

WARREN COUNTY, IOWA
FILED FOR RECORD

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BOOK 1999 PAGE 873
JUDITH K. LATHROP, RECORDER

DEPUTY

*City of Norwalk
705 North Ave. 4600
Norwalk 50211*

ORDINANCE NO. 98-09

AN ORDINANCE TO ADOPT THE MASTER PLAN AND ESTABLISH THE RULES, REGULATIONS AND GUIDELINES FOR THE DEVELOPMENT OF THE COLONIAL MEADOWS PLANNED UNIT DEVELOPMENT, AS REQUIRED BY TITLE 17, ZONING, CHAPTER 17.10, ZONING DISTRICT REGULATIONS, SECTION 17.10.170, PLANNED UNIT DEVELOPMENT DISTRICT, OF THE CITY CODE OF THE CITY OF NORWALK, IOWA.

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

SECTION 1. **PURPOSE.** The purpose of this ordinance is to adopt a Master Plan pursuant to Sub-Section 17.10.170.3 of the City Code of the City of Norwalk, Iowa, and to establish rules, regulations, and guidelines for land use and performance pursuant to Sub-Section 17.10.170.4 of the City Code of the City of Norwalk, Iowa, for the development of the Colonial Meadows Planned Unit Development (PUD), more particularly described as:

Legal Description

The Northeast Quarter (NE1/4), and the North one-half of the Southeast Quarter (N1/2SE1/4), And the East one-half of the Northwest Quarter (E1/2NW1/4) of Section Twelve (12), Township Seventy-seven North (T77N), Range Twenty-five West (R25W) of the 5th P.M. in Linn Township, Warren County, Iowa

SECTION 2. **MASTER PLAN.** Attached hereto and made a part of this ordinance for delineation is the Master Plan document for the "Colonial Meadows" Planned Unit Development, marked Exhibit "A". It is recognized, shifts or modifications to the Master Plan layout may be necessary and compatible with the need to acquire workable street patterns, grades and 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. All modifications shall be made pursuant to Sub-Section 17.10.170.7 of the City Code.

Individual parcels within the PUD may be developed independent of other parcels, provided minimum City Code requirements are met, unless modified herein, and the development of the parcel allows for the proper development of adjoining parcels.

SECTION 3. **GENERAL CONDITIONS.** The following general site development criteria shall be integrated into and made a part of the development criteria for the Colonial Meadows Planned Unit Development:

1. All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the Norwalk Subdivision Ordinance and the Des Moines Metropolitan Design Standards as adopted or as amended by the City of Norwalk, pertaining thereto, unless otherwise stated within this Ordinance.
2. Any regulation, standard, provision or requirement that is not specifically addressed within this document that is regulated elsewhere in the City Code of Norwalk, the requirements of the City Code shall be enforced.

3. Throughout the PUD, the compatibility of certain project features will be maintained so that the different parcels and densities will all relate to each other and create a sense of a common overall community. Those features will include architectural character and unifying treatment of roadways and curbs, signage, landscaping, lighting and a common pedestrian orientation to the "Town Center".
4. 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 City Code, except that off-street parking shall maintain a minimum twenty (20) feet setback from public street right of way throughout the PUD, except in the TC, Tower Center Commercial District areas in Parcels 2, 3, 5, 6 and 7. A minimum one and one-half (1½) parking spaces for each second story apartment dwelling unit in the TC, Town Center Commercial District areas may be permitted.

Colonial Circle, as shown on the Master Plan, shall be designed with adequate right of way width of a minimum of ninety (90) feet to accommodate sufficient pavement width for a minimum of two fifteen (15) feet traffic lanes and one 600 angle parking depth head in toward the "Town Center Commons". Exhibit "B", which is attached hereto and made a part hereof, illustrates the design concept which shall be used as the basis to design improvements within Colonial Circle and the Town Center Parcels 2, 3, 5, 6, and 7. Although, setbacks as required herein shall be adhered to, dimensions for the buildable area, rear sidewalk, and rear parking (garages) area may vary from Exhibit "B" to create desired site layouts for individual projects. A minimum of one-half (½) of the privately owned parking located in Parcels 2, 3, 5, 6, and 7 located between Colonial Circle and the buildable area within the Parcels shall be available for community use and not restricted or reserved for use by only the business owners, tenants, or their patrons.

