

ORDINANCE NO. 15-12

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NORWALK, IOWA, BY REZONING CERTAIN PROPERTY FROM C-2, C-O, R-4, R-1, AND CD TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ADOPT THE MASTER PLAN AND ESTABLISH THE RULES, REGULATIONS, AND GUIDELINES FOR THE DEVELOPMENT OF THE NORTH SHORE PUD

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to change the Official Zoning Map of the City of Norwalk, Iowa, under the provisions of Title 17 (Zoning Regulations), Chapter 17.04 (General Provisions), Section 17.04.060 (Zoning District Boundaries and Official Zoning Map) of the Norwalk Municipal Code, and to adopt a master plan pursuant to Chapter 17.10 (Zoning District Regulations), Section 17.10.170 (Planned Unit Development), Subdistrict 17.10.170.3 (Master Plan).

SECTION 2. OFFICIAL ZONING MAP AMENDED. The Official Zoning Map of the City of Norwalk, Iowa, is amended from C-2, C-O, R-4 AND R-1 to PUD, for the property legally described as follows:

LEGAL DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 1 AND 2, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M., CITY OF NORWALK, WARREN COUNTY, IOWA THAT IS ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SAID SECTION 2, THENCE S89°17'26"E, 1315.66 FEET ALONG THE SOUTH LINE OF SAID SECTION 2 TO A POINT; THENCE N00°00'00"W, 615.37 FEET TO THE POINT OF BEGINNING; THENCE N00°00'00"W, 2030.55 FEET TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 2; THENCE S88°56'28"E, 1309.16 FEET TO THE CENTER OF SAID SECTION 2; THENCE S88°54'14"E, 2640.25 FEET TO THE E1/4 CORNER OF SAID SECTION 2, ALSO THE W1/4 CORNER OF SAID SECTION 1; THENCE N00°49'10"E, 2650.04 FEET TO THE NW CORNER OF SAID SECTION 1; THENCE S88°40'28"E, 2615.52 FEET TO THE N1/4 CORNER OF SAID SECTION 1; THENCE S88°49'20"E, 2558.48 FEET ALONG THE NORTH LINE OF SAID SECTION 1 TO THE WEST RIGHT-OF-WAY LINE OF HIGHWAY 28 TO A POINT; THENCE S88°49'20"E, 100.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S00°38'11"W, 1535.99 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE N89°08'11"W, 399.33 FEET TO A POINT; THENCE N43°34'45"W, 881.00 FEET TO A POINT; THENCE S76°01'30"W, 670.00 FEET TO A POINT; THENCE S14°26'30"W, 955.00 FEET TO A POINT; THENCE S45°26'30"W, 225.00 FEET TO A POINT; THENCE S78°21'30"W, 260.00 FEET TO A POINT; THENCE N88°03'30"W, 125.00 FEET TO A POINT; THENCE N63°33'30"W, 130.00 FEET TO A POINT; THENCE N48°58'30"W, 280.00 FEET TO A POINT; THENCE N88°18'30"W, 145.00 FEET TO A POINT; THENCE N48°18'30"W, 260.00 FEET TO A POINT; THENCE N63°08'30"W, 135.00 FEET TO A POINT; THENCE S53°51'30"W, 375.00 FEET TO A POINT; THENCE S32°48'30"E, 140.00 FEET TO A POINT; THENCE S48°18'30"E, 200.00 FEET TO A POINT; THENCE S37°18'30"E, 100.00 FEET TO A POINT; THENCE S27°48'30"E, 130.00 FEET TO A POINT; THENCE S11°09'30"E, 110.00 FEET TO A POINT; THENCE S22°59'30"W, 90.00 FEET TO A POINT; THENCE S51°59'30"W, 165.00 FEET TO A POINT; THENCE S47°09'30"W, 190.00 FEET TO A POINT; THENCE S72°54'30"W, 115.00 FEET TO A POINT; THENCE S86°04'30"W, 300.00 FEET TO A POINT; THENCE N63°45'30"W, 235.00 FEET TO A POINT; THENCE N88°45'30"W, 170.00 FEET TO A POINT; THENCE S76°39'30"W, 210.00 FEET TO A POINT; THENCE S65°09'30"W, 190.00 FEET TO A POINT; THENCE S52°39'30"W, 140.00 FEET TO A POINT; THENCE S46°59'30"W, 190.00 FEET TO A POINT; THENCE S36°24'30"W, 155.00 FEET TO A POINT; THENCE S21°54'30"W, 155.00 FEET TO A POINT; THENCE S06°14'30"W, 280.00 FEET TO A POINT; THENCE S14°14'30"W, 130.00 FEET TO A POINT; THENCE

