



AGENDA
PLANNING AND ZONING MEETING
Norwalk City Hall, 705 North Ave
Monday, November 23, 2015
5:45 P.M.

1. Call meeting to order at 5:45 P.M.
2. Approval of Agenda
3. Approval of Minutes – November 9, 2015
4. Chairperson – Welcome of Guests
5. Public Comment – 3-minute limit for items not on the agenda (No action taken)
6. New Business
 - a. Continuation of public hearing and consideration of a rezoning request from Road Contractors Inc. for the North Shore Planned Unit Development
 - b. Discussion and recommendation regarding Home Occupation section of the Zoning Ordinance in relation to in-home daycares
7. Staff Development Update
8. Future Business Items
 - a. SubArea 1 Master Plan RFP
 - b. Legacy Plat 19 Construction Documents
 - c. Estates on the Ridge Plat 2 Construction Documents
 - d. Old School Plat 2 Final Plat
 - e. Orchard View Plat 3 Construction Documents
 - f. North Shore Planned Unit Development
 - g. Edencrest at Legacy Site Plan
 - h. Comprehensive Plan Amendment for Trail Map
 - i. Welcome Sign Progress
9. Next Meeting Date: December 7, 2015
10. Adjournment

REGULAR NORWALK PLANNING AND ZONING MEETING 11-09-15

Call to order

The Regular Meeting of the Norwalk Planning and Zoning Commission was held at the Norwalk City Hall, 705 North Avenue, Monday, November 9, 2015. The meeting was called to order at 5:45 P.M. by Chairperson Stephanie Riva. Those present at roll call were Dan Schulz, John Fraser, Judy McConnell, Jim Huse, Chad Ross, Stephanie Riva. Absent: Robin Wagner.

Staff present included: Luke Parris, City Planner; Wade Wagoner, Planning and Economic Development Director; Shelley Stravers, Development Services Assistant.

Approval of Agenda – 15-82

Motion by McConnell and seconded by Fraser to approve the agenda as presented. Approved 6-0.

Approval of Minutes – 15-83

Motion by Huse and seconded by McConnell to approve the minutes from the October 12, 2015 meeting. Discussion was held regarding the minutes. Approved as amended 6-0.

Approval of Minutes – 15-84

Motion by McConnell and seconded by Ross to approve the minutes from the October 26, 2015 meeting. Approved 6-0.

Welcome of Guests

Chairperson Riva welcomed guests present.

Carl Morton, 610 Tangelo Circle, spoke regarding the new developments on the West side of Highway 28 and the traffic issues it has caused. He requested the City look into this and possibly have another traffic study complete now that traffic counts are up in the area. He also commented on the traffic issues on Beardsley going to Lakewood School.

The business portion of the meeting was opened.

New Business

Public Hearing and consideration of a rezoning request from Road Contractors, Inc. for the North Shore Planned Unit Development – 15-85

The Public Hearing was opened at 5:52 P.M. Mr. Parris reported that this is a request to rezone the property to Planned Unit Development. The PUD master plan document calls for R-1(60), R-1(70), R-1(80), R-3, R-4 and C-2 parcels.

The area located in overlay districts for floodplains and the airport approach zone. The rezoning from the current districts to the PUD does not remove the land from these overlay districts. The PUD does meet the requirements of both overlay districts. The areas in the floodplain overlay are identified as the shoreline protection and wetland mitigation areas. This will prevent any buildings or structures from being located in a floodplain. The airport approach zone has requirements on building height and land use type. The PUD restricts building height in the appropriate area to less than four stories. Additionally, the PUD identifies residential uses in the appropriate locations within the approach zone. The intent of use restrictions in approach zones is to limit the daytime population in the zone when airplanes are operating more frequently.

Staff sees the overall PUD as well thought out and will bring a low-impact development to Norwalk that unique to the metro area.

Staff recommends approval of the request to rezone the land to Planned Unit Development provided that the Commission discuss and make any needed changes on the following points:

1. The third paragraph of Section 3 states that all other owners within the PUD must get Road Contractors consent prior to seeking a PUD amendment from the City. Staff was concerned this may lead to procedural questions in the future should the issue ever arise. Would it be better to have this language left in the covenants for the property?
2. Parcel A was intended to be primarily commercial in nature, but the PUD does call out Mixed-Use as a potential type of development. Typically Mixed-Use developments are done within one structure (such as commercial on the bottom floor with office/residential above). Parcel A goes on to state that Mixed-Use could also mean a development that contained commercial in one part of the parcel with office/residential in another, those uses located in separate structures.
3. Parcel C is identified as R-4 and abuts to Iowa Highway 5 to the north. It is stated that buildings shall not exceed three stories, but that they can go up to four stories along Iowa Highway 5.
4. In Parcel E and F, the PUD states that any structure shall use the permitting process for a single family structure instead of the process for site plan review and approval.

Chris Shires, Confluence, 525 17th Street, Des Moines, spoke representing Road Contractors, Inc. Mr. Gillotti and Mr. King were also present to answer any questions. Shires informed Commission that they have been meeting with the owner's association just south of this property for over two years. It is important to the group as a whole that during this project they continue to protect the quality of the lake and protect the value of the existing properties and hopefully create new value in the area.

Kimberly Shelledy, 1161 Columbine Circle asked if the lake access would continue to be private and if the sidewalks continue around the lake and will they also be private? Shires informed her that there would be a public trail along County Line Road and North Shore Drive. There is also a private trail and the lake itself will continue to have private access only. The association does not have an interest at this time to make this area public.

Commission discussed trails and connections to current trail in Norwalk area. Shires said he could propose to the city they work on a connection to the Highway 28 trail. The property they would have to cross to make that connection is owned by the association and the dam is located in this area, so they would like to not disturb that area too much.

Kimberly Shelledy, 1161 Columbine Circle commented that she feels it is important for Norwalk to keep family biking and trail areas in mind, to keep families connected to all of Norwalk.

Huse asked when are future road connections planned? Shires answered there is not another connection planned for this phase.

Ross asked if the intersection would be equipped with turning lanes? Shires answers that the road classification and right of way will be set up to accommodate it. This is something that could be determined later in the process and may also constitute traffic lights, pending the traffic study outcome.

Riva commented that she is concerned about the mixed uses on C-2. She would prefer commercial on the bottom and residential on top, but she does not want to leave it carte blanche and have an apartment go up there. Huse and Fraser agree.

Discussion held regarding one car garages per two dwelling units in R-4 area. Shires commented that the building design standards would be higher due to one garage per two dwelling units. That's the trade off since the new zoning code states one covered garage per one dwelling unit.

Shires insured Commission that they have had conversations with adjoining property owners.

Motion by Schulz and seconded by Ross to continue Public Hearing at the next meeting on November 23rd. Approved 6-0.

Review of the Urban Renewal Plan Amendment – 15-86

Mr. Wagoner reported to Commission that this Urban Renewal Plan for the Norwalk Urban Renewal Area is the subsequently create a Tax Increment Finance District for the purpose of rebating costs associated with the development back to the developer and for other infrastructure costs the City incurs in the area known as Market Place at Echo Valley.

Prior to City Council holding a public hearing on an urban renewal plan, they must submit a copy of the proposed plan to the Planning & Zoning Commission for review and recommendations as to its conformity with the general plan for the development of the City. The Commission is not required to hold a hearing, nor does it require the Commission to take any action to approve or reject proposed plan. The Commission is directed to review the plan and inform the Council as to whether or not Commission thinks the plan conforms to, or is consistent with, the City's General or Comprehensive Plan.

Wagoner noted the proposed development lies at the NE corner of Beardsley Street and Highway 28. The applicant is United Properties Investment Co., LC and the description of the development is consistent with our Sub Area 1 planning and the expansion of our commercial services and tax base is exactly what the City of Norwalk is seeking.

Staff feels the development would appear to have a positive impact on not only the immediate area by offering additional housing and commercial opportunities, but also the entire community as a whole, by expanding undeserved commercial segments of the Norwalk market and by expanding the City's commercial tax base. Staff believes TIF could generate \$5 million over the 20 year period.

Staff finds the request is in conformance with the Long Range Comprehensive Plan for the City of Norwalk. Staff encourages Commission to give City Council the recommendation needed to keep with the findings that the request conforms to the Long Range Land Use Plan, thereby fulfilling the Commission's obligations to make a ruling one way or another under Section 403.5 of the Code of Iowa requirements.

