

ORDINANCE NO. 19-01

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NORWALK, IOWA, BY REZONING CERTAIN PROPERTY FROM A-R: AGRICULTURAL RESERVE TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ADOPT THE MASTER PLAN AND ESTABLISH THE RULES, REGULATIONS, AND GUIDELINES FOR THE DEVELOPMENT OF THE VALLEY VIEW 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

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., AND PARCEL "M" AS FILED IN INSTRUMENT NUMBER 2018-05407 OF THE WARREN COUNTY RECORDER'S OFFICE BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF NORWALK, WARREN COUNTY, IOWA, AND CONTAINING 41.23 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 Valley View 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 Valley View 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

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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 Valley View PUD.

1. **Service Confirmation Plans for Public Sanitary Sewers, Storm Sewers, Water Mains and Streets:** Prior to or in conjunction with any Subdivision Plat, 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. There is an existing water main just west of where Wright Road ends along the east side of the property. This water main may need to be relocated if grading reduces cover. Relocation of utilities, including this water main, shall be done at the developer's expense.
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.

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- 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: All lots shall have public street frontage.

Section 5. General Conditions. The following general site development criteria are applicable to the Valley View 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

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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 if affect at the time of development.
6. The physical character of the Valley View 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 Minor Collector (Wright Road):

- 70' Right of Way (matches existing right of way width)
- 31' b/b pavement with parking on south side of street
- 5' walk on both sides of street
- Street trees installed by home builder/lot owner

Residential local Street (all other streets):

- 60' Right of Way
- 26' b/b pavement with parking on south and west sides of street
- 5' walks on both sides of street
- Street trees installed by home builder/lot owner

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.

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 shall comply with the City's public street design standards and procedures.

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Section 7. Parkland Dedication. This development shall satisfy the parkland requirement by entering into a parkland development agreement in accordance with Section 16.06.11 Parkland Dedication of the City of Norwalk Subdivision Regulation.

Section 8. 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 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 so that all areas within the service area including those located 'upstream' from the Plat shall be adequately served.

Section 9. Storm Water Management. As a part of the review and approval for each Subdivision Plat, a storm water management plan for the area within the Subdivision Plat 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. 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. Valley View shall provide overland flow paths for the adjacent detention basins located in the Orchard View Plat 4 and Orchard View Townhomes developments. Overland flow path will include overtopping at a proposed lowpoint in Wright Road and will continue south in the existing drainageway to a lowpoint in Walnut Drive. The overland flow path from this lowpoint will be into the proposed detention basin located in Parcel D: Conservation & Public Stormwater Drainage

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Easement Zone. The ultimate overflow path from the proposed basin is into the existing channel located south of the Valley View Property.

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.

Section 10. Land Use Design Criteria. In addition to the general conditions as stated above, the following land use design criteria shall apply to the parcels designated on the Valley View 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 principal permitted uses and permitted accessory uses set forth in Chapter 17A, Zoning, of the City Code for the general R-1(60), 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 Valley View PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel A incorporates approximately 16.6 acres and approximately 46 single family lots.

Areas designated as Single Family Residential are intended for traditional stand-alone single family lots. Accessory garages may be attached or detached. All public walks shall be constructed with concrete - see street standards for dimensions and relative locations. Standard Single-Family Homes are allowed to have direct driveway access to the public street from a private driveway.

- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-1(60) district.
- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-1(60) district, except as modified herein. Setbacks apply to roof, overhang and other building projections from the exterior walls.

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 25 feet.
- (4) Side Yard Setback - Minimum 5 feet.
- (5) Rear Yard Setback - Minimum 25 feet.

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2. **Land Use Parcel B:** All principal permitted uses and permitted accessory uses set forth in Chapter 17A, Zoning, of the City Code for the general R-1(60), 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 Valley View PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel A incorporates approximately 18.3 acres and approximately 77 single family lots.

