

HH NORWALK PUD

ORDINANCE NO. 23-05

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF NORWALK, IOWA BY REZONING THE HH NORWALK AND FAREWAY PROPERTIES EAST OF IA 28 AND NORTH OF CHATHAM AVENUE FROM C-2, C-O, R-4, & R-1(60) TO THE HH NORWALK PUD

Section 1. Purpose. The purpose of this ordinance is to change the Official Zoning Map of the City of Norwalk, Iowa (referred to herein as the “City”), under the provisions of Title 175 (Zoning Regulations), Chapter 175A (General Provisions), Section 175A.07 (Zoning District Boundaries and Official Zoning Map) of the Municipal Code of the City by adopting the HH Norwalk Planned Unit Development and Master Plan (referred to herein as the “PUD”).

Section 2. Official Zoning Map Amended. The official zoning map of the City is amended from C-2, C-O, R-4, and R-1(60) to the HH Norwalk PUD as detailed herein, for the property legally described as follows:

LEGAL DESCRIPTION:

The western 415 feet of Parcel “C” of Parcel “A” of the survey of the SW fractional $\frac{1}{4}$ of Section 7, Township 77 North, Range 24 West of the 5th P.M., Warren County, Iowa, as shown in Book 2006, Page 8543 in the office of the Warren County Recorder.

Section 3. Master Plan Adoption. Attached hereto and made a part of this rezoning approval, for concept description and delineation is the amended Master Plan Document for the PUD marked Exhibit “A” (referred to herein as the “Master Plan”). The Master Plan is adopted to establish the rules, regulations, and development guidelines for the land use and performance standards pursuant to Section 175B.19.4 of the Municipal Code of the City, for the development of the 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 175B.19.7 of the Municipal Code of the City.

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 PUD.

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1. **Service Confirmation Plans for Public Sanitary Sewers, Storm Sewers, Water Mains and Streets:** Prior to or in conjunction with each subdivision plat and 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, the area to be developed shall be platted in accordance with the City'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 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 such 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 a 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, part of a master development plan with an owners association which provides for the unrestricted use and access to the drives and parking for all members 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 lots subject to the easements.
 - e. **Postage Stamp Lots:** Individual lots created within a common lot or outlot that is owned and controlled by an owners association or

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condominium regime, commonly referred to as a *Postage Stamp Lot*, may be permitted provided such lots are part of a master development plan and the surrounding common lots or outlots meet the City's requirements for lot frontage and provide for cross access and public utilities for the Postage Stamp Lots.

3. **Development Applications:** Site Plans for all parcels within the 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 PUD and the Master Plan.

Section 5. General Conditions. The following general site development criteria are applicable to the PUD:

1. Any regulation, standard, provision or requirement that is not specifically addressed within this Ordinance that is regulated elsewhere in the Municipal Code of the City, the requirements of the Municipal Code of the City 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 Subdivision Ordinance of the City and the Statewide Urban Design Specifications (SUDAS) as adopted or as amended by the City, 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. Accordingly, on-street parking may be counted towards fulfillment of the off-street parking requirements may be granted by the City for parking shared between uses that are off-peak from each other. Required off-street parking shall be allowed to vary from Chapter 175E Off-Street Parking and Loading. In evaluating parking, the Zoning Administrator shall consider the proposed uses and the existing or projected parking, including both on-street parking and off-street parking, when establishing the parking requirements for the proposed development.
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 Floodplain Ordinance of the City. 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.

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5. The Developer 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 Master Plan depicts the configuration of the public streets and other transportation access. 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 Master Plan.

Section 6. Street Circulation and Right-of-Way. The Master Plan shows a conceptual roadway circulation system within the Master Plan area including the classification of each street. The minimum standards of each street classification are as follows:

Local Commercial Street:

- 70' Right of Way
- Two 11.5' drive lanes
- One 11' center turn lane
- Optional Diagonal Parking
- Optional 10' trail on one side
- 5' sidewalks

At a minimum, the Developer 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. The private street 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 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 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 sidewalks. 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 five (5) foot sidewalk.