S36°43'30"W, 100.00 FEET TO A POINT; THENCE S44°58'30"W, 86.65 FEET TO A POINT; THENCE S53°30'00"W, 125.00 FEET TO A POINT; THENCE N64°00'00"W, 100.00 FEET TO A POINT; THENCE N47°00'00"W, 180.00 FEET TO A POINT; THENCE N61°00'00"W, 125.00 FEET TO A POINT; THENCE N79°50'00"W, 135.00 FEET TO A POINT; THENCE S87°10'00"W, 190.00 FEET TO A POINT; THENCE S74°40'00"W, 145.00 FEET TO A POINT; THENCE S61°55'00"W, 399.70 FEET TO A POINT; THENCE S78°05'00"W, 135.00 FEET TO A POINT; THENCE S81°20'00"W, 380.00 FEET TO A POINT; THENCE S83°40'00"W, 379.60 FEET TO A POINT; THENCE S88°45'00"W, 220.00 FEET TO A POINT; THENCE S30°45'00"W, 150.00 FEET TO A POINT; THENCE S82°04'45"W, 192.35 FEET TO A POINT; THENCE S84°53'45"W, 220.00 FEET TO A POINT; THENCE S68°29'45"W, 499.50 FEET TO A POINT; THENCE S88°29'45"W, 90.00 FEET TO A POINT; THENCE N82°15'15"W, 360.00 FEET TO A POINT; THENCE S57°59'45"W, 125.00 FEET TO A POINT; THENCE S70°01'15"W, 80.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 466.296 ACRES MORE OR LESS.

EXCEPT:

A PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 1; THENCE SOUTH 89°49'15" EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 1430.25 FEET; THENCE SOUTH 46°39'57" EAST, 426.36 FEET; THENCE NORTHEAST ALONG A 1049.87 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 28°22'30", A CHORD DISTANCE OF 514.64 FEET, A CHORD BEARING OF NORTH 55°39'45" EAST, FOR AN ARC DISTANCE OF 519.94 FEET TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1; THENCE SOUTH 89°49'15" EAST ALONG SAID NORTH LINE, 293.10 FEET; THENCE SOUTH 0°10'20" EAST, 52.16 FEET; THENCE SOUTHWEST ALONG A 935.04 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 44°33'32", A CHORD DISTANCE OF 708.99 FEET, A CHORD BEARING OF SOUTH 63°31'34" WEST, FOR AN ARC DISTANCE OF 727.18 FEET; THENCE SOUTH 46°39'57" EAST, 902.70 FEET; THENCE SOUTH 7°18'15" EAST, 47.42 FEET; THENCE SOUTH 0°10'20" EAST, 407.79 FEET; THENCE NORTH 18°32'35" WEST, 256.04 FEET; THENCE NORTH 48°14'36" WEST, 522.87 FEET; THENCE NORTH 54°31'18" WEST, 512.23 FEET; THENCE NORTH 44°48'24" WEST 738.53 FEET; THENCE NORTH 88°10'01" WEST; 171.60 FEET; THENCE SOUTH 59°06'35" WEST, 600.71 FEET; THENCE NORTH 74°06'40" WEST, 468.57 FEET; THENCE NORTH 48°55'18" WEST, 326.17 FEET; THENCE SOUTH 89°40'39" EAST, 304.84 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 758.529 SQUARE FEET.