5. The densities contemplated for the various parcels are allowed to be transferred within the development. A maximum of 1,600 dwelling units will be allowed in the entire PUD. Transitioning and buffering of land uses and residential densities shall be addressed as part of any request to permit the transfer of allowed densities between parcels. Any transfer of density or change of land use shall require an amendment to this Ordinance and the Master Plan for the PUD, pursuant to sub-section 17.10.170.7 of the City Code.
6. No building shall be erected within twenty-five (25) feet of any major drainageway, storm water detention basin, or pond areas subject to flooding.
7. The integration of the bikeway system with other destinations in and around the PUD will be encouraged. The locations of alternative and creative paving textures as part of the plazas, activity centers and to denote pedestrian cross walks will be planned to provide access from the residential areas to the commercial areas identified on the Master Plan. Pedestrian orientation between activities, housing and employment shall be encouraged. Bikeways shall have a minimum width of eight (8) feet within the PUD and sidewalks along store fronts in the TC Town Center Commercial District areas shall have a minimum width of ten (10) feet. The location of sidewalks and bikeways shall be determined at the

time of plat and site plan review.

8. All subdivisions and streets will adhere to the standards and design criteria set forth in the Norwalk Subdivision Ordinance and the Des Moines Metropolitan Design Standards, as adopted or amended by the City of Norwalk unless noted otherwise in this Ordinance.

The major entry street, Colonial Parkway, shall be a four-lane divided boulevard. Additional right of way above and beyond the Comprehensive Plan requirements and the Metro Design Standards may be required on this boulevard and will be reviewed as a part of the development plans for development of Parcels 1, 2, or 7. All other street right of way and paving widths shall adhere to the following standards recommended by the City's Comprehensive Plan for specific street classifications, which shall be determined at the time of platting base on the street's function and projected traffic volumes on the street.

STANDARDS FOR STREETS AND HIGHWAYS							
	Expressway or Freeway	Arterial		Collector		Local	Cul-de-sac
		Major	Minor	Major	Minor		
Minimum right of way width	220	120	100	70	60	60	60 (Radius 52)
Ultimate number of traffic lanes (ft)	4 (Divided)	5 or 4 (Divided)	4 (Undivided)	2	2	2	2
Paving Width (ft)	Varies	65 B/B	49 B/B	31 B/B	31 B/B	28 B/B	26 B/B
Access Permitted	None	Limited	Some	Full	Full	Full	Full

Note: B/B represents the pavement width from back of curb to back of curb.

1. The landscape element of the Master Plan identifies proposed open spaces and recreational areas and any environmentally sensitive areas that should be protected and preserved as part of the uniqueness of the area. A street tree planting plan shall be prepared and implemented with a variety of trees as the PUD is developed. Parks and open spaces are designed into the development to provide the identification and the utilization of drainage ways and utility corridors as open space, recreation areas and pedestrian access corridors.

- J. Lighting within the PUD will be incorporated along the internal business streets as "theme" lighting for the entire development. Public streets will also have standard city lighting, but "theme" lighting should be used for multi-family residential, commercial retail, and office projects to encourage continuity from one area to the other.

Lighting for parking, entrances, and along the pedestrian walks will be similar to that used

in the Town Center commercial center. Up-lighting for landscape material will be incorporated into the entrance designs and shall be designed so as to not direct light into vehicles within the public right of way. Detailed lighting plan for both city street lights and supplemental "theme" lighting shall be submitted to the City and installed at the time of site plan and plat approval.

SECTION 4. LAND USE DESIGN CRITERIA. In addition to the General Conditions set forth within Section 3 herein, the following land use design criteria shall apply to each development area designated by parcel on the Master Plan. The Master Plan document, which is made a part of this Ordinance per Section 2 of this Ordinance, delineates twenty (20) parcels of the PUD, each denoted with a specific parcel number. The parcels hereinafter referred to as "Parcels", are identified for application of specific standards for land use and the development regulations. Interconnecting all the parcels and integrating within them are the streets, pedestrian walkways/bikeways, and the greenbelts. Each parcel will be designed, submitted, and then evaluated by the Plan and Zoning Commission and City Council to bring a continuity of the total PUD in design characteristics, separation and transition of land uses, and flow of traffic and pedestrians to the commercial center and the neighborhood parks.