Motion by Huse and seconded by Ross to recommend for approval proposed Urban Renewal Plan that is consistent with the current Comprehensive Plan. Approved 6-0.

Request from Hubbell to approve the Orchard Hills Villas Preliminary Plat – 15-87

Mr. Parris informed Commission that the City received a request from MMS Orchards Hills, LLC c/o Hubbell Realty Co. that would create 12 single family lots and 22 bi-attached townhome lots in Parcel 4 of the Orchard Hills PUD. The development is currently called Orchard Hills Villas. Staff noted that name is currently used by the townhomes south of the water tower, so they have asked Hubbell to revise the name prior to presenting this request to the City Council.

Ross asked about the buffer zone and what trees will need to be removed in that area. How will this impact the residents in the area that already have water issues?

Brad Brockman, McClure Engineering, spoke on behalf of the development. Brockman said there will be a buffer all the way along the south side and east side and then along the County highway. The plan is still under City review right now, but there will be a swale around the area and the trees will be on the swale so water is not able to escape off the site. Brockman feels this would help alleviate some of the storm water problems the current home owners in the area are experiencing.

Ross expressed concern with the amount of right of way, and whether it allowed for future widening of the road. He also wanted to make sure the current design allowed for bus traffic and drop off/pick up.

Joe Pietrusynski, Hubbell Realty Co., 6900 Westown Parkway, West Des Moines, informed the Commission these townhomes would be for sale, not rentals, and would be the same type of product as their townhomes on Bristol Street.

Alan Bohles, 201 West Pine Ave., lives directly to the south of the water retention area. He met with Mr. Brockman and other neighbors last week that directly line up with the detention area. He personally feels a lot better about it after Brockman explained everything to the group. Bohles was also concerned with bus issues and tree removal for the detention area. Bohles thanked Brockman for meeting with the neighbors.

Brockman informed Commission they would be willing to meet with neighbors before the trees were removed.

Todd Seeley, 711 Sycamore Drive, asked the Commission who would maintain the berm that was discussed and when would it be implemented. He would like to see it as a priority as he is one of the current home owner's who has experienced storm water issues.

Pietrusynski noted the berm would be maintained by Hubbell Realty and the homeowner's association.

Brockman noted the grading would be done early in the process for the development, so the swale would be there early on. The swale will be entirely on Hubbell's property so that all the water will be gathered on their site before any home is built. This area will also be seeded or sodded before any homes are built.

John Maines, 717 Sycamore Drive, asked the Commission what the oversight process is for grading on a development? Is there a physical oversight process that takes place by the City?

Pietrusynski answered that the developer is required to contain and maintain storm water on their site. The City must adhere to those guidelines and oversee the development by reviewing plats. The developer sends engineers out to survey the development once it is complete to make sure it complies with the City's stringent guidelines.

John Maines, 717 Sycamore Drive, asked again what final oversight does the City provide on the grading of a development? Is it ever physically inspected by anyone at the City?

Parris responded that once a development is complete, as-builts are provided to the City showing the final infrastructure. The development is then re-surveyed so we know exactly where the service lines area. The City does not physically go out and inspect the final grade. But proper documentation shows that at that time, final grade was properly met. Once you start building homes on that development, everything changes. It is the builders responsibility at that point to make sure they are placing homes properly for storm water flowage and not to cause problems for neighbors.

John Maines, 717 Sycamore Drive, stated on the east side of his development, it does not follow final grade.

Brockman said he walked the entire site with the neighbors and saw the problems they were having. He is hoping to alleviate that problem once they maintain their own water and keep it on their site.

Carl Morton, 610 Tangelo Circle, during some of the rains we have had, water level starts to get pretty high and is concerned about the water coming right up into his backyard. Once the City signs off on this development, residents are not able to go to the City for help and this now is an issue between landowners. He is concerned that a detention pond won't handle all of this water.

Brockman explained the overflow will go into the southeast corner and go into a 48" pipe that goes underneath Sycamore Drive. This is designed for 100 year event with a release rate of five year event.

Alan Bohles, 201 West Pine Ave., wanted to clarify the run off coming back from the houses on the east will not impact the banks of the creek and that they will use rock and materials to stabilize this area. He asked how it will be handled in 100 year flood when water is going over the sides of the retention area?

Brockman explained that normal maintenance and keeping the area clean will help with this becoming an issue.

Motion by Ross and seconded by Schulz to approve Orchard Hills Villas Preliminary Plat with the following recommendations:

- That a formal name is determined prior to City Council approval.
- That the applicant follows all rules and regulations set forth in the City of Norwalk Zoning and Subdivision Ordinances.
- That any significant modifications to the final plat be reviewed and approved by the Planning & Zoning Commission and City Council.

Approved 6-0.

Request from United Properties to approve the Grading Plan for the Market Place at Echo Valley – 15-88

Parris reported this request is for the grading of the potential Market Place at Echo Valley development. The project has not submitted a plat or site plan for review by the City, therefore a grading permit is required. The grading permit is issued by the Zoning Administrator and is subject to review by the Planning and Zoning Commission.

The requested grading is for the future relocation of Masteller Road and temporary drainage areas. The area will require further platting and site plans prior to development.

Scott McMurray, United Properties, informed Commission that this grading permit is for some bulk earth work to see how the site is going to work before they decide on final concepts.

Motion by Schulz and seconded by Ross approve Grading Plan for the Market Place at Echo Valley. Approved 6-0.

Request from Rolling Green Ventures, LLC to approve the Final Plat of Rolling Green Plat 5 – 15-89

Parris presented a request from Rolling Green Ventures, LLC to approve the Final Plat of Rolling Green Plat 5. The plat would create 30 lots that are zoned in the Rolling Green PUD as R-1(60). The plat also contains an outlot to be dedicated to the City as parkland.

Parris said all information has been submitted by the applicant and staff recommends approval with conditions.

Motion by Huse and seconded by Fraser to approve Rolling Green Plat 5 Final Plat with the following conditions:

- That the applicant provides all supporting documentation required within the Norwalk Subdivision Ordinance.
- That any significant modifications to the final plat be reviewed and approved by the Planning & Zoning Commission and City Council.
- That the Planning and Economic Development Director or his designee be authorized to sign off on the plat for recording once public works has indicated the infrastructure is acceptable. In an effort to be developer friendly, the formal (council action) acceptance of the infrastructure and the approval of the final plat needn't occur at the same council meeting.

Approved 6-0l.

Review of Request for Proposal submittals for the Comprehensive Plan Land Use update

Parris reported in August, the Planning and Zoning Commission and the City Council directed staff to develop an RFP to update the Future Land Use section of the City's Comprehensive Plan.

The submission period for the RFP ended on October 23rd. The City received submittals from the following firms: MSA Professional Services, Inc.; Confluence, Marvin Planning Consultants, Proximity and Bishop Engineering; Snyder and Associates, Inc. Staff reviewed each submittal and scored them on the same criteria. Each firm scored extremely well and staff was confident each proposal would result in a good product for the City.

Ultimately the staff decided on Confluence and their team of multiple consultants. Their proposal was the low bid, brought Marvin Planning Consultants, who were on the original Comprehensive Plan team, back to the process, and demonstrated an ability to run the process concurrent with the City's Subarea 1 Master Planning process.

Staff Development Update

No updates at this time.

Future Business Items

No updates at this time.

Adjournment – 15-90

Motion by Fraser and seconded by McConnell to adjourn the meeting at 7:35 P.M.
Approved 6-0.

