

ORDINANCE NO. 18-19

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NORWALK, IOWA BY REZONING CERTAIN PROPERTY FROM R-3 AND R-1(70) TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ADOPT THE MASTER PLAN AND ESTABLISH THE RULES, REGULATIONS, AND GUIDELINES FOR THE DEVELOPMENT OF THE SUNSET ESTATES 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 R-3 and R-1(70) to PUD, for the property legally described as follows:

LEGAL DESCRIPTION:

PER WARRANTY DEED FILED IN BOOK 2001, PAGE 11395:

A TRACT OF LAND IN THE NE 1/4 OF SECTION 14, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF NORWALK, WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF SECTION 14, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA; THENCE NORTH 90°00'00" WEST 330.12 FEET ALONG THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 14, TO THE POINT OF BEGINNING. THENCE CONTINUING NORTH 90°00'00" WEST 637.44 FEET ALONG SAID SOUTH LINE; THENCE NORTH 00°06'46" WEST 190.15 FEET (RECORDED AS 191.00 FEET); THENCE NORTH 89°36'57" WEST 146.20 FEET (RECORDED AS 146.00 FEET); THENCE SOUTH 00°11'52" EAST 191.13 FEET (RECORDED AS 191.00 FEET); THENCE NORTH 90°00'00" WEST 187.78 FEET ALONG THE SOUTH LINE OF SAID NE 1/4; THENCE NORTH 00°09'14" WEST 2,680.65 FEET TO THE NORTH LINE OF SAID NE 1/4; THENCE ALONG SAID NORTH LINE SOUTH 89°54'27" EAST 974.42 FEET; THENCE SOUTH 00°05'01" EAST 2,679.07 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 59.206 ACRES INCLUDING 0.947 ACRES OF PUBLIC ROAD RIGHT-OF-WAY.

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SUBJECT TO EASEMENTS AND COVENANTS OF RECORD.

AND

PER WARRANTY DEED FILED IN BOOK 2005, PAGE 3211:

OUTLOT A, EMERALD HEIGHTS, AN OFFICIAL PLAT IN THE CITY OF NORWALK, WARREN COUNTY, IOWA, EXCEPT A PORTION OF OUTLOT A, EMERALD HEIGHTS, AN OFFICIAL PLAT IN THE CITY OF NORWALK, WARREN COUNTY, IOWA, 20 FEET WIDE ADJACENT TO THE EAST SIDE OF LOT 5, EMERALD HEIGHTS, AN OFFICIAL PLAT IN THE CITY OF NORWALK, WARREN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS : COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 5, THENCE 90 DEGREES 00 MINUTES 00 SECONDS E 20.00 FEET, THENCE SOUTH 309.00 FEET PARALLEL TO THE EAST LINE OF SAID LOT 5 TO A POINT 20.00 FEET EAST OF THE SOUTHEAST CORNER OF SAID LOT 5, THENCE S 90 DEGREES 00 MINUTES 00 SECONDS W 20.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTH 308.00 FEET ALONG THE EAST LINE OF SAID LOT 5 TO THE PLACE OF BEGINNING.

THIS CONVEYANCE IS SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS GRANTED TO THE RAY E. EMERY FAMILY TRUST, FILED CONTEMPORANEOUSLY WITH THIS DOCUMENT.

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 Sunset Estates 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 Sunset Estates 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

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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 Sunset Estates 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.

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- d. North Avenue Street Frontage: No more than two lots will be allowed to have frontage along North Avenue east of existing acreage on the north side of North Avenue and west of the proposed Orchard Hills Drive extension.
- 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.
- f. Flag Lots: Flag Lots will only be allowed for the existing buildings onsite utilizing the existing driveway and access existing onsite or an approved alternate frontage and drive configuration approved through the preliminary plat process.

Section 5. General Conditions. The following general site development criteria are applicable to the Sunset Estates 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)

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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 Sunset Estates 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:

Orchard Hills Drive (Minor Collector):

- 60' Right of Way
- 31' wide Paving
- 8' Parking lane on West side of street
- Two 11.5' travel lanes
- 5' sidewalk on West Side
- 8' trail on East Side

Residential Local Street:

- 60' Right of Way
- 26' wide Paving
- 8' parking lane on westside of street
- Two 9' travel lanes
- 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

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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. Pedestrian trails as identified on the PUD Master Plan shall be installed within the public street rights-of-way (or within the private street easement if applicable) by the developer at the time of street installation. These trails shall be in lieu of the corresponding street sidewalk. 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 Land Use Parcel C.

