-Family Commercial PUD Plan Application Requirements. A Multiple-Family Commercial PUD Plan Application must set forth or otherwise include all of the following:

4. Front, ~~side~~ Side, and ~~rear Rear yard s~~ Setbacks.

Section 15. Board of Adjustment Created. A Board of Adjustment is hereby created. The Board of Adjustment shall consist of five members, each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. The Board shall elect a chairman from its membership, and appoint a secretary. The procedures, duties and powers of the Board shall be as follows:

3. Powers. The Board shall have the following powers:

c) To authorize upon appeal in the following specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this ordinance will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done:

1) Vary the yard, Setbacks, Building height-Height, or lot area regulations where there is an exceptional or unusual dimensional configuration or physical condition of the lot not generally prevalent in the neighborhood and which condition when related to the regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.

C. Non-conforming Lots of Record.

1. In an R-1 or B zone, a building may be erected for any use permitted in the zone on any lot of record on the effective date of this ordinance notwithstanding the lot's failure to meet the requirements of the zone for frontage and width. In any zone in which single-family dwellings are permitted, a single-family dwelling and ~~accessory buildings~~Accessory Structures may be erected on any lot of record on the effective date of this ordinance notwithstanding its failure to meet the requirements of the zone for area.

2. A single-family dwelling on a non-conforming lot may be repaired, reconstructed or structurally altered provided the structural alteration does not increase the degree of non-conformity with yard, Setbacks, and area requirements. A multi-family building located on a non-conforming lot which does not meet the area requirements may be repaired and may be remodeled to a lesser number of units but shall not be reconstructed or structurally altered. See Figure 02 appended to this Ordinance.

D. Non-conforming Use.

7. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise more than one-third (1/3) of the ~~required front yard~~Front Setback may continue to be used if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged. See Figure 02 appended to this Ordinance.
8. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that comprise one-third (1/3) or less of the ~~required front yard~~Front Setback may continue to be used if they are constructed of loose gravel, rock, or stone; or compacted gravel, rock, or stone; or crushed rock or chip seal surfaces. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced with like material, but they may not be enlarged. See Figure 02 appended to this Ordinance.
9. Any driveways, parking spaces, or parking areas in place and in use as of December 1, 2008, that project into a ~~rear yard~~Rear Yard may continue to be used if they lead to or provide access to a ~~garage~~Garage with a door or opening large enough to admit automobiles; and if the door or opening faces the ~~rear yard~~Rear Yard; and if the door or opening was in place as of December 1, 2008; and if they are constructed of asphaltic concrete, Portland cement concrete, manufactured paving material such as brick, or similar permanent, dust-free surface material. Such non-conforming driveways, parking spaces, or parking areas may be repaired or replaced, but they may not be enlarged. In the event the ~~garage~~Garage door or opening that faces the ~~rear yard~~Rear Yard is ever closed off or otherwise abandoned, the non-conforming driveways, parking spaces, or parking areas must be removed and the ~~rear yard~~Rear Yard shall thereafter conform to the provisions of this ordinance. See Figure 01 appended to this Ordinance.
10. Any open terrace, patio, or concrete slab (collectively "projections") permitted by Section 8(~~DG~~) to be located in the ~~rear yard~~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~~Rear Setback, it may continue to be used only under the following conditions:

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~~Rear Setback, the projection may continue to be used only under the following conditions:

See Figure 01 and Figure 02 appended to this Ordinance.

E. Non-conforming Buildings.

1. Any building, which 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~~Height~~, yards, Setbacks, its location on the lot or other requirements concerning the structure, may continue subject to the following conditions:

See Figure 02 and Figure 03 appended to this Ordinance.

Section 18. Amendments to this Ordinance. The boundaries of districts as now established and the regulations thereof may be amended, supplemented, changed, modified, or repealed by the City Council from time to time, either upon its own motion, or upon a petition therefore, or upon recommendation of the Zoning Commission as hereinafter provided:

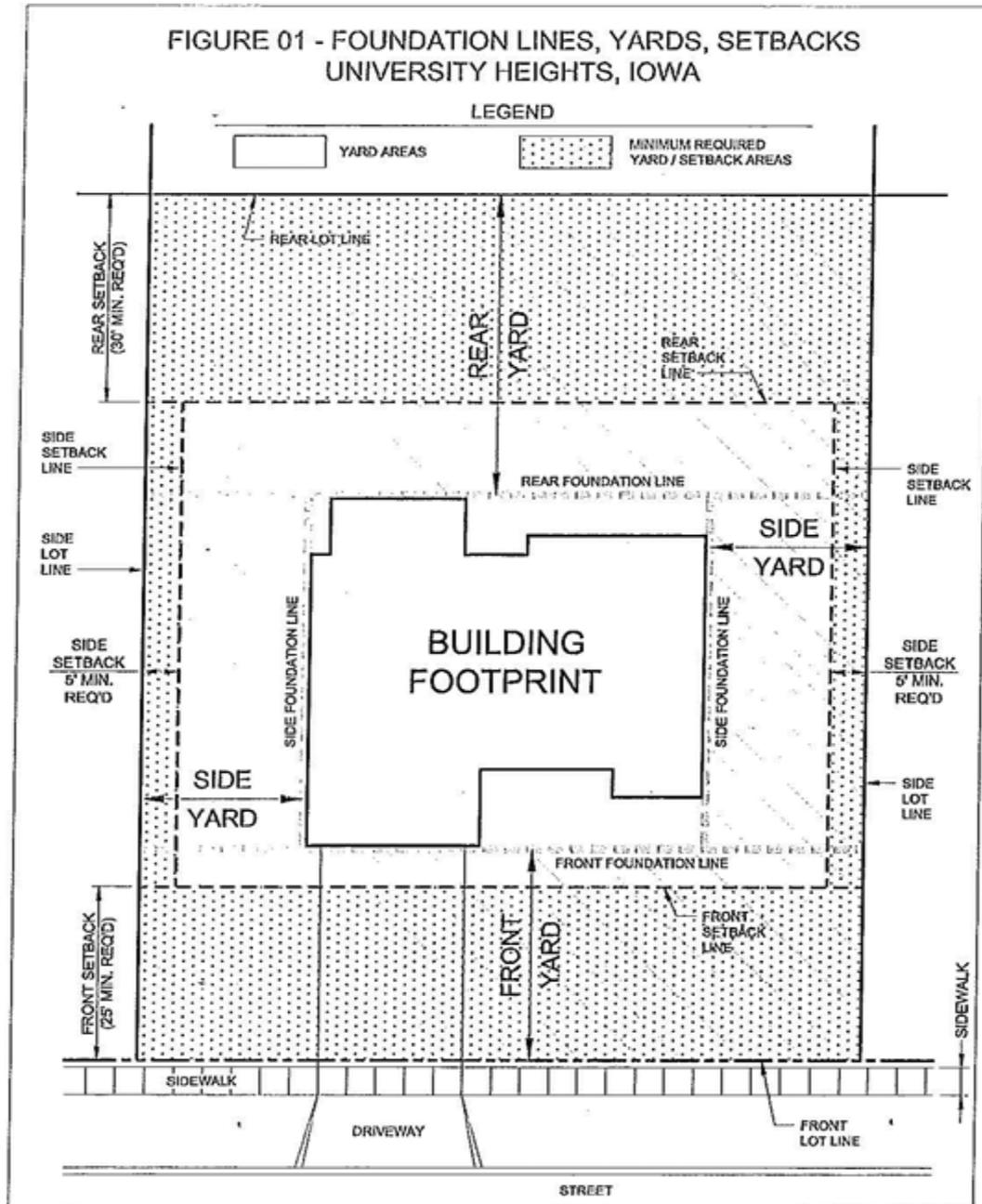
1. Any petition for a proposed amendment, supplement, change, modification, or repeal of any section of this zoning ordinance shall be filed with the City Clerk with four (4) duplicate copies and the Clerk shall deliver the same to the Zoning Commission for its recommendations and report. If the Zoning Commission makes no report within 45 days from the date of filing of the petition, it shall be considered to have made a report approving the proposed amendment, supplement, change, modification or ~~change~~repeal.

2. The Zoning Commission shall file its recommendations and report to the City Clerk and the Council shall, before enacting any proposed amendment, supplement, change, modification, or repeal, hold a public hearing in relation thereto, giving at least seven (7) but not more than twenty (20)~~15~~ days' notice of the time and place of such hearing, which notice shall be published in a newspaper having a general circulation in the City of University Heights, Iowa, but in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

3. If the Zoning Commission recommends against, or if a protest against such proposal, amendment, supplement, change, modification, or repeal shall be presented in writing to the City Clerk, duly signed ~~and acknowledged~~ by the owners of