Stephanie Riva, Chairperson

Luke Parris, City Planner

<p style="text-align: center;">CITY OF NORWALK REPORT TO THE NORWALK PLANNING COMMISSION</p>
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REQUEST:	Public hearing and consideration of a rezoning request from Road Contractors Inc. for the North Shore Planned Unit Development
MEETING DATE:	November 23, 2015
STAFF CONTACT:	Luke Parris, AICP City Planner
APPLICANT(S):	Road Contractors, Inc. 1709 South 42 nd Street West Des Moines, Iowa 50265
LOCATION:	The area to be rezoned is 367 acres north of Lake Colchester, south of Iowa Highway 5, and west of Iowa Highway 28.
CURRENT USE:	The land is currently agricultural.
PROPOSED USE:	The proposal is a request to rezone the property to Planned Unit Development. The PUD master plan document calls for R-1(60), R-1(70), R-1(80), R-3, R-4, and C-2 parcels.
ZONING HISTORY:	The area is currently zoned R-1(80) north of Lake Colchester, C-O and R-4 along Iowa Highway 5, and C-2 along Iowa Highway 28. Portions of the site are located in the Airport Hazard Overlay zone.
LAND USE PLAN:	The Future Land Use Plan in the City of Norwalk Comprehensive Plan identifies future land uses as the Sub Area 2 special land use district. The land use plan calls for a mixture of uses.
SURROUNDING LAND USE PLAN AND ZONING:	Surrounding land use planned for the area is: <ul style="list-style-type: none">• <u>North & West</u>: Additional Sub Area 2 ground• <u>East</u>: General Commercial• <u>South</u>: High Density Residential Surrounding zoning for the area is: <ul style="list-style-type: none">• <u>North</u>: City Boundary and Iowa Highway 5• <u>South</u>: RE-1 and R-1(60)• <u>West</u>: PC and A-5• <u>East</u>: C-2 and C-3
FLOOD INFORMATION:	The northern shore of Lake Colchester does have areas that fall within the within the City's Floodplain Overlay District. The

PUD Master Plan identifies these locations as a shoreline protection district that will preserve the floodplain and provide opportunities for wetland mitigation if any wetlands are disturbed when parcels develop.

**MAJOR STREET
PLAN/TRAFFIC:**

The PUD Master Plan identifies a Minor Arterial as County Line Road that would intersect with Iowa Highway 28 at an alignment with Echo Valley Drive. This access on to Iowa Highway 28 will likely necessitate a future traffic light at the intersection. The City is currently working with the Iowa DOT to study the need for traffic lights at key intersections along Iowa Highway 28.

UTILITY SERVICES:

The area is adequately served by City services.

**DEVELOPMENT SECTOR
ANALYSIS:**

The request is north of Lake Colchester and west of Iowa Highway 28. The development will provide space for approximately 525 single family lots, 480 townhome units, 240 apartment units, 25 acres of commercial ground, and 21 acres of private park/open space.

The entirety of the development is a low-impact design that puts an emphasis on water quality and preserving that natural setting of the north shore of Lake Colchester. The PUD calls for shoreline protection and wetland mitigation areas.

STAFF ANALYSIS:

The request is to rezone the north shore from R-1(80), R-4, C-O, and C-2 to a Planned Unit Development titled the North Shore. The PUD includes details on the various use types, which include R-1(60), R-1(70), R-1(80), R-3, R-4, and C-2 parcels.

The area is also located in overlay districts for floodplains and the airport approach zone. The rezoning from the current districts to the PUD does not remove the land from these overlay districts. The PUD does meet the requirements of both overlay districts. The areas in the floodplain overlay are identified as the shoreline protection and wetland mitigation areas. This will prevent any buildings or structures from being located in a floodplain. The airport approach zone has requirements on building height and land use type. The PUD restricts building height in the appropriate area to less than 4 stories. Additionally, the PUD identifies residential uses in the appropriate locations within the approach zone. The intent of use restrictions in approach zones is to limit the daytime population in the zone when airplanes are operating more frequently.

During the staff review of the PUD, the following four areas were discussed and decided that the Commission should

weigh in on each prior to making a recommendation to the City Council.

1. The third paragraph of Section 3 states that all other owners within the PUD must get Road Contractors consent prior to seeking a PUD amendment from the City. Staff was concerned this may lead to procedural questions in the future should the issue ever arise. Would it be better to have this language left in the covenants for the property?
2. Parcel A was intended to be primarily commercial in nature, but the PUD does call out Mixed-Use as a potential type of development. Typically Mixed-Use developments are done within one structure (such as commercial on the bottom floor with office/residential above). Parcel A goes on to state that Mixed-Use could also mean a development that contained commercial in one part of the parcel with office/residential in another, with the uses located in separate structures.
3. Parcel C is identified as R-4 and abuts to Iowa Highway 5 to the north. It is stated that buildings shall not exceed 3 stories, but that they can go up to 4 stories along Iowa Highway 5.
4. In Parcel E and F, the PUD states that any structure shall use the permitting process for a single family structure instead of the process for site plan review and approval.

**STAFF
RECOMMENDATION:**

The overall PUD is well thought out and will bring a low-impact development to Norwalk that unique to the metro area.

Staff recommends approval of the request to rezone the land to Planned Unit Development provided that the Commission discuss and make any needed changes on the above four points.

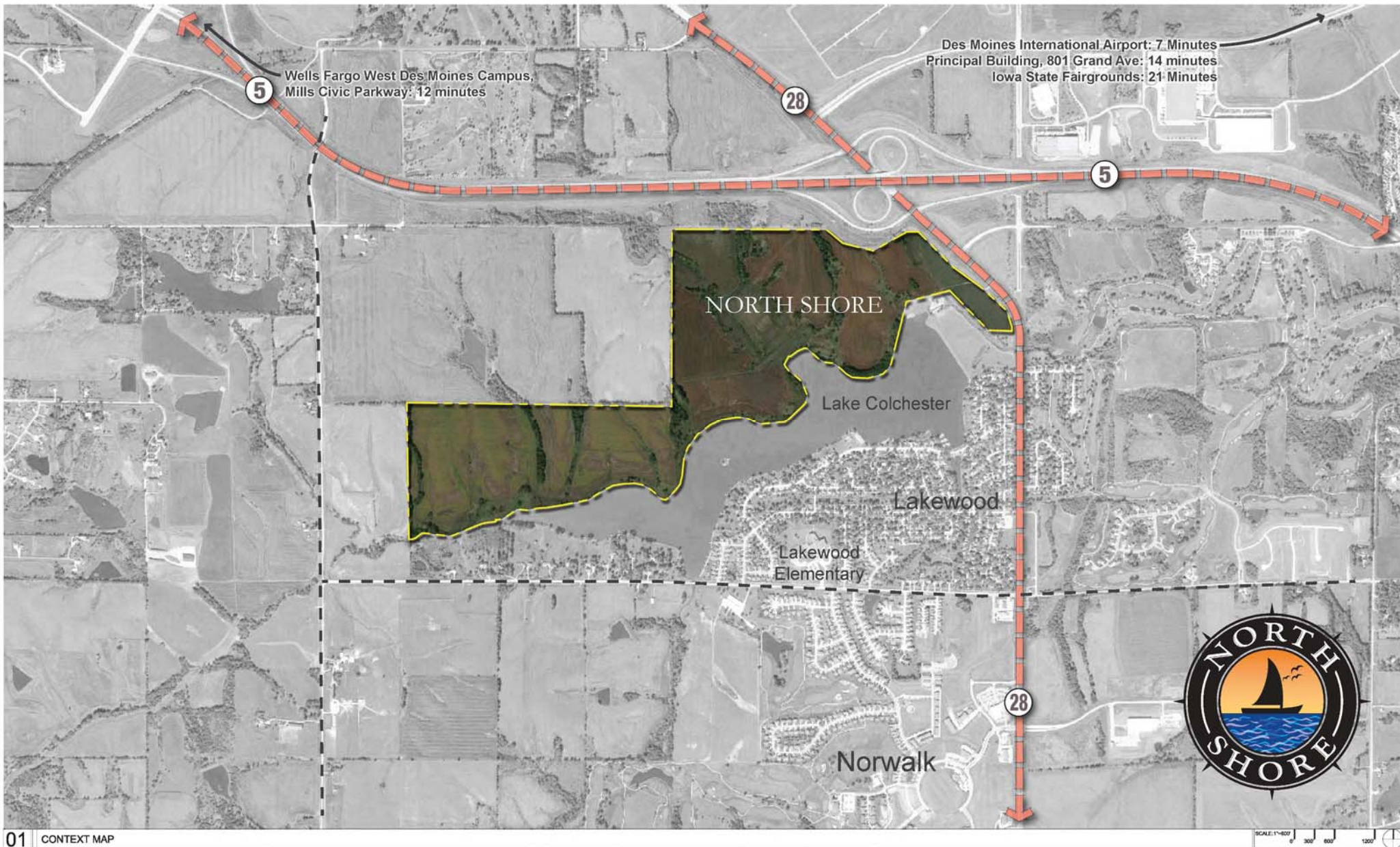
**PLANNING AND
ZONING ACTION:**

The Planning and Zoning Commission can consider several courses of action:

1. Deny the amendment request. Denying the amendment request would maintain the current zoning. Note that a lack of motion is tantamount to a no vote that would recommend denial of the request and trigger a super majority vote at the City Council.
2. Approve the amendment request as proposed. Approving the request would allow rezoning the land to PUD, per the attached PUD document and master

plan.