AND EXCEPT:

A PART OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE SOUTH 0°01'16" EAST ALONG THE EAST LINE OF SAID NORTHEAST FRACTIONAL 1/4, A DISTANCE OF 51.69 FEET; THENCE SOUTH 89°58'44" WEST, 149.87 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF OLD HIGHWAY 28 TO THE POINT OF BEGINNING; THENCE SOUTH 0°12'36" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 782.83 FEET; THENCE SOUTH 7°22'27" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 153.98 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 28 (SUNSET DRIVE); THENCE NORTH 46°42'09" WEST ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, 902.60 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ECHO VALLEY DRIVE; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG A CURVE

CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 935.04 FEET, WHOSE ARC LENGTH IS 727.06 FEET AND WHOSE CHORD BEARS NORTH 63°28'43" EAST, 708.88 FEET TO A POINT OF BEGINNING AND CONTAINING 7.48 ACRES (325,996 S.F.); AND,

A PART OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT NORTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 89°49'15" WEST ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 1, A DISTANCE OF 443.10 FEET TO THE POINT OF BEGINNING; THENCE SOUTHEAST ALONG A 1049.87 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 28°22'30", A CHORD DISTANCE OF 514.64 FEET, A CHORD BEARING OF SOUTH 55°39'45" WEST, FOR AN ARC DISTANCE OF 519.94 FEET; THENCE NORTH 46°39'57" WEST, 426.36 FEET TO THE NORTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 1; THENCE SOUTH 89°49'15" EAST ALONG SAID NORTH LINE, 735.07 FEET; TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 96,160 SQUARE FEET.

AND EXCEPT:

THAT PART CONVEYED TO THE STATE OF IOWA IN THE CORPORATE WARRANTY DEED RECORDED IN BOOK 214, PAGES 371-373

AND EXCEPT:

THAT PART CONVEYED TO THE STATE OF IOWA IN THE CORPORATE WARRANTY DEED RECORDED IN BOOK 214, PAGES 374-376

CONTAINS 367 ACRES MORE OR LESS.

SECTION 3. MASTER PLAN ADOPTION. Attached hereto and made a part of this rezoning approval, for concept description and delineation is the Master Plan Document for the North Shore PUD marked Exhibit "A". The Master Plan is adopted to establish the rules, regulations, and development guidelines for the land use and performance standards pursuant to Section 17.10.170.4 of the Municipal Code of the City of Norwalk, Iowa, for the development of the North Shore PUD.

Individual parcels within the PUD may be developed independent of other parcels or tracks, provided the minimum requirements are met, unless modified herein, and the development of the parcel allows for the property development of other parcels or tracks within the PUD. It is recognized, shifts or modifications to the Master Plan layout may be necessary and compatible with the need to acquire workable street patterns, storm water management systems or facilities, elevations, grades, and/or usable building sites, but the Master Plan layout, including the relationship of uses to each other and the relationship of land use to the general plan framework, and development requirements, shall be used as the implementation guide. It is further recognized that since the North Shore PUD is a long-term development project, at some point in the future the PUD may need to be amended in order to respond to changes in market conditions or other situations and factors.

All modifications and amendments shall be made pursuant to Subsection 17.10.170.7 of the Municipal Code of the City of Norwalk, Iowa. Road Contractors and their successors or assigns may request, by application, that the City initiate an amendment or modification to the PUD.

SECTION 4. REQUIRED PLANS. The following plans shall be required as a part of the processing of any development application for any property within the North Shore PUD.

1. Service Confirmation Plans for Public Sanitary Sewers, Storm Sewers, Water Mains and Streets: Prior to or in conjunction with any Subdivision Plat and/or Site Plan, engineering design plans shall be provided to the City by the developer which demonstrate that properly sized and located public sanitary sewers, storm sewers, water mains, and streets will be constructed adjacent to or across the respective property in order to fully serve other parcels within the PUD, including the areas identified as Park Space and the Shoreline Protection District.
2. Platting: Prior to, or in conjunction with development of any portion of the PUD, said area shall be platted in accordance with the City of Norwalk's subdivision regulations to delineate within a plat the parcel to be developed except as noted in this ordinance.
 - a. Plats-of-Surveys: In order to facilitate the sale or transfer of ownership of parcels within the PUD, a Plat-of-Survey may be created in accordance with State Law and submitted to the City of Norwalk for its review and approval following a finding of general compliance within the intent of the PUD. It is understood that the transfer of title of any Parcel in the PUD between Road Contractors, Inc. and a buyer is an interim measure to facilitate development of the PUD, and will ultimately culminate in the Final Platting of the respective Parcel. Parcels created by Plat-of-Survey shall not be buildable and no building permit shall be issued until a Subdivision Plat is approved and the final plat is recorded. No public or private infrastructure improvements are required to be installed or surety posted for any parcels created by Plat-of-Survey.
 - b. Outlots: As part of a Subdivision Plat, Outlot(s) may be created to facilitate the sale or transfer of ownership. Outlots shall not be buildable and no building permit shall be issued until such time that a Subdivision Plat is approved and the final plat is recorded that replats said Outlot(s) into one or more regular Subdivision Lots. No public or private infrastructure improvements are required to be installed or surety posted for any Outlots created by Subdivision Plat.
 - c. Acquisition Plats: Public street rights-of-way may be established by Acquisition Plat following the review and approval by the City.
 - d. Public Street Frontage: Lots without public street frontage shall be permitted provided the frontage requirements of the subdivision regulations have been otherwise satisfied by an abutting or surrounding lot which is under common ownership by an Owners' Association with all properties within the master development plan being part of the Association, or there have been cross parking and