Areas designated as Smaller Single Family Residential are intended for traditional stand-alone single family lots. Accessory garages may be attached or detached. All public walks shall be constructed with concrete - see street standards for dimensions and relative locations. Smaller Single-Family Lots allow for smaller, denser, and more affordable detached single-family homes. Smaller Single-Family Homes are allowed to have direct driveway access to the public street from a private driveway.

- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-1(60) district.
- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-1(60) district, except as modified herein. Setbacks apply to roof, overhang and other building projections from the exterior walls.

Lot dimensions and building setbacks shall comply with the following:

- (1) Lot Width - Minimum 50 feet.
- (2) Lot Depth - Minimum 100 feet.
- (3) Front Yard Setback - Minimum 25 feet.
- (4) Side Yard Setback - Minimum 5 feet.
- (5) Rear Yard Setback - Minimum 20 feet.

3. **Land Use Parcel C:** All principal permitted uses and permitted accessory uses set forth in Chapter 17A, Zoning, of the City Code for the general R-2, One and Two-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 Valley View PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel C incorporates approximately 2.6 acres and approximately 16 two-family lots.

Areas designated as One and Two-Family Residential are intended for two-family lots. Accessory garages may be attached or detached. All

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public walks shall be constructed with concrete - see street standards for dimensions and relative locations. One and Two-Family Homes are allowed to have direct driveway access to the public street from a private driveway.

- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-2 district.
- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-2 district, except as modified herein. Setbacks apply to roof, overhang and other building projections from the exterior walls.

Lot dimensions and building setbacks shall comply with the following:

- (1) Lot Width - Minimum 40 feet (each side), 80-foot total.
 - (2) Lot Depth - Minimum 120 feet.
 - (3) Front Yard Setback - Minimum 25 feet.
 - (4) Side Yard Setback - Minimum 5 feet, 0 feet on common lot line.
 - (5) Rear Yard Setback - Minimum 25 feet.
4. **Land Use Parcel D**: No principal or permitted accessory uses are allowed within Land Use Parcel D shown on the PUD Master Plan of the Valley View PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel D incorporates approximately 3.8 acres.
 - a. Allowed Uses: This area is a Conservation & Public Stormwater Drainage Easement Zone and shall be used solely for the detention basin for this project.

Section 11. Buffering. No buffering (landscape or berms) is required within the Valley View PUD. Buffering will not be required by the developer of Valley View for the east side of the property which borders the adjacent M-1 district in which the McAninch Sports Complex is located. However, buffering will be required in the event that any lots are double-fronted.

Section 12. 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.

Diversity of plantings is also strongly encouraged over mass monoculture plantings. As seen with the Emerald Ash Borer and other plant diseases, it's

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preferred to have a mix of plants. This way if something affects a certain species of plant it doesn't affect the entire landscape.

- a. **Street Right-of-Way Tree Installations:** All residential streets shall require one (1) overstory tree (minimum 6 feet tall) per street face of each residential lot (corner lots shall require 2 trees - 1 per street). Installation of all street trees will be the responsibility of the builder/lot owner.

Due to potential loss of tree canopy from disease and pests, it is recommended that the street tree plantings be a combination of diverse species. Planting should incorporate an alternating sequence of varying species throughout, allowing for minimal impact should one particular species die out. No more than 5 trees of one particular species are recommended in a single group. Additional overstory trees beyond the minimum are encouraged where possible, however, no evergreen trees are permitted anywhere within a street right-of-way.

Section 13. Architecture and Site Design Regulations. All single and two-family residential, and accessory structures shall comply with the City's architectural standards.

Section 14. Signage. All signage shall be in compliance with the City Zoning Code regulations.

Section 15. 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 16. 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 17. 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 18. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 19. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the

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validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 20. 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 3rd day of January, 2019.

Tom Phillips, Mayor

Attest:

Lindsey Offenburger, City Clerk

First Reading: December 6, 2018

Second Reading: December 20, 2018

Third Reading: January 3, 2019

I certify that the foregoing was published as Ordinance No. 19-01 on the 10th day of January, 2019.

City Clerk