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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. Due to the desire for dense development in the PUD, the City will consider installation of off-site trail, negotiation of a parkland fee, or other park improvements in adjacent developments in lieu of dedication of parkground.

Section 9. Sanitary Sewer Service and Storm Water Drainage. The Developer shall extend across each plat sanitary sewer and storm water drainage at sufficient capacity and appropriate elevations and locations to serve the respective service area.

The Developer shall submit to the City for its review and approval, as part of a subdivision plat or a 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 HH Norwalk 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 or site plan so that all areas within the service area including those located 'upstream' from the plat or site plan shall be adequately served.

Section 10. Storm Water Management. As a part of the review and approval for each subdivision plat or site plan, a storm water management plan for the area within the subdivision plat 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.

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 Master Plan. The Master Plan, which is made a part of this rezoning action, delineates land use areas of the PUD. The following development standards and use regulations shall apply:

1. **Land Use Parcel A:** All general use regulations and provisions set forth in Chapter 175B, Zoning, of the City Code for C-3, Highway Commercial District, shall apply to any development proposal for property located within Land Use

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Parcel A shown on the Master Plan, unless noted otherwise in this Ordinance. Land Use Parcel A incorporates approximately 7.5 acres.

- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the C-3 district, except the following uses shall be prohibited:
 - i. Adult Entertainment Facilities
 - ii. After Hours Businesses
 - iii. Delayed Deposit Services Business, including check cashing, payday lending, and car title loan establishments
 - iv. Pawnshops
 - v. Smoking Lounges, Smoking Dens or Hookah Lounges

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. The maximum residential density for any development shall be no more than 18 dwelling units per acre.

Pet daycare centers (defined as short-term, daytime boarding for household pets, with no outdoor kennels) may be approved by Special Use Permit by the Board of Adjustment in accordance with Chapter 175J of the City Code. These facilities shall not include overnight boarding.

- b. Setbacks: This Land Use Parcel includes frontages on multiple public streets and shall be allowed to have different setback requirements for different public streets. Setbacks shall be as follows:
 - i. Iowa 28 Setback - 30 foot
 - ii. Local Commercial Street Setback - Zero
 - iii. Side Yard Setbacks - Zero
- c. Building Heights: No building shall exceed four (4) stories in height, not including roof-top patios.
- d. Open Space: Minimum open space is not required on individual development lots in Land Use Parcel A.
- e. Architectural Standards: Primary structures shall meet the C-3 requirements for Architectural Standards.

Section 12. Buffering. All building and parking lot setbacks shall be measured from the edge of the buffer lines.

No buffer shall be required for development in Parcel A.

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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. Artificial turf shall be permitted for the athletic fields to be developed as part of the commercial sports or recreational complex.

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 HH Norwalk. 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 to reduce overall consumption. Hybrid and native turf varieties are strongly encouraged as an alternate 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 aids in breaking up large open areas of pavement and helps reduce overall negative environmental impacts on the property. The following requirements will apply to all off-street lots within HH Norwalk:
 - 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.

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- ii. Landscaped islands shall be incorporated throughout a parking lot in a manner that is sensible for the parking lot size. Landscaped islands shall be equal to or larger than a standard parking stall within the lot.
- iii. Tree plantings along walkways adjacent to parking areas shall be an acceptable alternative to a landscaped island.
- 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 2 parking stalls
 - 6 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 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 this 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.

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. 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 adjusted 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.

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Passed and approved by the City Council of the City of Norwalk, Iowa on the ____ day of _____, 2023.

Tom Phillips, Mayor

Attest:

Lindsey Offenburger, City Clerk

First Reading: March 2, 2023

Second Reading: April 6, 2023

Third Reading: April 6, 2023

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 23-05 on the 20th day of April, 2023.

City Clerk