access easements executed which provide for the unrestricted use and access to the drives and parking for all members of the Association.

- e. Postage Stamp Lots: Individual lots created within a common lot or outlot that is owned and controlled by an Owner's Association or condominium regime, commonly referred to as a *Postage Stamp Lot*, may be permitted provided it is within an approved master planned development and the surrounding common lot or outlot meets the City's requirements for lot frontage, and provides for cross access/egress and public utilities for the Postage Stamp Lots.

- 3. Development Applications: Site Plans for all non-single family residential zoned parcels within the North Shore PUD shall be submitted to the City for its review and approval in accordance with the City's site plan review process prior to the development, and must meet the intent of the approved PUD Master Plan.

SECTION 5. GENERAL CONDITIONS. The following general site development criteria are applicable to the North Shore PUD:

- 1. Any regulation, standard, provision or requirement that is not specifically addressed within this document that is regulated elsewhere in the Municipal Code of Norwalk, Iowa, the requirements of the Municipal Code shall be enforced.
- 2. All subdivisions, public streets, public street rights-of-way, public improvements, and other general development improvements shall adhere to the standards and design criteria set forth in the Norwalk Subdivision Ordinance and the Statewide Urban Design Specifications (SUDAS) as adopted or as amended by the City of Norwalk, pertaining thereto, unless otherwise stated within this Ordinance.
- 3. On-street parking may be allowed on streets as permitted by the City for convenience to adjoining property owners and for community use. Provisions for on-street parking will be reviewed by the City as development occurs. All off-street parking shall be in accordance with Chapter 17.40, Off-street Parking and Loading, of the Zoning Ordinance.
- 4. Applicable in all areas located within a 100-year frequency flood hazard zone, or in adjoining drainageways, detention areas, or other storm water management areas involving potential flood hazards, no building shall be erected which has a lowest floor elevation, including basements, of less than one (1) foot above the determined level of the one hundred (100) year frequency flood event; or the building shall be flood proofed to the same elevation in accordance with the City of Norwalk Floodplain Ordinance. No building shall be erected within 25-feet of any major drainage (as determined by the storm water management plan), storm water detention basin or pond, unless approved by the City.
- 5. The Developer, its successors and assigns, if any, shall pay all construction and engineering costs for the development and improvement of its property, including improvements located in all rights-of-way to be dedicated to the

City, all in accordance with the current City policies and ordinances in effect at the time of development.

6. The physical character of the North Shore PUD dictates the configuration of transportation access to the property. All street names shall be determined at the time of platting. Street names stated in this ordinance are in reference to street names noted on the PUD Master Plan.

SECTION 6. STREET CIRCULATION AND RIGHT-OF-WAY. Based upon the general street circulation plan as identified within the PUD Master Plan, the area within the PUD may be developed without a secondary street connection for the minor arterial (County Line Road) and major collector (Lakeside Drive) as shown within the PUD Master Plan provided that each individual Subdivision Plat complies with the cul-de-sac length and temporary street dead-end turn-around standards as contained within the City's Subdivision regulations. Adequate street right-of-way shall be provided for the construction, reconstruction and widening of adjoining streets adjacent to, or within the PUD. Said right-of-way shall be dedicated to the City at the time of platting consistent with the City's current Ordinances and Policies.

The PUD Master Plan shows a conceptual roadway circulation system within each Land Use Area Parcel which satisfies the City's development requirements.

The Developer of each area shall design the local street circulation system and shall extend designated roadways across its plat to adjacent areas.