3. Approve the amendment with conditions. The Commission may propose alterations to the proposed PUD that would be agreeable to all parties involved.



NORTH SHORE

NORWALK, IOWA

CONFLUENCE

JANUARY 2015



NORTH SHORE PUD SUMMARY

August 2015

North Shore will be a unique, low impact residential community integrated into the Lake Colchester environment with a special emphasis on protecting water quality and maintaining a natural setting.

Size of Project: 360 acres±

Location: North shore of Lake Colchester, Norwalk, Iowa, with adjacent access to Highways 28 and 5

Travel Times:

Des Moines Airport: 7 minutes

Wells Fargo West Des Moines Campus, Mills Civic Parkway: 12 minutes

Principal Building, 801 Grand Ave: 14 minutes

Iowa State Fairgrounds: 21 minutes

Land Uses: Planned Unit Development (PUD) Zoning

Single Family:	188 acres	52% of total	525 lots
Townhomes:	48 acres	13% of total	480 units
Apartments:	15 acres	4% of total	240 units
Commercial:	25 acres	7% of total	
Parkland:	21 acres	6% of total	

Design Controls:

Home Owner's Association and Covenants

Development Covenants and Engineering Requirements

Shoreline Protection District: 48 acres (13% of total)

Estimated Impacted Wetlands: 6 acres

Estimated Impacted Waters of the United States: 600 linear feet

Estimated Timeframe to Develop: 10 to 15 years

Estimated Increase in Population at Build-Out: 3,000 people

Estimated Increase in Norwalk Tax Base: more than \$300 million

Estimated Increase in Norwalk Tax Revenue: more than \$2 million annually

**These estimates are subject to modification.*

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF NORWALK, IOWA, BY REZONING CERTAIN PROPERTY FROM C-2, C-O, R-4, R-1, AND CD TO PLANNED UNIT DEVELOPMENT (PUD) AND TO ADOPT THE MASTER PLAN AND ESTABLISH THE RULES, REGULATIONS, AND GUIDELINES FOR THE DEVELOPMENT OF THE NORTH SHORE 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), Subdistrict 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 C-2, C-O, R-4 AND R-1 to PUD, for the property legally described as follows:

LEGAL DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 1 AND 2, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M., CITY OF NORWALK, WARREN COUNTY, IOWA THAT IS ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SW CORNER OF SAID SECTION 2, THENCE S89°17'26"E, 1315.66 FEET ALONG THE SOUTH LINE OF SAID SECTION 2 TO A POINT; THENCE N00°00'00"W, 615.37 FEET TO THE POINT OF BEGINNING; THENCE N00°00'00"W, 2030.55 FEET TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 2; THENCE S88°56'28"E, 1309.16 FEET TO THE CENTER OF SAID SECTION 2; THENCE S88°54'14"E, 2640.25 FEET TO THE E1/4 CORNER OF SAID SECTION 2, ALSO THE W1/4 CORNER OF SAID SECTION 1; THENCE N00°49'10"E, 2650.04 FEET TO THE NW CORNER OF SAID SECTION 1; THENCE S88°40'28"E, 2615.52 FEET TO THE N1/4 CORNER OF SAID SECTION 1; THENCE S88°49'20"E, 2558.48 FEET ALONG THE NORTH LINE OF SAID SECTION 1 TO THE WEST RIGHT-OF-WAY LINE OF HIGHWAY 28 TO A POINT; THENCE S88°49'20"E, 100.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE S00°38'11"W, 1535.99 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT; THENCE N89°08'11"W, 399.33 FEET TO A POINT; THENCE N43°34'45"W, 881.00 FEET TO A POINT; THENCE S76°01'30"W, 670.00 FEET TO A POINT; THENCE S14°26'30"W, 955.00 FEET TO A POINT; THENCE S45°26'30"W, 225.00 FEET TO A POINT; THENCE S78°21'30"W, 260.00 FEET TO A POINT;

THENCE N88°03'30"W, 125.00 FEET TO A POINT; THENCE N63°33'30"W, 130.00 FEET TO A POINT; THENCE N48°58'30"W, 280.00 FEET TO A POINT; THENCE N88°18'30"W, 145.00 FEET TO A POINT; THENCE N48°18'30"W, 260.00 FEET TO A POINT; THENCE N63°08'30"W, 135.00 FEET TO A POINT; THENCE S53°51'30"W, 375.00 FEET TO A POINT; THENCE S32°48'30"E, 140.00 FEET TO A POINT; THENCE S48°18'30"E, 200.00 FEET TO A POINT; THENCE S37°18'30"E, 100.00 FEET TO A POINT; THENCE S27°48'30"E, 130.00 FEET TO A POINT; THENCE S11°09'30"E, 110.00 FEET TO A POINT; THENCE S22°59'30"W, 90.00 FEET TO A POINT; THENCE S51°59'30"W, 165.00 FEET TO A POINT; THENCE S47°09'30"W, 190.00 FEET TO A POINT; THENCE S72°54'30"W, 115.00 FEET TO A POINT; THENCE S86°04'30"W, 300.00 FEET TO A POINT; THENCE N63°45'30"W, 235.00 FEET TO A POINT; THENCE N88°45'30"W, 170.00 FEET TO A POINT; THENCE S76°39'30"W, 210.00 FEET TO A POINT; THENCE S65°09'30"W, 190.00 FEET TO A POINT; THENCE S52°39'30"W, 140.00 FEET TO A POINT; THENCE S46°59'30"W, 190.00 FEET TO A POINT; THENCE S36°24'30"W, 155.00 FEET TO A POINT; THENCE S21°54'30"W, 155.00 FEET TO A POINT; THENCE S06°14'30"W, 280.00 FEET TO A POINT; THENCE S14°14'30"W, 130.00 FEET TO A POINT; THENCE S36°43'30"W, 100.00 FEET TO A POINT; THENCE S44°58'30"W, 86.65 FEET TO A POINT; THENCE S53°30'00"W, 125.00 FEET TO A POINT; THENCE N64°00'00"W, 100.00 FEET TO A POINT; THENCE N47°00'00"W, 180.00 FEET TO A POINT; THENCE N61°00'00"W, 125.00 FEET TO A POINT; THENCE N79°50'00"W, 135.00 FEET TO A POINT; THENCE S87°10'00"W, 190.00 FEET TO A POINT; THENCE S74°40'00"W, 145.00 FEET TO A POINT; THENCE S61°55'00"W, 399.70 FEET TO A POINT; THENCE S78°05'00"W, 135.00 FEET TO A POINT; THENCE S81°20'00"W, 380.00 FEET TO A POINT; THENCE S83°40'00"W, 379.60 FEET TO A POINT; THENCE S88°45'00"W, 220.00 FEET TO A POINT; THENCE S30°45'00"W, 150.00 FEET TO A POINT; THENCE S82°04'45"W, 192.35 FEET TO A POINT; THENCE S84°53'45"W, 220.00 FEET TO A POINT; THENCE S68°29'45"W, 499.50 FEET TO A POINT; THENCE S88°29'45"W, 90.00 FEET TO A POINT; THENCE N82°15'15"W, 360.00 FEET TO A POINT; THENCE S57°59'45"W, 125.00 FEET TO A POINT; THENCE S70°01'15"W, 80.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 466.296 ACRES MORE OR LESS.

