

ORDINANCE NO. 18-17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NORWALK, IOWA BY REZONING CERTAIN PROPERTY FROM A-R TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ADOPT THE MASTER PLAN AND ESTABLISH THE RULES, REGULATIONS, AND GUIDELINES FOR THE DEVELOPMENT OF THE BRODY'S LANDING 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), Subsection 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 A-R to PUD, for the property legally described as follows:

LEGAL DESCRIPTION: BOOK 2016, PAGE 4362

The West ½ of the SW ¼ of Section 17, Township 77 North, Range 24 West of the 5th P.M. Iowa; Except beginning at the West ¼ corner for Section 17, Township 77 North, Range 24 West of the 5th P.M., thence South 89°22'57" East 674.60 feet along the North line of the SW ¼ of said Section 17, thence South 1°16'31" West 383.20 feet, thence North 88°21'33" West 666.30 feet to the West line of Said Section 17, thence North 0°00'00" 371.30 feet along the West line of said Section 17 to the point of beginning.

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 Brody's Landing 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 Brody's Landing PUD. 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.

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 proper development of other parcels or tracks within the PUD.

It is recognized that shifts or modifications to the Master Plan layout and reasonable adjustments to the PUD Land Use Parcel boundaries may be made in order to establish workable street patterns, storm water management systems or facilities, elevations, grades, and/or usable building sites. Any modifications to the Master Plan considered by the Zoning Administrator to be major or significant and any amendments to the PUD text shall be made pursuant to Subsection 17.10.170.7 of the Municipal Code of the City of Norwalk, Iowa.

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 Brody's Landing 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.
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 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 the parcel is platted as part of 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 Brody's Landing 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 Brody's Landing 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. When conflicts exist between a requirement of SUDAS and the Norwalk Subdivision Ordinance, the more restrictive requirement shall be enforced.

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 affect at the time of development.
6. The physical character of the Brody's Landing 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. Exhibit A shows a conceptual roadway circulation system within each Land Use Area Parcel including the classification of each road. The minimum standards of each road classification are as follows:

Residential Local Street:

- 60' Right of Way
- 28' roadway width
- 5' walks on both sides

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

Public street right-of-way shall be dedicated to the City at the time of platting consistent with the above standards and with the City's current Ordinances and Policies. Private streets shall establish a private street easement with a width that is no less than the prescribed right-of-way width as if a public street. Said easement shall detail the private street ownership, maintenance, private access rights, and the right of use by the general public and city emergency service vehicles for access and circulation.

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 adequate connections to all adjacent plats, Land Use Area Parcels, and adjoining properties within and adjacent to the PUD.

The design and construction of the street (whether public or private) shall comply with the City's public street design standards and procedures.

Section 7. Pedestrian Trails. The PUD shall have 10 foot trails installed along East 27th Street, the street corridor south of the proposed park, and on a corridor from the northern boundary of the park parcel to the street in the single-family residential parcel to the north. Identified pedestrian trails shall be installed within the public street rights-of-way, trail easement, (or within the private street easement if applicable) by the developer at the time of street installation. When located along a street, these trails shall be in lieu of the corresponding street sidewalk. Pedestrian trails outside of the public street right-of-way shall be constructed at the time of public improvements. The City shall reimburse the developer for the installation cost of the pedestrian trail that is in excess of the installation cost of a standard 5 ft sidewalk.

Section 8. Parkland Dedication. All development within this PUD shall comply with the City's parkland dedication requirements. Parkland required under current City codes will be dedicated to the City and shall be contained within a single continuous parcel and located within PUD. At the time of approval of the first final plat in the development, the City and the Developer shall enter into a parkland dedication agreement that provides the City with the ability to acquire the required parkland for development. If the parkland is not included in the first phase, then the parkland dedication agreement shall contemplate the timing of dedication, including any needed improvements to provide access to the parkland area.

Alternatively, the developer and the City may agree on park dedication of various configurations based on future parkland needs for the PUD development area. Once that dedication has been fulfilled, the remaining parkland dedication requirements shall be satisfied by the installation of improvements within this

designated park site and installation of pedestrian trails identified on the PUD Master Plan.

Section 9. 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 10. 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. All storm water management plans shall comply with the current City design standards and shall incorporate 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 storm water 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.

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.

Section 11. 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 Brody's Landing 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 C. 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-4, Founders Business District, shall apply to any development proposal for property located within Land Use Parcel A shown on the PUD Master Plan of the Brody's Landing PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel A incorporates approximately 7.4 acres. (Residential/Commercial Flex)

a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the C-4 district.

Additional Allowed Uses: Vertically attached multiple-family dwellings (apartments and condominiums), located on the upper level of a multi-story mixed use building (buildings containing a combination of retail, office and residential dwelling units) shall be allowed. Stand-alone apartment and condominium buildings are prohibited, except when they are incorporated into an overall design where the commercial and residential areas are designed to complement each other.

b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the C-4 district except as noted herein.

c. Building Heights: No building shall exceed four (4) stories in height, not including roof-top patios.

2. **Land Use Parcel B:** 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 B shown on the PUD Master Plan of the Brody's Landing PUD ordinance, unless noted otherwise in this ordinance. (Phase 4)

a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-4 district.

b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-4 district, except that for all principal structures the front yard setback from all public street

right-of-way lines shall be a minimum of 15 feet and a maximum of 25 feet.

3. **Land Use Parcel C:** The intent of this parcel is to create a walkable Single-Family Residential neighborhood. Areas designated as Single Family Residential are intended for traditional stand-alone single family lots. No multi-family units or commercial uses of any kind will be allowed in these areas. Accessory garages may be attached or detached, and the developer is encouraged to incorporate rear-loaded or alley-loaded garages where feasible. All public walks shall be constructed with concrete - see street standards for dimensions and relative locations. Hard surfacing on private lots may also include stamped concrete, colored (integral) concrete, concrete paving units, porous paving units.