The Developer of each area shall submit to the City for its review and approval, as a part of the Subdivision Plat review and approval process, a roadway alignment and circulation plan (including phasing) which satisfies the City's development requirements and standards. The roadway alignment and circulation plan shall also provide sufficient connections to all adjacent plats, Land Use Area Parcels, and adjoining properties within and adjacent to the PUD including providing access and connections to park sites, the marina, beach area, and similar areas.

The Developer's roadway alignment and circulation plan shall satisfy known and expected transportation requirements within the PUD including circulation requirements, street capacity, and connections to future roadways.

SECTION 7. SANITARY SEWER SERVICE AND STORM WATER DRAINAGE. Each Developer shall extend across its plat sanitary sewer and storm sewers at sufficient capacity and appropriate elevations and locations to serve the respective service area.

The Developer of all areas within the PUD shall submit to the City for its review and approval, as part of the Subdivision Plat and any Site Plan review and approval process, a sanitary sewer service and storm water drainage plan which satisfies the City's development standards and regulations. The sanitary sewer service and storm water drainage plan shall also provide for sufficient service within the respective service area both within and adjacent to the PUD.

Sufficient service is defined herein as sanitary sewer and storm water drainage facilities (pipes, structures, drainageways, detention ponds, and similar facilities) adequately sized and designed, including location and depth/elevation, to

accommodate the expected flows generated within the service area. Furthermore, the design shall provide for the extension of the facilities across or through the respective Subdivision Plat and/or Site Plan so that all areas within the service area including those located 'upstream' from the Plat and/or Site Plan shall be adequately served.

SECTION 8. STORM WATER MANAGEMENT. As a part of the review and approval for each Subdivision Plat and Site Plan, a storm water management plan for the area within the Subdivision Plat and/or Site Plan shall be submitted to the City for its approval, and to the Lakewood Village Association (LVA) and the Lakewood Benefitted Recreational Lake District (LBRLD) for comment. All storm water management plans shall comply with the current City design standards and shall incorporate the best practices of the latest version of the Iowa Storm Water Management Manual specifically including Water Quality Volume and Channel Protection Storage Volume, and to all other standards applicable to the subdivision plat or site plan. Specific emphasis shall be placed on the Unified Sizing Criteria and Water Quality Volume.

The method of storm water management and the storm water conveyance system shall be approved by the City prior to the improvement of any Subdivision Plats or Site Plans.

It is anticipated that storm water detention will be combined with wetlands in storm water 'wet ponds' located adjacent/or within the Shoreline Protection District. If wet ponds are utilized, and if practical, the wet pond shall make use of an accessible forebay to provide settlement of silt and sediment from storm water runoff prior to entering the mitigated wetlands, and to provide for an efficient cleaning area for the wet pond.

The management plan also shall provide for the permanent stabilization, armoring, and energy dissipation of Waters of the U.S. channels included within the property. Stabilization measures are subject to review of the City, LVA, LBRLD, and the United States Army Corps of Engineers (USACE). The stabilization measures shall be permanent and may include grading, letdown structures, weirs, channel armoring, and aesthetic features.

The management plan shall take into account all off-site drainage that passes through the site for both the undeveloped and developed conditions. It is understood that as development of areas outside of the PUD's boundaries progresses, those areas shall provide the necessary storm water management facilities to control flows and sedimentations from off-site properties. In order to reduce the size required for storm sewer pipes within the PUD area and the size of outlet structures at the Lake, and to manage siltation, storm water flows, and velocity of storm water flows entering the site or plat from upstream, the Developer may be required to construct temporary storm water detention facilities on the site or in the plat. These basins will detain and improve the quality of undeveloped upstream water, prior to discharging it into the PUD's storm water management system and/or into Lake Colchester until the upstream property is developed. Certain sites or plats could be required to construct permanent detention facilities.