EXCEPT:

A PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 1; THENCE SOUTH 89°49'15" EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 1430.25 FEET; THENCE SOUTH 46°39'57" EAST, 426.36 FEET; THENCE NORTHEAST ALONG A 1049.87 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 28°22'30", A CHORD DISTANCE OF 514.64 FEET, A CHORD BEARING OF NORTH 55°39'45" EAST, FOR AN ARC DISTANCE OF 519.94 FEET TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1; THENCE SOUTH 89°49'15" EAST ALONG SAID NORTH LINE, 293.10 FEET; THENCE SOUTH 0°10'20" EAST, 52.16 FEET; THENCE SOUTHWEST ALONG A 935.04 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 44°33'32", A CHORD DISTANCE OF 708.99 FEET, A CHORD BEARING OF SOUTH 63°31'34" WEST, FOR AN ARC DISTANCE OF 727.18 FEET; THENCE SOUTH 46°39'57" EAST, 902.70 FEET; THENCE SOUTH 7°18'15" EAST, 47.42 FEET; THENCE SOUTH 0°10'20" EAST, 407.79 FEET; THENCE NORTH 18°32'35" WEST, 256.04 FEET; THENCE NORTH 48°14'36" WEST, 522.87 FEET; THENCE NORTH 54°31'18" WEST, 512.23 FEET; THENCE NORTH 44°48'24" WEST 738.53 FEET; THENCE NORTH 88°10'01" WEST, 171.60 FEET; THENCE SOUTH 59°06'35" WEST, 600.71 FEET; THENCE NORTH 74°06'40" WEST, 468.57 FEET; THENCE NORTH 48°55'18" WEST, 326.17 FEET; THENCE SOUTH 89°40'39" EAST, 304.84 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN, AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 758.529 SQUARE FEET.

AND EXCEPT:

A PART OF THE NORTHEAST FRACTIONAL $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE SOUTH 0°01'16" EAST ALONG THE EAST LINE OF SAID NORTHEAST FRACTIONAL $\frac{1}{4}$, A DISTANCE OF 51.69 FEET; THENCE SOUTH 89°58'44" WEST, 149.87 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF OLD HIGHWAY 28 TO THE POINT OF BEGINNING; THENCE SOUTH 0°12'36" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 782.83 FEET; THENCE SOUTH 7°22'27" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 153.98 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 28 (SUNSET DRIVE); THENCE NORTH 46°42'09" WEST ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, 902.60 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ECHO VALLEY DRIVE; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 935.04 FEET, WHOSE ARC LENGTH IS 727.06 FEET AND WHOSE CHORD BEARS NORTH 63°28'43" EAST, 708.88 FEET TO A POINT OF BEGINNING AND CONTAINING 7.48 ACRES (325,996 S.F.);

AND,-

AND

A PART OF THE NORTH $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT NORTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 89°49'15" WEST ALONG THE NORTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 1, A DISTANCE OF 443.10 FEET TO THE POINT OF BEGINNING; THENCE SOUTHEAST ALONG A 1049.87 FOOT RADIUS CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 28°22'30", A CHORD DISTANCE OF 514.64 FEET, A CHORD BEARING OF SOUTH 55°39'45" WEST, FOR AN ARC DISTANCE OF 519.94 FEET; THENCE NORTH 46°39'57" WEST, 426.36 FEET TO THE NORTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 1; THENCE SOUTH 89°49'15" EAST ALONG SAID NORTH LINE, 735.07 FEET; TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF NORWALK, WARREN COUNTY, IOWA AND CONTAINING 96,160 SQUARE FEET.

AND EXCEPT

THAT PART CONVEYED TO THE STATE OF IOWA IN THE CORPORATE WARRANTY DEED RECORDED IN BOOK 214, PAGES 371-373

AND EXCEPT

THAT PART CONVEYED TO THE STATE OF IOWA IN THE CORPORATE WARRANTY DEED RECORDED IN BOOK 214, PAGES 374-376

CONTAINS 367 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 North Shore 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 North Shore PUD.

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 property development of other parcels or tracks within the PUD. It is recognized, shifts or modifications to the Master Plan layout may be necessary and compatible with the need to acquire workable street patterns, storm water management systems or facilities, elevations, grades, and/or usable building sites, but 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 further recognized that since the North Shore PUD is a long-term development project, at some point in the future the PUD may need to be amended in order to respond to changes in market conditions or other situations and factors.

All modifications and amendments shall be made pursuant to Subsection 17.10.170.7 of the Municipal Code of the City of Norwalk, Iowa. Road Contractors and their successors or assigns may request, by application, that the City initiate an amendment or modification to the PUD. ~~All other owners within the PUD may make an application to the City for an amendment to the PUD only after obtaining written consent from Road Contractors and their successors or assigns.~~

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 North Shore 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, including the areas identified as Park Space and the Shoreline Protection District.
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 between Road Contractors, Inc. and a buyer 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 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 ~~of the Acquisition Plat~~ 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 North Shore 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 North Shore 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. ~~All areas within the PUD shall comply with the City's Flood Hazard OverlaysApplicable 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, 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 North Shore 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. Based upon the general street circulation plan as identified within the PUD Master Plan, the area within the PUD may be developed without a secondary street connection for the minor arterial (County Line Road) and major collector (Lakeside Drive) as shown within the PUD Master Plan provided that each individual Subdivision Plat complies with the cul-de-sac length and temporary street dead-end turn-around standards as contained within the City's Subdivision regulations. Adequate street right-of-way shall be provided for the construction, reconstruction and widening of adjoining streets adjacent to, or within the PUD. Said right-of-way shall be dedicated to the City at the time of platting consistent with the City's current Ordinances and Policies.

The PUD Master Plan shows a conceptual roadway circulation system within each Land Use Area Parcel which satisfies the City's development requirements.

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

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 sufficient connections to all adjacent plats, Land Use Area Parcels, and adjoining properties within and adjacent to the PUD including providing access and connections to park sites, the marina, beach area, and similar areas.

The Developer's roadway alignment and circulation plan shall satisfy known and expected transportation requirements within the PUD including circulation requirements, street capacity, and connections to future roadways.

SECTION 7 - 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 8 - 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, and to the Lakewood Village Association (LVA) and the Lakewood Benefitted Recreational Lake District (LBRLD) for comment. All storm water management plans shall comply with the current City design standards and shall incorporate the 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 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.

It is anticipated that storm water detention will be combined with wetlands in storm water 'wet ponds' located adjacent/or within the Shoreline Protection District. If wet ponds are utilized, and if practical, the wet pond shall make use of an accessible forebay to provide settlement of silt and sediment from storm water runoff prior to entering the mitigated wetlands, and to provide for an efficient cleaning area for the wet pond.

The management plan also shall provide for the permanent stabilization, armoring, and energy dissipation of Waters of the U.S. channels included within the property. Stabilization measures are subject to review of the City, LVA, LBRLD, and the United States Army Corps of Engineers (USACE). The stabilization measures shall be permanent and may include grading, letdown structures, weirs, channel armoring, and aesthetic features.

The 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. In order to reduce the size required for storm sewer pipes within the PUD area and the size of outlet structures at the Lake, and to manage siltation, storm water flows, and velocity of storm water flows entering the site or plat from upstream, the Developer may be required to construct temporary storm water detention facilities on the site or in the plat. These basins will detain and improve the quality of undeveloped upstream water, prior to discharging it into the PUD's storm water management system and/or into Lake Colchester until the upstream property is developed. Certain sites or plats could be required to construct permanent detention facilities.

SECTION 9 - 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 North Shore 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 F. 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-2, Community Commercial District, shall apply to any development proposal for property located within Land Use Parcel A shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel A incorporates approximately 25 acres.

- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the C-2 district, except the following uses shall be prohibited:
 - i. Adult Entertainment Facilities
 - ii. After Hours Businesses
 - iii. Bars, Nightclubs, and Cocktail Lounges (not including Restaurants)
 - iv. Body Piercing Studios
 - v. Delayed Deposit Services Business including check cashing, payday lending, and car title loan establishments)
 - vi. Hotels, Motels, and Apartment Hotels
 - vii. Liquor Stores
 - viii. Movie Theaters
 - ix. Pawnshops
 - x. Smoking Lounges, Smoking Dens or Hookah Lounges
 - xi. Tobacco Stores
 - xii. Tattoo Studios
 - xiii. Warehouses and Distribution Facilities

Mixed-Use (buildings ~~and/or developments~~ containing a combination of retail, office and ~~permanent residential uses~~ residential dwelling units) shall be permitted. Stand-alone residential buildings (such as apartments or condominiums) shall not be permitted. The maximum residential density for any mixed-use development shall be no more than 8 dwelling units per acre.

- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the C-2 district except as noted herein.
 - c. Building Heights: No building shall exceed three (3) stories in height.
 - d. Storage and Display: Outdoor storage is prohibited. Limited and temporary outdoor display of retail goods may be specifically permitted by the City Council as part of the Site Plan review and approval process.
 - e. Highway 28 Access: Vehicular access to Highway 28 is subject to and shall be in compliance with Iowa Department of Transportation (IDOT) requirements.
2. **Land Use Parcel B**: All general use regulations and provisions set forth in Chapter 17, Zoning, of the City Code for R-3 Medium 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 North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel B incorporates approximately 48 acres and contains approximately 480 dwelling units for an average density of no more than 10 dwelling units per acre. In order to promote the preservation of open space and clustering of units, densities may be shifted between adjoining properties within Land Use Parcel B (even if separated by a street) provided the overall density limit is not exceeded.
 - a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-3 district. Projects designed to be operated

and/or managed as a for-rent development are prohibited.

- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-3 district.
 - c. Unit Type: Units may be detached or horizontally attached with individual entrances.
 - d. Garages: A two-car enclosed garage space, of no less than 22-feet in width and 22-feet in depth, must be provided for each unit. No detached garages shall be permitted to front along a public street.
3. **Land Use Parcel C**: 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 C shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel C incorporates approximately 15 acres and contains a maximum of 240 dwelling units with an average density of no more the 16 dwelling units per acre.
- a. Allowed Uses: All permitted principal and accessory uses and special uses as provided in the City Code for the R-4 district including assisted living residential facilities.
 - b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-4 district, except as noted herein. All apartment buildings shall be separated by no less than 10-feet for every building story and all accessory structures shall be located no closer than 20-feet from any principal structures.
 - c. Building Heights: No building shall exceed three (3) stories in height; however, buildings up to four (4) stories in height shall be permitted adjacent to the north line of the Land Use Parcel, subject to compliance with any applicable FAA height restrictions and the City's Airport Hazard, Height and Noise Mitigation Overlay Zoning Regulations.
 - d. Unit Type: Units may be horizontally or vertically attached with individual or shared common hallway entrances.
 - e. Garages: A minimum of one (1) enclosed garage space shall be provided for every two (2) dwelling units. No detached garages shall be permitted to front along a public street.
4. **Land Use Parcel D**: All general use regulations and provisions set forth in Chapter 17, 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 North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel D incorporates approximately 189 acres and approximately 600 single family lots. The minimum lot width suffix, in accordance with the general R-1 Single-Family Residential District, is identified on the PUD Master Plan for each Land Use Subarea Parcel.
- 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 in accordance with the specified minimum lot width suffix, except as follows:
 - i. No lot shall be less than 8,000 square feet in area or 65-feet in width as measured at the front yard setback line.
 - ii. No home shall be setback less than 30-feet and no more than 40-feet from the street frontage property line, or for the case of a pie shaped lot the point at which a line parallel to the street right-of-way line is a minimum 40-foot wide. The maximum 40-foot setback does not apply to the secondary street frontage property line for corner and double frontage lots.
5. **Land Use Parcel E**: Land Use Parcel E shall be designated as private Park Space for the purpose of complying with the Park Land Dedication requirements of the City Subdivision Regulations. All general use regulations and provisions set forth in Chapter 17, 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 E shown on the PUD Master Plan of the North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel E incorporates approximately 21 acres.
- a. Allowed Uses: Private recreational uses and related structures and improvements including but not limited to the following:
 - i. Boat Docks
 - ii. Boat Marinas
 - iii. Fishing Piers
 - iv. Gazebos and Shelters
 - v. Bathhouses and Bathroom Facilities
 - vi. Beaches
 - vii. Concession Stands and Picnic Shelters
 - viii. Play Structures
- The permitting process for the above recreational structures shall be identical to and consistent with the permitting process for a single family structure. In consideration that the above recreational uses and structures are intended to be private and serve the adjoining residential area, no vehicle access or parking is required.
- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-1 district, except as noted herein. Non-residential, recreational structures may be located within 10 feet of a property line.
 - c. Building Heights: All structures may be up to three (3) stories in height, subject to compliance with any applicable FAA height restrictions and the City's Airport Hazard, Height and Noise Mitigation Overlay Zoning Regulations.
6. **Land Use Parcel F**: Land Use Parcel F shall be designated as Shoreline Protection District for the benefit of the LVA and the LBRLD and is intended to be dedicated to, owned and maintained by the LBRLD. All general use regulations and provisions set forth in Chapter 17, 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 North Shore PUD ordinance, unless noted otherwise in this ordinance. Land Use Parcel F incorporates approximately 48 acres.

- a. Allowed Uses: Private recreational uses and related structures and improvements including but not limited to the following:
 - i. Boat Docks
 - ii. Boat Marinas
 - iii. Fishing Piers
 - iv. Gazebos and Shelters
 - v. Bathhouses and Bathroom Facilities
 - vi. Beaches
 - vii. Concession Stands and Picnic Shelters
 - viii. Play Structures

The permitting process for the above recreational structures shall be identical to and consistent with the permitting process for a single family structure. In consideration that the above recreational uses and structures are intended to be private and serve the adjoining residential area, no vehicle access or parking is required.

- b. Setbacks: All setbacks shall be in accordance with the Height and Bulk Regulations for the R-1 district, except as noted herein. Non-residential, recreational structures may be located within 10 feet of a property line.
- c. Building Heights: All structures may be up to three (3) stories in height, subject to compliance with any applicable FAA height restrictions and the City's Airport Hazard, Height and Noise Mitigation Overlay Zoning Regulations.

SECTION 10 - BUFFERING. A 30-foot wide, Type 1 landscaped buffer is required for all single family residential double frontage lots within Land Use Parcel D per the Zoning Code. A 30-foot wide landscaped buffer, in accordance with the provisions of the Zoning Code, shall be installed along the south side of County Line Road adjacent to the Single Family development in Land Use Parcel D. This buffer shall be established as each single family lot is developed. No fences are permitted within the buffer and the building setbacks shall be measured from the edge of the buffer line. No buffer is required for Land Use Parcels A, B, and C.

SECTION 11 - PARK LAND DEDICATION AND SHORELINE PROTECTION DISTRICT. The Park Space, identified in the PUD Master Plan as Land Use Parcel E, is reserved in order to comply with the City's Park Land Dedication requirements. Said area shall satisfy all park land dedication requirements and shall be titled to the LBRLD at such time all adjacent and adjoining property within the North Shore PUD is platted as part of a subdivision plat. The Shoreline Protection District areas, identified in the PUD Master Plan as Land Use Parcel F, shall be dedicated to the LBRLD in portions at such time the adjoining property within the North Shore PUD is platted as part of a subdivision plat.

SECTION 12 - PUBLIC AND PRIVATE TRAILS, ACCESS TO AND USE OF TRAILS, PARK SPACE, AND THE SHORELINE PROTECTION DISTRICT.

1. Trails Located in Public Rights-of-Way and City-Owned Public Parks: Access is not restricted. Public trails are proposed within the street right-of-way along the south side of both County Line Road and North Shore Drive in lieu of the standard 5 ft wide sidewalk in those locations. These trails will be installed by the developer as a public improvement as part of a subdivision plat. The City shall reimburse the developer for

the installation cost of the trail that is in excess of the installation cost of a standard 5 ft sidewalk.

2. Trails Located on private Park Space or within the Shoreline Protection District: Access is restricted to Members of the LVA and their guests. A private trail is intended to be constructed within the Shoreline Protection District and the private Park Space with connections to the public sidewalk and trails. These trails will be installed by the developer(s) and/or the LBRLD and maintained by the LBRLD. Signage indicating that these trails are private will be installed at key points.

SECTION 13 - PROTECTING LAKE COLCHESTER'S WATER QUALITY. Under no circumstances shall any land disturbance activities commence on any area within the PUD area prior to all required permits being obtained and executed, and all required and necessary erosion control and protection measures being in place and functioning as designed.

