

## ORDINANCE NO. 23-01

### AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NORWALK, IOWA BY REZONING CERTAIN PROPERTY FROM C-2 TO INFILL PLANNED UNIT DEVELOPMENT (IPUD) AND TO ADOPT THE MASTER PLAN AND ESTABLISH THE RULES, REGULATIONS, AND GUIDELINES FOR THE DEVELOPMENT OF THE 1305 SUNSET IPUD

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

**Section 1. Purpose.** The purpose of this ordinance is to amend the Official Zoning Map of the City of Norwalk, Iowa, under the provisions of Title 175 (Zoning Regulations), Chapter 175A (General Provisions), Section 175A.07 (Zoning Boundaries and Official Zoning Map) of the Norwalk Municipal Code, and to adopt a master plan pursuant to Chapter 175B (Zoning District Regulations), Section 175B.23 (Infill Planned Unit Development District Regulations), Subsection 175B.23.3 (Master Plan).

**Section 2. Official Zoning Map Amended.** The official zoning map of the City of Norwalk, Iowa, is amended from C-2 to IPUD, for the property legally described as follows:

Beginning at a point 11.34 Chains North and 258.48 feet East of the Southwest Corner of the Northeast Quarter of the Northeast Quarter of Section Thirteen (13), Township Seventy-seven (77) North, Range Twenty-five (25) West of the 5th P.M., Warren County, Iowa; thence South 89 feet, thence East to the West Line of the public highway, known as Primary Road Iowa Highway 28; thence Northeast along the West Side of said public highway to a point 11.34 Chains North of the South Line of said Northeast Quarter of the Northeast Quarter of said Section 13; thence West 150 feet to the Point of Beginning, Warren County, Iowa.

**Section 3. Master Plan Adopted.** Attached hereto and made a part of this rezoning approval, for concept description and delineation is the Master Plan Document for the 1305 Sunset IPUD 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 175B.23 of the Municipal Code of the City of Norwalk, Iowa, for the development of the 1305 Sunset IPUD. 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 recognized that shifts or modifications to the Master Plan layout and reasonable adjustments to the IPUD Land Use Parcel boundaries may be made in order to establish workable street patterns, stormwater 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 IPUD text shall be made pursuant to Subsection 175B.23.7 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 1305 Sunset IPUD.

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 IPUD.
2. **Platting:** No platting or subdivision will be required in conjunction with the development of the IPUD. The 1305 Sunset IPUD will be developed as a single lot for which a site plan review will be required.
3. **Development Applications:** Site Plans for all non-single family residential zoned parcels within the 1305 Sunset IPUD 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 IPUD Master Plan.

**Section 5. General Conditions.** The following general site development criteria are applicable to the 1305 Sunset IPUD:

1. Any regulation, standard, provision or requirement that is not specifically addressed within this document that is regulated elsewhere in 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. All off-street parking shall be in accordance with Chapter 17E, 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 stormwater 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 stormwater management plan), stormwater 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 1305 Sunset IPUD dictates the configuration of transportation access to the property.

**Section 6. Street Circulation and Right-of-Way.** Exhibit A shows a conceptual alignment of the IPUD area with adjacent roads and rights-of-way. The IPUD contains no new public roads or rights-of-way.

Any modifications to the site plan that would introduce a shared common access drive to the property shall be private. No private access drive connecting the IPUD area to any adjacent plat shall be required by this ordinance, and no new access points onto adjacent public street right-of-way shall be permitted.

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

**Section 7. Pedestrian Trails/Sidewalk.** No new pedestrian trails and/or sidewalks shall be required as part of the IPUD Master Plan unless existing pedestrian facilities are removed as part of development, in which case, the developer will be responsible for replacing any trail/sidewalk removed as part of the development.

**Section 8. Parkland Dedication.** Parkland dedication will not be required as part of the 1305 Sunset IPUD. It is assumed that based on the location and size of the development that a combination of prior platting and general parkland development in the City have satisfied the parkland requirements for the IPUD site.

**Section 9. Sanitary Sewer Service and Stormwater Drainage.** The 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 IPUD shall submit to the City for its review and approval, as part of the Site Plan review and approval process, a sanitary

sewer service and stormwater drainage plan which satisfies the City's development standards and regulations.

Sufficient service is defined herein as sanitary sewer and stormwater 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.

**Section 10. Stormwater Management.** As a part of the review and approval for the Site Plan, a stormwater management plan for the area within the Site Plan shall be submitted to the City for its approval. All stormwater management plans shall comply with the current City design standards and shall incorporate best practices of the latest version of the Iowa Stormwater 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 stormwater 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 IPUD's boundaries progresses, those areas shall provide the necessary stormwater management facilities to control flows and sedimentations from off-site properties.

The method of stormwater management and the stormwater conveyance system shall be approved by the City prior to the improvement of the Site Plan.

**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 1305 Sunset IPUD Master Plan. The IPUD Master Plan document, which is made a part of this rezoning action, delineates the following development standards and use regulations in the IPUD. The intent of this parcel is to allow for the renovation and expansion of the existing structure following the use guidelines for the C-2 zoning district. The building shall follow all of the following bulk regulations:

- a. Setbacks: All setbacks shall comply with the following:
  1. Front Yard Setback - Minimum 25 feet
  2. North Side Yard Setback - Minimum 0 feet
  3. South Side Yard Setback - Minimum 20 feet
  4. Rear Yard Setback - Minimum 0 feet

**Section 12. Buffering.** No new buffering will be required for the site except that the site will come into compliance with the general landscaping standards in Section 13 below.

**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. The site shall be required to come into conformance with the planting counts outlined below.

Existing trees and shrubs located in the IPUD, that are not dead, dying or diseased, shall be preserved unless removal is required to accommodate utility installation or drainage improvements. Removal shall be the minimum necessary to accommodate the necessary improvements. Dead, dying, or diseased trees and shrubs may and shall be removed.

The use of native, drought tolerant plant materials is encouraged throughout the 1305 Sunset IPUD. 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 for 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 alternate to typical bluegrass sod.

- a. Mulch: Wood based mulch shall be used around all plantings and in all plant beds. Large areas of wood mulch that do not contain plantings shall not be permitted except when used around play structures. In organic ground cover material, including rock, chip brick, and synthetic turf, is prohibited except in extremely limited applications as may be deemed acceptable by the City.
- b. 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.

1 Overstory or Evergreen Tree (2.5" caliper or larger) per dwelling unit

1 Understory Tree (1.5" caliper or larger) per dwelling unit

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. Plans 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.

At the time of development, the developer shall submit a planting plan for review. The specific location of and all street trees shall be subject to the review and approval of the City.

- Section 14. Architecture and Site Design Regulations.** All modifications and additions to principal 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 IPUD 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 City of Norwalk, Iowa.
- Section 18. Other Remedies.** In addition to the provisions set out in the 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.** Any ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 20. Severability Clause.** If 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 19th day of January, 2023.

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Tom Phillips, Mayor

Attest:

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Lindsey Offenburger, City Clerk

First Reading: December 15, 2022

Second Reading: January 5, 2023

Third Reading: January 19, 2023

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 23-01 on the 26th day of January, 2023.

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City Clerk