SECTION 9. LAND USE DESIGN CRITERIA. In addition to the general conditions as stated above, the following land use design criteria shall apply to the areas designated

on the North Shore PUD Master Plan. The PUD Master Plan document, which is made a part of this rezoning action, delineates land use area parcels of the PUD as A through F. The following development standards and use regulations shall apply to each of the following development PUD Land Use Parcels:

1. Land Use Parcel A: All general use regulations and provisions set forth in Chapter 17, Zoning, of the City Code for C-2, Community Commercial District, shall apply to any development proposal for property located within Land Use Parcel A shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel A incorporates approximately 25 acres.
 - a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the C-2 district, except the following uses shall be prohibited:
 - i. Adult Entertainment Facilities
 - ii. After Hours Businesses
 - iii. Bars, Nightclubs, and Cocktail Lounges (not including Restaurants)
 - iv. Body Piercing Studios
 - v. Delayed Deposit Services Business including check cashing, payday lending, and car title loan establishments)
 - vi. Hotels, Motels, and Apartment Hotels
 - vii. Liquor Stores
 - viii. Movie Theaters
 - ix. Pawnshops
 - x. Smoking Lounges, Smoking Dens or Hookah Lounges
 - xi. Tobacco Stores
 - xii. Tattoo Studios
 - xiii. Warehouses and Distribution Facilities
 - b. Mixed-Use (buildings containing a combination of retail, office and residential dwelling units) shall be permitted. Stand-alone residential buildings (such as apartments or condominiums) shall not be permitted. The maximum residential density for any mixed-use development shall be no more than 8 dwelling units per acre.
 - c. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the C-2 district except as noted herein.
 - d. Building Heights: No building shall exceed three (3) stories in height.
 - e. Storage and Display: Outdoor storage is prohibited. Limited and temporary outdoor display of retail goods may be specifically permitted by the City Council as part of the Site Plan review and approval process.
 - f. Highway 28 Access: Vehicular access to Highway 28 is subject to and shall be in compliance with Iowa Department of Transportation (IDOT) requirements.
2. Land Use Parcel B: All general use regulations and provisions set forth in Chapter 17, Zoning, of the City Code for R-3 Medium Density Multiple-Family

Residential District, shall apply to any development proposal for property located within Land Use Parcel B shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel B incorporates approximately 48 acres and contains approximately 480 dwelling units for an average density of no more than 10 dwelling units per acre. In order to promote the preservation of open space and clustering

of units, densities may be shifted between adjoining properties within Land Use Parcel B (even if separated by a street) provided the overall density limit is not exceeded.

- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-3 district. Projects designed to be operated and/or managed as a for-rent development are prohibited.
 - b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-3 district.
 - c. Unit Type: Units may be detached or horizontally attached with individual entrances.
 - d. Garages: A two-car enclosed garage space, of no less than 22-feet in width and 22-feet in depth, must be provided for each unit. No detached garages shall be permitted to front along a public street.
3. Land Use Parcel C: All general use regulations and provisions set forth in Chapter 17, Zoning, of the City Code for R-4, High Density Multiple-Family Residential District, shall apply to any development proposal for property located within Land Use Parcel C shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel C incorporates approximately 15 acres and contains a maximum of 240 dwelling units with an average density of no more the 16 dwelling units per acre.
- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-4 district including assisted living residential facilities.
 - b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-4 district, except as noted herein. All apartment buildings shall be separated by no less than 10-feet for every building story and all accessory structures shall be located no closer than 20-feet from any principal structures.
 - c. Building Heights: No building shall exceed three (3) stories in height; however, buildings up to four (4) stories in height shall be permitted adjacent to the north line of the Land Use Parcel, subject to compliance with any applicable FAA height restrictions and the City's Airport Hazard, Height and Noise Mitigation Overlay Zoning Regulations.
 - d. Unit Type: Units may be horizontally or vertically attached with individual or shared common hallway entrances.

