

ORDINANCE NO. 217

AN ORDINANCE AMENDING ORDINANCE NO. 79
(ZONING)

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:

28. "Dwelling" means a building or portion thereof which is designed or used for a residential purpose.

39. "Rooming House" means a dwelling occupied by four (4) or more students enrolled in post-secondary education but does not include a dwelling occupied by a parent or guardian of at least one of the students.

Section 5. Districts and Boundaries Thereof.

A. In order to classify, regulate and restrict the location of residences ****, the City of University Heights, Iowa, is hereby divided into Seven (7) zones, to-wit:

1. R-1 Single-family residential.
2. R-3 Multiple-family residential.
3. B Business.
4. C Commercial.
5. PUD Planned Unit Development.
6. Multiple-Family Commercial.
7. CH Commercial Hotel.

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:
1. One single-family dwelling per lot.
 2. Public schools, public libraries, public parks and public playgrounds.
 3. Churches and places of worship and parochial schools.
 4. Other customary accessory uses and Accessory Structures, provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such Accessory Structures shall not be used for human occupancy or living.
 5. All persons occupying the premises must do so as part of an individual housekeeping unit. One person not a member of the family as defined herein may occupy the premises as part of the individual housekeeping unit.
 6. Home occupations.
 7. Rooming Houses are prohibited.

- 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ordinance regarding yard regulations, Setbacks, lot regulations, and off-street parking (Sections 8, 9, and 10) are superseded in the PUD Zone by the provisions of Section 11 and the Development Agreement between the City and Developer. Rooming Houses are prohibited in the PUD Planned Unit Development Zone.

Section 11. Planned Unit Development (PUD).

- B. Development Regulations and Restrictions. Property in the PUD Zone may be developed pursuant to the following regulations and restrictions:

3. All persons occupying the premises must do so as part of an individual housekeeping unit. ~~No more than one person not a member of the family as defined herein may occupy each dwelling unit as part of the individual housekeeping unit.~~

Section 13. Multiple-Family Commercial PUD.

- B. Development Regulations and Restrictions. Property may be developed as a Multiple-Family Commercial PUD Zone pursuant to the following regulations and restrictions:

4. All persons occupying the premises must do so as part of an individual housekeeping unit. ~~No more than one person not a member of the family as defined in Section 3 of this Ordinance may occupy each dwelling unit as part of the individual housekeeping unit.~~

Section 15. Board of Adjustment Created. A Board of Adjustment is hereby created. **** The procedures, duties and powers of the Board shall be as follows:

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

- a) To hear and decide appeals ****.
- b) To hear and decide the following special exceptions to the terms of this ordinance:

- 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 ****:

- d) Hear and decide appeals concerning fences as provided in Ordinance No. 105.

- e) Hear and decide applications for exceptions to the minimum area (square footage) requirements for bedrooms as set forth in the City of University Heights Building Code.

PART II: 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.

PART III: EFFECTIVE DATE:

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

Adopted by the University Heights City Council this 12th day of December, 2017, and approved this 12th day of December, 2017.

 /s/
Louise From, Mayor

ATTEST:
 /s/
Christine M. Anderson, City Clerk