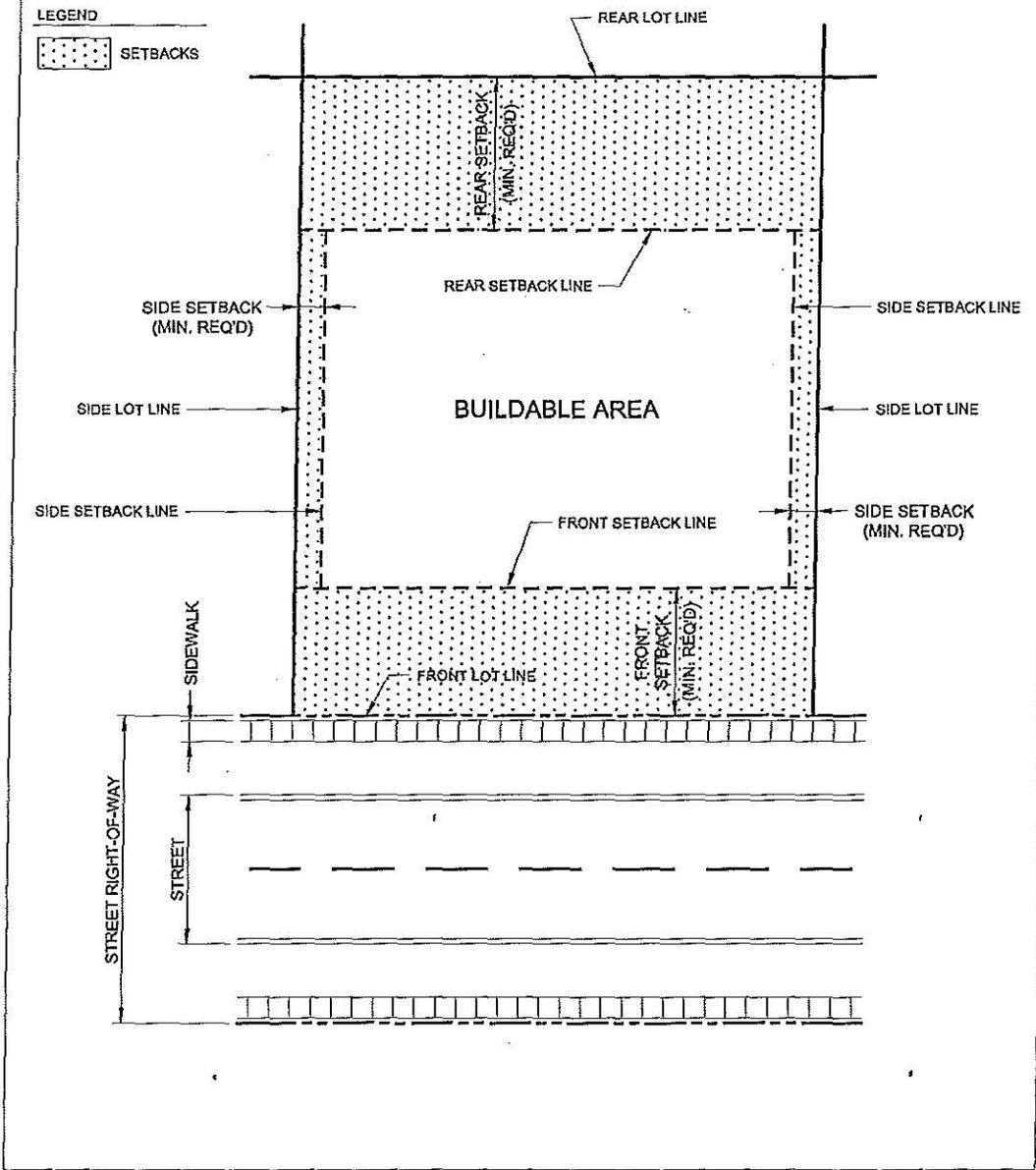
twenty percent (20%) or more, either of the area of the lots included in such the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, the change or repeal such amendment, supplement, change, modifications or repeal shall not become effective except by the favorable vote of three-fourths (3/4ths) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