- e. Garages: A minimum of one (1) enclosed garage space shall be provided for every two (2) dwelling units. No detached garages shall be permitted to front along a public street.
4. Land Use Parcel D: All general use regulations and provisions set forth in Chapter 17, Zoning, of the City Code for the general R-1 Single-Family Residential District shall apply to any development proposal for property located within Land Use Parcel D shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel D incorporates approximately 189 acres and approximately 600 single family lots. The minimum lot width suffix, in accordance with the general R-1 Single-Family Residential District, is identified on the PUD Master Plan for each Land Use Subarea Parcel.
- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-1 district, in accordance with the specified minimum lot width suffix.
 - b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-1 district in accordance with the specified minimum lot width suffix, except as follows:
 - i. No lot shall be less than 8,000 square feet in area or 65-feet in width as measured at the front yard setback line.
 - ii. No home shall be setback less than 30-feet and no more than 40-feet from the street frontage property line, or for the case of a pie shaped lot the point at which a line parallel to the street right-of-way line is a minimum 40-foot wide. The maximum 40-foot setback does not apply to the secondary street frontage property line for corner and double frontage lots.
5. Land Use Parcel E: Land Use Parcel E shall be designated as private Park Space for the purpose of complying with the Park Land Dedication requirements of the City Subdivision Regulations. All general use regulations and provisions set forth in Chapter 17, Zoning, of the City Code for the general R-1 Single-Family Residential District shall apply to any development proposal for property located within Land Use Parcel E shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel E incorporates approximately 21 acres.
- a. Allowed Uses: Private recreational uses and related structures and improvements including but not limited to the following:
 - i. Boat Docks
 - ii. Boat Marinas
 - iii. Fishing Piers
 - iv. Gazebos and Shelters
 - v. Bathhouses and Bathroom Facilities
 - vi. Beaches
 - vii. Concession Stands and Picnic Shelters
 - viii. Play Structures

The permitting process for the above recreational structures shall be identical to and consistent with the permitting process for a single family

structure. In consideration that the above recreational uses and structures are intended to be private and serve the adjoining residential area, no vehicle access or parking is required.

- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-1 district, except as noted herein. Non-residential, recreational structures may be located within 10 feet of a property line.
 - c. Building Heights: All structures may be up to three (3) stories in height, subject to compliance with any applicable FAA height restrictions and the City's Airport Hazard, Height and Noise Mitigation Overlay Zoning Regulations.
6. Land Use Parcel F: Land Use Parcel F shall be designated as Shoreline Protection District for the benefit of the LVA and the LBRLD and is intended to be dedicated to, owned and maintained by the LBRLD. All general use regulations and provisions set forth in Chapter 17, Zoning, of the City Code for the general R-1 Single-Family Residential District shall apply to any development proposal for property located within Land Use Parcel D shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel F incorporates approximately 48 acres.
- a. Allowed Uses: Private recreational uses and related structures and improvements including but not limited to the following:
 - i. Boat Docks
 - ii. Boat Marinas
 - iii. Fishing Piers
 - iv. Gazebos and Shelters
 - v. Bathhouses and Bathroom Facilities
 - vi. Beaches
 - vii. Concession Stands and Picnic Shelters
 - viii. Play Structures

The permitting process for the above recreational structures shall be identical to and consistent with the permitting process for a single family structure. In consideration that the above recreational uses and structures are intended to be private and serve the adjoining residential area, no vehicle access or parking is required.

- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-1 district, except as noted herein. Non-residential, recreational structures may be located within 10 feet of a property line.
- c. Building Heights: All structures may be up to three (3) stories in height, subject to compliance with any applicable FAA height restrictions and the City's Airport Hazard, Height and Noise Mitigation Overlay Zoning Regulations.

SECTION 10. BUFFERING. A 30-foot wide, Type 1 landscaped buffer is required for all single family residential double frontage lots within Land Use Parcel D per the Zoning Code. A 30-foot wide landscaped buffer, in accordance with the provisions of the Zoning Code, shall be installed along the south side of County Line Road

adjacent to the Single Family development in Land Use Parcel D. This buffer shall be established as each single family lot is developed. No fences are permitted within the buffer and the building setbacks shall be measured from the edge of the buffer line. No buffer is required for Land Use Parcels A, B, and C.

SECTION 11. PARK LAND DEDICATION AND SHORELINE PROTECTION DISTRICT. The Park Space, identified in the PUD Master Plan as Land Use Parcel E, is reserved in order to comply with the City's Park Land Dedication requirements. Said area shall satisfy all park land dedication requirements and shall be titled to the LBRLD at such time all adjacent and adjoining property within the North Shore PUD is platted as part of a subdivision plat. The Shoreline Protection District areas, identified in the PUD Master Plan as Land Use Parcel F, shall be dedicated to the LBRLD in portions at such time the adjoining property within the North Shore PUD is platted as part of a subdivision plat.

SECTION 12. PUBLIC AND PRIVATE TRAILS, ACCESS TO AND USE OF TRAILS, PARK SPACE, AND THE SHORELINE PROTECTION DISTRICT.