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 setback shall be in accordance with the Height and Bulk Regulations for the R-1 district, except as modified herein.

i. **Standard Single-Family Lot Dimensions:** Standard Single-Family Homes lot dimensions and building setbacks shall comply with the following: (Phase 3 and 5)

(1) R-1(60)

4. **Land Use Parcel D:** The intent of this parcel is to create a walkable Single-Family Residential neighborhood. Areas designated as Single Family Residential are intended for traditional stand-alone single family lots. No multi-family units or commercial uses of any kind will be allowed in these areas. Accessory garages may be attached or detached, and the developer is encouraged to incorporate rear-loaded or alley-loaded garages where feasible. All public walks shall be constructed with concrete - see street standards for dimensions and relative locations. Hard surfacing on private lots may also include stamped concrete, colored (integral) concrete, concrete paving units, porous paving units.

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, except as modified herein.

- i. **Compact Single-Family Lot Dimensions:** Compact Single-Family Lots allow for smaller, denser, and more affordable detached single-family homes. (Phase 1 and 2)

- (1) Lot Width - Minimum 50 feet.
- (2) Lot Depth - Minimum 90 feet.
- (3) Front Yard Setback - 25'
- (4) Front Porch Setback - Covered front porches that are not fully enclosed, minimum eight (8) feet.
- (5) Side Yard Setback - Minimum five (5) feet one-side, 10 feet minimum total sum of the side yard setbacks.
- (6) Rear Yard Setback - Minimum 20 feet.

Section 12. Buffering. All building and parking lot setbacks shall be measured from the edge of the buffer lines. All buffering shall comply with Norwalk City Code.

Section 13. General Landscape Standards. All areas not covered by building or paving shall be landscaped with turf grass, prairie grass, plant beds, shrubs, and trees in accordance herein.

Landscape standards for this PUD are intended to help in the creation of an overall theme for streets, municipal buildings, and residential/commercial development. The base recommendations are a minimum requirement and efforts should be made to increase the overall level of landscape installation throughout.

The use of native, drought tolerant plant materials is encouraged throughout Norwalk Residential. High maintenance annuals and plants needing significant watering after installation are discouraged.

Diversity of plantings is also strongly encouraged over mass monoculture plantings. As seen with the Emerald Ash Borer and other plant diseases, it's preferred to have a mix of plants. This way if something affects a certain species of plant it doesn't affect the entire landscape.

Irrigation systems are discouraged from shrub and perennial planting beds. Systems installed for turf areas should implement water saving features as much as possible in order to reduce overall consumption. Hybrid and native turf varieties are strongly encouraged as an alternative to typical bluegrass sod.

- a. Open Space Landscaping Requirements: The following required landscaping shall be based on calculations of required open space per site. Sites are allowed and encouraged to have greater than the required

open space, however landscape minimums are based only on the required Open Space.

- 2 Overstory Trees (2.5" caliper or larger) per 5,000 SF of required Open Space
- 1 Understory Tree (1.5" caliper or larger) per 3,000 SF of required Open Space
- 1 Evergreen Tree (6' height or larger) per 5,000 SF of required Open Space
- 6 Shrubs (#5 or larger) per 5,000 SF of required Open Space

b. Off-Street Parking and Loading Area Landscape Requirements (Parking Lot Plantings): Vegetation in off street parking areas aides in breaking up large open areas of pavement and helps reduce overall negative environmental impacts on the property. All off-street parking areas shall be screened from view of public rights-of-way. Plantings shall be a minimum of 36 inches high and provide year-round screening. Perennial plants and ornamental grasses may be used in addition to shrubs, but not as the primary screening element. The following requirements will apply to all off-street parking lots within Norwalk Residential:

- i. Landscaped islands throughout the parking lot are required to help break up the overall expanse of pavement. Islands should be effectively placed to allow access for emergency vehicles.
- ii. Landscaped islands shall be placed, at a minimum, every twelve (12) stalls within a row of parking. Landscaped islands shall be equal to or larger than a standard parking stall within the lot.
- iii. 'Tree Diamonds' are not allowed as acceptable parking lot planting islands.
- iv. The minimum planting requirement for off street parking areas are as follows:
 - 2 Overstory trees in each landscaped island equal to 2 parking stalls.
 - 1 Overstory tree in each landscaped island equal to 1 parking stall.
 - 12 Shrubs (#5 or larger) in each landscaped island equal to 1 parking stall.
 - All landscaping required in off street parking shall be in addition to any requirements for open space.

Section 14. Architecture and Site Design Regulations. All single family residential, multi-family residential, office, commercial buildings, mixed-use buildings,

BRODY'S LANDING PUD

industrial buildings, and accessory structures shall comply with the City's 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 of 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 this 2nd day of August, 2018.



Tom Phillips, Mayor

Attest:


Jean Furler, City Clerk

BRODY'S LANDING PUD

Passed by the Council the 2nd day of August, 2018, and approved this 2nd day of August, 2018.


Tom Phillips, Mayor

Attest:

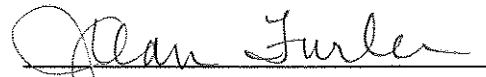

Jean Furler, Interim City Clerk

First Reading: July 19, 2018

Second Reading: August 2, 2018

Third Reading: August 2, 2018

I certify that the foregoing was published as Ordinance No. 18-17 on the 6th day of Aug 2018.


City Clerk