1. **PARCEL 1.** All general use regulations, performance standards and provisions set forth in Section 17.10.100 of Title 17, of the City Code of the City of Norwalk for the C-2, Community Commercial District shall apply to any development in Parcel 1.
2. **PARCELS 2, 3, 5, AND 6.** All general use regulations, performance standards and provisions set forth in Section 17.10.130 of Title 17, of the City Code of the City of Norwalk for the TC, Town Center Commercial District shall apply to any development in Parcels 2,3,5, and 6, except that one parking bay depth on private property between the Colonial Circle right of way and buildings fronting the street shall be incorporated as a design standard within Parcels 2,3,5, and 6, to provide continuity of pedestrian and vehicular movement between all Parcels fronting Colonial Circle. However, parking within Parcel 3 and the right of way of Colonial Circle fronting the intersection with Colonial Parkway shall not be permitted in order to create an unobstructed view and landscape from Colonial Parkway into the "Town Center Commons". Buildings within Parcels 2,3,5 and 6 shall maintain a minimum setback of eighteen (18) feet from the back of curb of the parking bay to accommodate street landscaping and furniture features, as well as adequate room for pedestrian sidewalks.
3. **PARCEL 4.** This Parcel shall be reserved as open space and park use for the purpose of the "Town Center Commons". This Parcel shall be dedicated to the City of Norwalk for ownership and maintenance at the time of development and platting of adjoining streets and Parcels.
4. **PARCEL 7.** All general use regulations, performance standards and provisions set forth in Section 17.10.100 of Title 17, for the C-2, Community Commercial District, and Section 17.10.130 of Title 17 for the TC, Town Center Commercial District of the City Code of the City of Norwalk, Iowa, shall apply to any development in Parcel 7, except that the part of Parcel 7 fronting Colonial Circle (as named on the Master Plan) shall comply with the TC, Town Center Commercial District Standards applied to Parcels 2,3,5, and 6. The part of Parcel 7 fronting State Highway 28 shall comply with the general use regulations, performance standards and provisions for the C-2, Community Commercial District.

5. **PARCEL 8.** All general use regulations, performance standards and provisions set forth in Section 17.10.100 of Title 17, of the City Code of the City of Norwalk for the C-2 Community Commercial District shall apply to any development in Parcel 8, except that such uses as bars, night clubs, movie theaters, bowling alleys, billiard parlors, pool halls, convenience stores, and restaurants shall not be permitted within one hundred (100) feet of any adjoining R-1, or R-2, Zoning District.

6. **PARCEL 9.** All general use regulations, performance standards and provisions set forth in Section 17.10.090 of Title 17, for the C-1, Neighborhood Commercial District and Section 17.10.060 of Title 17 for the R-4, High Density Multiple-Family Residential District of the City Code of the City of Norwalk, shall apply to any development in Parcel 9, with the performance standards of the Zoning District in which a use is permitted shall apply. Any building in Parcel 10 which is within one hundred (100) feet of the adjoining R-1 or R-2 District south of the PUD shall not be greater than two stories in height, and such uses as restaurant and convenience stores shall not be permitted within one hundred (100) feet of the adjoining R-1 or R-2 zoning district south of the PUD.

7. **PARCELS 10, 16, AND 17.** All general use regulations, performance standards and provisions set forth in Section 17.10.060 of Title 17, of the City Code of the City of Norwalk for the R-4, High Density Multiple-Family Residential District shall apply to any development in Parcel 10, 16, and 17, provided that any building in Parcel 10 which is within one hundred (100) feet of the adjoining R-1 or R-2 District south of the PUD shall not be greater than two stories in height. Parcel 16 shall be developed to accommodate adequate access for Parcel 15 to the major collector street which fronts Parcel 16 on the east. If Parcels 15 and 16 are developed separately, easements for access and utilities may be required on Parcel 16 to serve Parcel 15.

8. **PARCEL 11.** All general use regulations, performance standards and provisions set forth in Section 17.10.030 of Title 17, of the City Code of the City of Norwalk, Iowa, for the R-1, Single-Family Residential Districts shall apply to any development in Parcel 11, with specific bulk regulations for R-1(60), R-1(70) or R-1(80) zoning classifications determined for each plat at the time of platting. This Parcel shall include a mix of lot sizes with R-1(60), R-1(70) or R-1(80) bulk regulations which is acceptable to the City, and shall not be developed with only R-1(60) bulk regulations.

1. **PARCELS 12, 13, AND 18.** Parcels 12, 13, and 18 shall be reserved for open space and park purposes to be dedicated to the City of Norwalk for ownership and maintenance at the time of development of adjoining streets and Parcels.

10. **PARCEL 14 AND 15.** All general use regulations performance standards and provisions set forth in Section 17.10.050 of Title 17, of the City Code of the City of Norwalk for the R-3, Medium Density Multiple-Family Residential District shall apply to any development in Parcels 14 and 15. Access to both Parcels shall not be through local streets within single family residential areas.