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.

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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.

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 Sunset Estates 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:** The intent of this parcel is to continue the Single-Family Residential neighborhood built in The Legacy to the north. All principal permitted uses and permitted accessory uses set forth in Chapter 17A, 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 A shown on the PUD Master Plan of the Sunset Estates PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel A incorporates approximately 61 acres and approximately 180 single family lots.

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. 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.

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b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-1(160) district, except as modified herein.

i. **Standard Single-Family Lot Dimensions**: Standard Single-Family Homes are allowed to have direct driveway access to public street from a private driveway. Driveway access locations on each lot should be thoughtful and pair with access on adjacent lots to maximize opportunities for on-street parking. Lot dimensions and building setbacks shall comply with the following:

- (1) Lot Width - Minimum 60 feet.
- (2) Lot Depth - Minimum 120 feet.
- (3) Front Yard Setback - Minimum 30 feet.
- (4) Side Yard Setback - Minimum seven (7) feet one-side, 15 feet minimum total sum of the side yard setbacks.
- (5) Rear Yard Setback - Minimum 30 feet.

2. **Land Use Parcel B**: The intent of this parcel is to allow for smaller, more cost affordable Single-Family Residential. All principal permitted uses and permitted accessory uses set forth in Chapter 17A, 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 B shown on the PUD Master Plan of the Sunset Estates PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel B incorporates approximately 25 acres and approximately 115 single family lots.

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. 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(60) district, except as modified herein.

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- i. **Standard Single-Family Lot Dimensions:** Standard Single-Family Homes are allowed to have direct driveway access to public street from a private driveway. Driveway access locations on each lot should be thoughtful and pair with access on adjacent lots to maximize opportunities for on-street parking. Lot dimensions and building setbacks shall comply with the following:
 - (1) Lot Width - Minimum 50 feet.
 - (2) Lot Depth - Minimum 120 feet.
 - (3) Front Yard Setback - Minimum 30 feet.
 - (4) Side Yard Setback - Minimum five (5) feet one-side, 10 feet minimum total sum of the side yard setbacks.
 - (5) Rear Yard Setback - Minimum 30 feet.
3. **Land Use Parcel C:** The intent of this parcel is for permanent Open Space and is to be developed into a City Park. All principal permitted uses and permitted accessory uses set forth in Chapter 17A, 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 C shown on the PUD Master Plan of the Sunset Estates PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel C incorporates approximately 6.0 acres.
 - 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(70) district.
4. **Land Use Parcel D:** The intent of this parcel is to allow for smaller, more cost affordable Single-Family Residential. All principal permitted uses and permitted accessory uses set forth in Chapter 17A, 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 Sunset Estates PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel D incorporates approximately 25 acres and approximately 60 single family lots.

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. All public walks shall be constructed with concrete

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- 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(60) district, except as modified herein.
 - i. **Standard Single-Family Lot Dimensions**: Standard Single-Family Homes are allowed to have direct driveway access to the public street from a private driveway. Driveway access locations on each lot should be thoughtful and pair with access on adjacent lots to maximize opportunities for on-street parking. Lot dimensions and building setbacks shall comply with the following:
 - (1) Lot Width - Minimum 60 feet.
 - (2) Lot Depth - Minimum 120 feet.
 - (3) Front Yard Setback - Minimum 30 feet.
 - (4) Side Yard Setback - Minimum five (5) feet one-side, 10 feet minimum total sum of the side yard setbacks.
 - (5) Rear Yard Setback - Minimum 30 feet.

Section 12. Buffering. All buffer areas shall comply with the City's Buffer Requirements set forth in section 17.50 of the City Zoning Ordinance.

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 with the Open Space and Landscape Requirements set forth in section 17.30 of the city Zoning Ordinance.

Section 14. Architecture and Site Design Regulations. All single family residential and accessory structures shall comply with the City's architectural standards set forth in section 17.60 of the City Zoning Ordinance.

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,

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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 16th day of August, 2018.

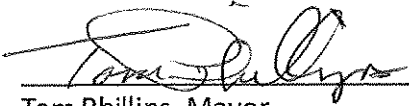

Tom Phillips, Mayor

Attest:


Jean Furler, Interim City Clerk

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Passed by the Council the 16th day of August, 2018, and approved this 30th 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 16, 2018

I certify that the foregoing was published as Ordinance No. 18-19 on the 30th day of August, 2018.


City Clerk