Appendix - Figures 01, 02, and 03*

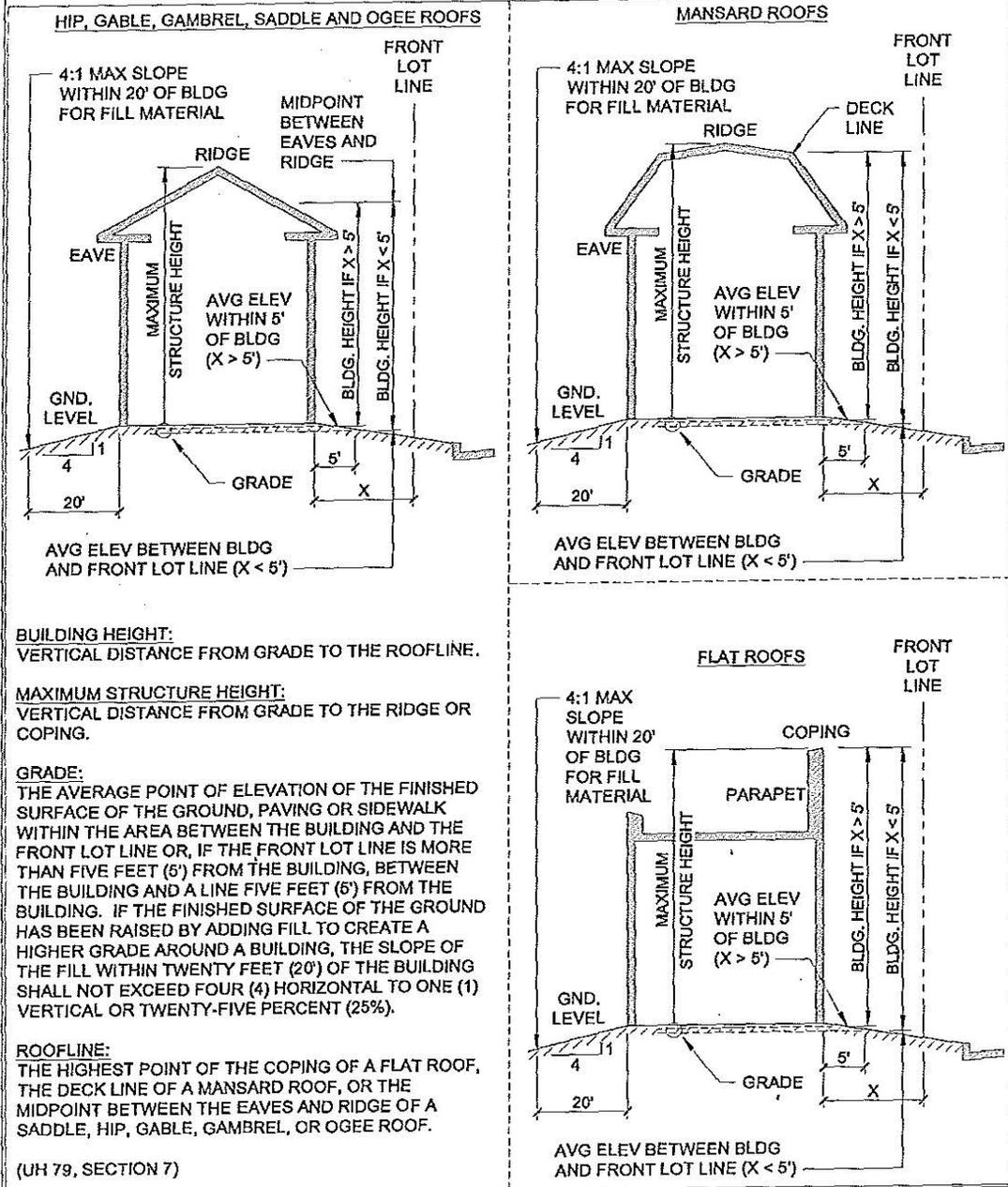


* If the depictions in the Figures set forth in this Appendix differ or are contrary to the text of the Ordinance, the text of the Ordinance itself controls; any ambiguity in construction and interpretation of the Ordinance shall be resolved by reference to the text of the Ordinance itself and not to the Figures.

FIGURE 02 - BUILDABLE AREA AND SETBACK LINES
UNIVERSITY HEIGHTS, IOWA



**FIGURE 03 - BUILDING HEIGHT AND MAXIMUM STRUCTURE HEIGHT
UNIVERSITY HEIGHTS, IOWA**



PART II: EFFECTIVE DATE:

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

PART III: REPEALER:

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

PART IV: SAVING CLAUSE:

If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Adopted by the University Heights City Council on this 10th day of March, 2015, and approved this 10th day of March, 2015.

Louise From, Mayor

ATTEST:
(SEAL)

Christine Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On the 10th day of March, 2015, 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.

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 ____ day of _____, 2015.

Christine Anderson

Signed and sworn to before me on the ____ day of _____, 2015, by Christine Anderson, Clerk of the City of University Heights.

Notary Public in and for the
State of Iowa