The Owner/Developer of each property, their subcontractors, vendors, employees, and/or heirs, shall, in the course of developing its property, take all necessary or prudent precautions and measures to protect Lake Colchester's water quality; shall comply with all Federal, State, County, and Municipal ordinances, rules, regulations and requirements, and best practices standards pertaining to Storm Water Management, sediment control, 'wheel track-out,' pollution prevention and control, storage and disposal of all hazardous materials, controlled substances and materials including, but not restricted to construction waste, debris, materials, petroleum products, lubricants, or any other similar materials; shall execute and administer all applicable erosion control, grading, storm water management, and pollution prevention and control permits applicable for development of their property including, but not restricted to, a Storm Water and Pollution Prevention Plan (SWPPP) and NPDES Permit as the Permit's permittee; and shall comply with all of the storm water management and water quality protection requirements applicable to the property and to standards of best practices.

In all events, the Owner/Developer shall not permit any sediment or pollution from escaping its property; shall integrate the provisions and details of its actions and permits, as detailed above, with adjoining tracts; and shall not dispose of any material, substances, waste, debris, or items into Lake Colchester or onto any other tract or property located in North Shore.

In the event of any such disturbances of any other tract, property, or the Lake for any reason, the Owner/Developer of the property from which the sediment/pollution originated shall solely be responsible for the payment for all costs, direct and indirect, to cleanup and mitigate the disturbed areas; and shall, at their sole expense, restore the disturbed area(s) to its original condition.

SECTION 14 - ARCHITECTURE AND SITE DESIGN REGULATIONS. All single family residential, multi-family residential, office, and commercial buildings and accessory structures shall comply with the City's architectural standards. As a point of information, the North Shore PUD area is also covered by private Restrictive Covenants that, among other matters, set certain minimum architectural standards.

SECTION 16 – SIGNAGE. All signage shall be in compliance with the City Zoning Code regulations.

SECTION 17 - 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 18 - 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 19 - 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 20 - REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 21 - 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 22 - 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 ____ day of _____, 2015.

Tom Phillips, Mayor

ATTEST:

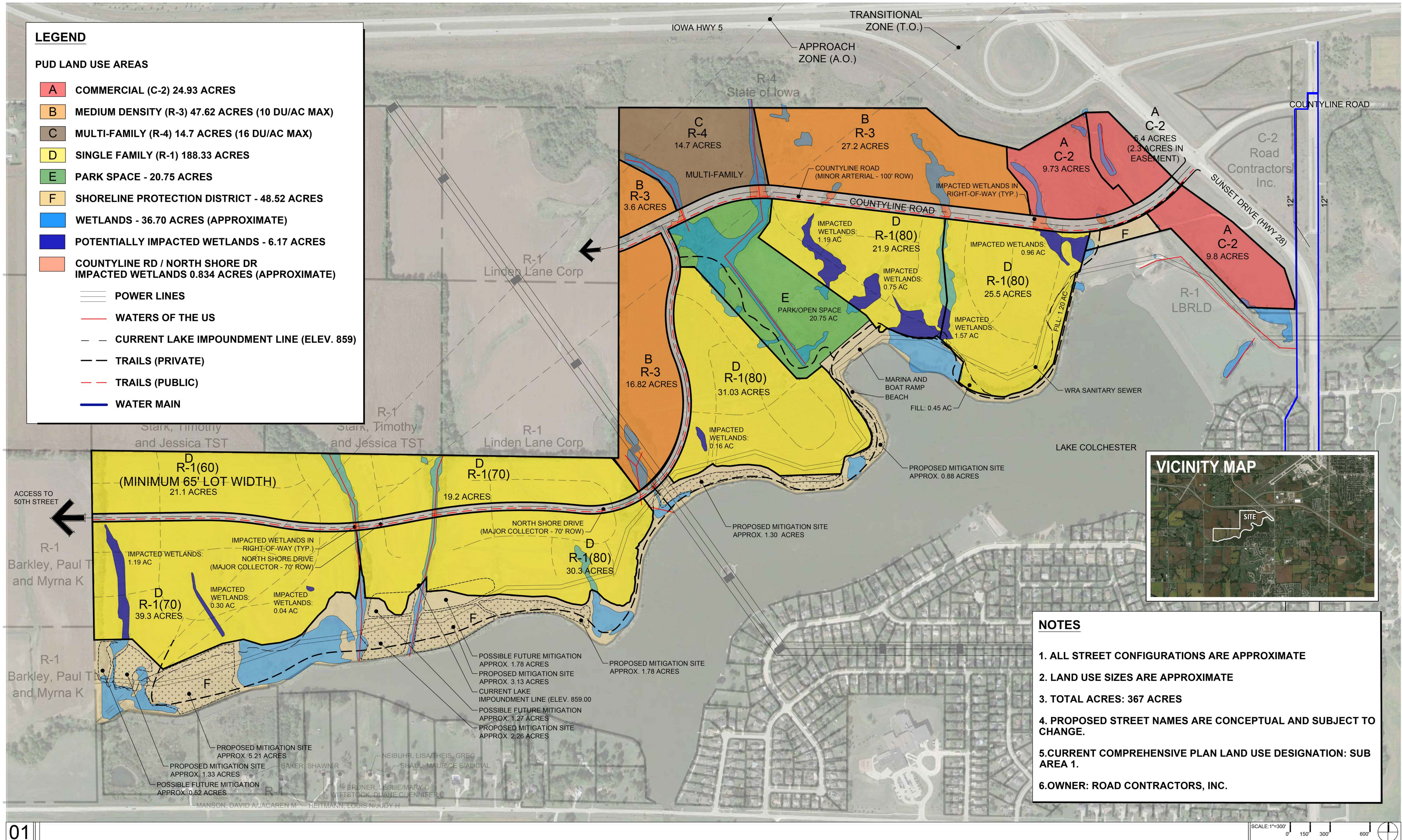
Jodi Eddleman, City Clerk

LEGEND

PUD LAND USE AREAS

- A** COMMERCIAL (C-2) 24.93 ACRES
- B** MEDIUM DENSITY (R-3) 47.62 ACRES (10 DU/AC MAX)
- C** MULTI-FAMILY (R-4) 14.7 ACRES (16 DU/AC MAX)
- D** SINGLE FAMILY (R-1) 188.33 ACRES
- E** PARK SPACE - 20.75 ACRES
- F** SHORELINE PROTECTION DISTRICT - 48.52 ACRES
- WETLANDS** - 36.70 ACRES (APPROXIMATE)
- POTENTIALLY IMPACTED WETLANDS** - 6.17 ACRES
- COUNTYLINE RD / NORTH SHORE DR IMPACTED WETLANDS** 0.834 ACRES (APPROXIMATE)

- POWER LINES**
- WATERS OF THE US**
- CURRENT LAKE IMPOUNDMENT LINE (ELEV. 859)**
- TRAILS (PRIVATE)**
- TRAILS (PUBLIC)**
- WATER MAIN**

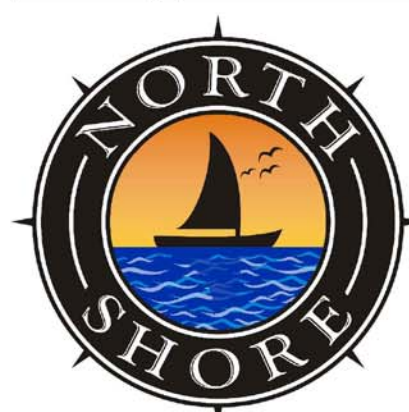


VICINITY MAP



NOTES

1. ALL STREET CONFIGURATIONS ARE APPROXIMATE
2. LAND USE SIZES ARE APPROXIMATE
3. TOTAL ACRES: 367 ACRES
4. PROPOSED STREET NAMES ARE CONCEPTUAL AND SUBJECT TO CHANGE.
5. CURRENT COMPREHENSIVE PLAN LAND USE DESIGNATION: SUB AREA 1.
6. OWNER: ROAD CONTRACTORS, INC.



<p style="text-align: center;">CITY OF NORWALK REPORT TO THE NORWALK PLANNING COMMISSION</p>
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ITEM: Discussion and recommendation regarding Home Occupation section of the Zoning Ordinance in relation to in-home daycares

MEETING DATE: November 23, 2015

STAFF CONTACT: Luke Parris, AICP
City Planner

GENERAL DESCRIPTION: At meetings on July 27th, August 10th, and August 24th, the Planning and Zoning Commission held public hearings, discussed, and recommended to City Council various amendments to the City of Norwalk Zoning Ordinance. Part of these amendments dealt with the topic of in-home child care. The original Planning and Zoning Commission recommendation, included as Attachment A, allowed for in-home child care providers registered with the Iowa Department of Human Services as Category A, B or C-1 and allowed for Category C-2 providers through the issuance of a special use permit, to be review by the City of Norwalk Board of Adjustment.