1. Trails Located in Public Rights-of-Way and City-Owned Public Parks: Access is not restricted. Public trails are proposed within the street right-of-way along the south side of both County Line Road and North Shore Drive in lieu of the standard 5 ft wide sidewalk in those locations. These trails will be installed by the developer as a public improvement as part of a subdivision plat. The City shall reimburse the developer for the installation cost of the trail that is in excess of the installation cost of a standard 5 ft sidewalk.
2. Trails Located on private Park Space or within the Shoreline Protection District: Access is restricted to Members of the LVA and their guests. A private trail is intended to be constructed within the Shoreline Protection District and the private Park Space with connections to the public sidewalk and trails. These trails will be installed by the developer(s) and/or the LBRLD and maintained by the LBRLD. Signage indicating that these trails are private will be installed at key points.

SECTION 13. PROTECTING LAKE COLCHESTER'S WATER QUALITY. Under no circumstances shall any land disturbance activities commence on any area within the PUD area prior to all required permits being obtained and executed, and all required and necessary erosion control and protection measures being in place and functioning as designed.

The Owner/Developer of each property, their subcontractors, vendors, employees, and/or heirs, shall, in the course of developing its property, take all necessary or prudent precautions and measures to protect Lake Colchester's water quality; shall comply with all Federal, State, County, and Municipal ordinances, rules, regulations and requirements, and best practices standards pertaining to Storm Water Management, sediment control, 'wheel track-out,' pollution prevention and control, storage and disposal of all hazardous materials, controlled substances and materials including, but not restricted to construction waste, debris, materials, petroleum products, lubricants, or any other similar materials; shall execute and administer all applicable erosion control, grading, storm water management, and pollution prevention and control permits applicable for development of their property including, but not restricted to, a Storm Water and Pollution Prevention Plan (SWPPP) and NPDES Permit as the

Permit's permittee; and shall comply with all of the storm water management and water quality protection requirements applicable to the property and to standards of best practices.

In all events, the Owner/Developer shall not permit any sediment or pollution from escaping its property; shall integrate the provisions and details of its actions and permits, as detailed above, with adjoining tracts; and shall not dispose of any material, substances, waste, debris, or items into Lake Colchester or onto any other tract or property located in North Shore.

In the event of any such disturbances of any other tract, property, or the Lake for any reason, the Owner/Developer of the property from which the sediment/pollution originated shall solely be responsible for the payment for all costs, direct and indirect, to cleanup and mitigate the disturbed areas; and shall, at their sole expense, restore the disturbed area(s) to its original condition.

- SECTION 14. ARCHITECTURE AND SITE DESIGN REGULATIONS. All single family residential, multi-family residential, office, and commercial buildings and accessory structures shall comply with the City's architectural standards. As a point of information, the North Shore PUD area is also covered by private Restrictive Covenants that, among other matters, set certain minimum architectural standards.
- SECTION 15. SIGNAGE. All signage shall be in compliance with the City Zoning Code regulations.
- SECTION 16. DEFINITION. The term "Developer" for the purpose of the Ordinance, shall mean any person, individual, firm, partnership, association, corporation, estate, trust, entity, or agent or same acting or proposing to subdivide land, improve or develop land including grading or installation of utilities, or plat a Land Use Area Parcel (or fractional part therein) within the PUD by improving or grading the parcel, installing utilities, or for the construction of a building or buildings or amenities.
- SECTION 17. VIOLATIONS AND PENALTIES. Any person who violates the provision of this Ordinance upon conviction shall be punished as set forth in the Municipal Code of the City of Norwalk, Iowa.
- SECTION 18. OTHER REMEDIES. In addition to the provisions set out in Violation and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.
- SECTION 19. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
- SECTION 20. SEVERABILITY CLAUSE. In any section, provision, or part of this ordinance shall be adjudged 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.
- SECTION 21. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Norwalk, Iowa, on the 17th day of December, 2015.

Tom Phillips, Mayor

ATTEST:

Jodi Eddleman, City Clerk

First Reading: December 3, 2015
Second Reading: December 17, 2015
Third Reading: waived

I certify that the foregoing was published as Ordinance No. 15-12 on the 24th day of December, 2015.

Jodi Eddleman, City Clerk