Concerns were raised regarding the special use permits for C-2 providers during subsequent public hearings and deliberation at the City Council. The City Council directed staff to collect more research on the topic and requirements of the Iowa Department of Human Services. Staff presented these findings at a City Council work session. The City Council directed staff to make changes to the Home Occupation section to remove the requirement for a C-2 provider to obtain a special use permit.

Staff amended the Home Occupation section, included as Attachment B, to allow C-2 providers as a home occupation without the need to obtain a special use permit. City Council directed staff to take the revised Home Occupation section back to the Planning and Zoning Commission for additional review and recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the amended section, as shown in Attachment B.

**PLANNING AND
ZONING ACTION:**

The Planning and Zoning Commission can consider several courses of action:

1. Recommend approval of the amended Home Occupation section as presented in Attachment B.
2. Recommend approval of the amended Home Occupation section as presented in Attachment B with additional changes as discussed and agreed upon by the Commission.
3. Recommend no changes to the Home Occupation section.

Attachment "A"**HOME OCCUPATIONS**

17.04.300 Home Occupations. This section is intended to protect residential areas from potential adverse impacts of activities defined as home occupations without eliminating certain businesses and occupations that may be compatible with residential areas. These regulations establish criteria to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementation of personal/family income. Home occupations apply only to the residents that are living in the home where the occupation is taking place.

17.04.301 Permitted Home Occupations. The following operations and/or uses are considered permitted in any district that allows household living:

- A. Home sewing or tailoring.
- B. Studios for painting, sculpting, ceramics or other similar arts.
- C. Writing or editing.
- D. Office activities (scheduling, telephone answering, etc.) requiring a limited number of trips to the home.
- E. Production of crafts such as handiwork, model-making, weaving, lapidary, and wood working for the purpose of selling a product off-premise.
- F. Tutoring to no more than four (4) students at any one time.
- G. Home-cooking, preserving and baking for the purpose of selling a product off-premise.
- H. Computer programming, repair, internet services and similar occupations.
- I. Mail order business where products are shipped directly from an off-site supplier to the customer.
- J. Office for architects, engineers, realtors, accountants, or similar occupations.
- K. In-home child care home or child development home, provided the following requirements are met:
 - 1. All child care homes and child development homes shall be registered, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.
 - 2. Only a child development home registered as either a Category A, Category B, or Category C with one provider (C-1), as defined by DHS on July 1, 2015, shall be permitted. In no case shall an in-home child care service exceed twelve (12) children, with no more than eight (8) being considered full time, except as may be specially permitted in item 3 below.
 - 3. A child development home registered as a Category C with 2 two providers (C-2), as defined by the DHS on July 1, 2015, may be permitted subject to approval of a Special Use Permit in accordance with Chapter 17.90 of this ordinance and the following:
 - i. The Special Use Permit shall be valid for a period of time no greater than two (2) years.
 - ii. The in-home child care service shall not exceed sixteen (16) children.

- iii. If during the term of the Special Use Permit, the City receives written complaints from two or more property owners **that are within 200 feet of the subject property**, the Special Use Permit may, at the discretion of the City Zoning Administrator, be reviewed by the Board of Adjustment at a public hearing. At the hearing, the Board may revoke the Special Use Permit or place additional restrictions on the operation of the child development home to address the complaints.
- 4. All Category B and Category C child development homes shall have all outdoor play areas fully enclosed with a minimum six (6) foot tall privacy fence or wall and hours of operation shall be limited to between 6:00 a.m. and 7:00 p.m., Monday through Friday.
- 5. All child care homes and child development homes shall register with the City prior to the start of operation and thereafter on an annual basis.
- 6. All child care homes and child development homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.
- 7. No in-home child care service shall be allowed that does not meet items 1 through 6 above.
- L. Barber shops and beauty parlors.
- M. Small repair shops, including engines, small appliances, mower repair, blade sharpening and similar uses.
- N. Catering businesses.
- O. Private construction contractors provided there shall be no storage of machinery, construction equipment, and similar products except in an enclosed private garage.
- P. Bed and breakfast establishments.
- Q. State licensed massage therapists having no age requirement for admittance.
- R. Other uses and/or activities that are similar to the uses stated above or that conform to the intent of this chapter, as determined by the Community Development Department.

17.04.302 Restrictions for All Home Occupations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

- A. Not more than one (1) person who is not a resident on the premises shall be employed.
- B. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
- C. There shall be no outdoor storage of equipment or materials used in the home occupation. Not more than one (1) vehicle and one fully enclosed cargo trailer, which is less than 17 feet in length, used in commerce in connection with any home occupation shall be parked on either the property or on public streets.
- D. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation.

- E. No sign, other than one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
- F. Shall not cause an adverse impact on the neighborhood, as determined by the Zoning Administrator.

17.04.303 Guidelines for Determining the Appropriateness of All Home Occupations. The following shall be used by the Zoning Administrator to determine if a Home Occupation is appropriate and/or having an adverse impact on the neighborhood:

- A. An average of no more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home occupation.
- B. No stock of goods shall be displayed or sold on the premises in excess of thirty (30) cubic feet in volume.
- C. The home occupation shall be conducted entirely within the principal dwelling unit or an average of six hundred (600) square feet of floor area in a permitted building accessory.
- D. No home occupation shall be apparent to adjoining residences and from any public street.
- E. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure.
- F. No home occupation shall be noxious, offensive, or hazardous by reason of vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.
- G. Employment for home occupations shall be limited to family members residing in the principal structure and one additional employee that is not a family member residing in the principal structure.
- H. Home occupations are limited to one operation per lot, and rental property must have landlord approval prior to operation.
- I. Except for an in-home a child care home or a child development home (daycare), home-based businesses may generate no more than 25 vehicle trips per day.
- J. Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.

17.04.304 Violations. Any violation of this section shall be grounds for a cease and desist order and punishable as a municipal infraction.

Attachment "B"

HOME OCCUPATIONS

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- F. Tutoring to no more than four (4) students at any one time.
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 - 1. All child care homes and child development homes shall be registered, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.
 - 2. ~~Only a c~~Child development homes registered as either a Category A, Category B, or Category C with one provider (C-1) or two providers (C-2), as defined by DHS on July 1, 2015, shall be permitted. In no case shall an in-home child care service exceed ~~twelve (12)~~sixteen (16) children, ~~with no more than eight (8) being considered full time, except as may be specially permitted in item 3 below.~~
 - 3. ~~A child development home registered as a Category C with 2 two providers (C-2), as defined by the DHS on July 1, 2015, may be permitted subject to approval of a Special Use Permit in accordance with Chapter 17.90 of this ordinance and the following:~~
 - i. ~~The Special Use Permit shall be valid for a period of time no greater than two (2) years.~~
 - ii. ~~The in-home child care service shall not exceed sixteen (16) children.~~

~~iii. If during the term of the Special Use Permit, the City receives written complaints from two or more property owners that are within 200 feet of the subject property, the Special Use Permit may, at the discretion of the City Zoning Administrator, be reviewed by the Board of Adjustment at a public hearing. At the hearing, the Board may revoke the Special Use Permit or place additional restrictions on the operation of the child development home to address the complaints.~~

~~4.3.~~ All Category B and Category C child development homes shall have all outdoor play areas fully enclosed with a minimum six (6) foot tall privacy fence or wall. ~~and h~~ Hours of operation shall be limited to between 6:00 a.m. and 7:00 p.m., Monday through Friday.

~~5.4.~~ All child care homes and child development homes shall register with the City prior to the start of operation and thereafter on an annual basis.

~~6.5.~~ All child care homes and child development homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.

~~7.6.~~ No in-home child care service shall be allowed that does not meet items 1 through ~~6-5~~ above.

- L. Barber shops and beauty parlors.
- M. Small repair shops, including engines, small appliances, mower repair, blade sharpening and similar uses.
- N. Catering businesses.
- O. Private construction contractors provided there shall be no storage of machinery, construction equipment, and similar products except in an enclosed private garage.
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- D. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation.

- E. No sign, other than one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
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- E. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure.
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