11. **PARCEL 19.** All general use regulations, performance standards and provisions set forth

in Section 17.10.030 of Title 17, of the City Code of Norwalk for the R-1, Single-Family Residential Districts, and more particularly the R-1 (100) Zoning District shall apply to any residential development in Parcel 19, except that a minimum lot size of 20,000 square feet for each residence shall be required.

12. **PARCEL 20.** This Parcel is delineated for "Flexible Land Use", with the ability to combine more than 50 acres for mixed use of office, commercial retail, and residential development. Prior to development of this Parcel, the developer shall submit to the City of Norwalk as an amendment to this Ordinance and the Master Plan, (a Master Plan and associated ordinance for Parcel 20), which shall designate the permitted land uses and rules, regulations and guidelines for development of Parcel 20. Plans for development of this Parcel is being deferred to allow the developer the opportunity to attract Metropolitan wide businesses to locate in Norwalk and become a part of the Colonial Meadows Planned Unit Development. Land Use and Development Standards may include uses and regulations as allowed in the R-1, Single-Family Residential Districts, R-4, High Density Multiple-Family Residential District, C-2, Community Commercial District or PC, Professional Commerce Park District.

SECTION 5. PLATTING REQUIREMENTS. The splitting of any lot within a Parcel of the PUD shall require the submittal of a subdivision plat for review and approval by the City of Norwalk prior to, or in conjunction with development of that portion of the PUD. Said Parcel shall be platted in accordance with the City's Subdivision Ordinance and the Des Moines Metropolitan Design Standards as adopted by the City of Norwalk to delineate within a Plat the lot to be developed or sold separately or any portion thereof. Should the planning and platting of the property create common or community wide usage of a private street, drive, parking lot, utility, or common area, a property owner's association document, easement or similar instrument, shall be submitted to the City for review. Said document shall address on going usage, maintenance and upkeep of the shared drives, parking lots, utilities or common areas, and recorded at the County Recorders Office.

SECTION 6. STORM WATER MANAGEMENT. There shall be submitted to, and approved by the City of Norwalk, a complete storm water management plan for each Parcel of the PUD to be prepared by the Developer prior to development within a Parcel.

SECTION 7. STREET RIGHT OF WAY. 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.

SECTION 8. PARK DEDICATION. Acceptable park land which is dedicated to the City as part of the implementation of the PUD may be credited toward the PUD's park land dedication requirements. Park fees required by Section 17 of Chapter 16.09 of the City Code shall be paid at the time of the issuance of building permits to contribute toward the acquisition and development of land for the neighborhood park planned for the area as set forth in the City's Comprehensive Plan.

SECTION 9. BUILDING RESTRICTIONS, EASEMENTS AND COVENANTS. Where the City deems appropriate, the landowner shall on each subdivision, adopt building restrictions, easements and/or covenants in a form approved by the City.

SECTION 10. SOIL TEST REQUIREMENTS. If required, the developer shall be responsible for supplying to the

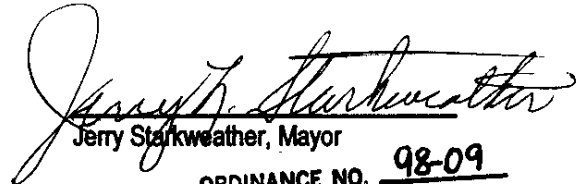
City, information prepared by a qualified soils engineering firm, indicating that existing soil conditions are adequate in stability and strength for construction of public and private improvements. If determined by the soils engineering firm that adequate soils conditions do not exist, the developer shall indicate what measures shall be taken to achieve adequate soil strength and stability for both public and private improvements.

- SECTION 11. STREET NAMES.** 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 12. DEFINITION.** The term "Developer" for the purpose of the Ordinance, shall mean any person, individual, firm, partnership, association, corporation, estate, trust, entity, or agent of same acting or proposing to subdivide land or develop a parcel of land for the construction of a building or buildings.
- SECTION 13. VALIDITY.** Should any section or provisions of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance, as a whole or any part thereof other than that part so declared to be invalid.
- SECTION 14. VIOLATIONS AND PENALTIES.** Any person who violates the provision of this Ordinance upon conviction shall be punished as set forth in the City Code of the City of Norwalk, Iowa.
- SECTION 15. 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 16. EFFECTIVE DATE.** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed by the City Council on the 17TH day of DECEMBER, 1998

ATTEST:


Mark W. Miller, City Administrator/Clerk


Jerry Starkweather, Mayor

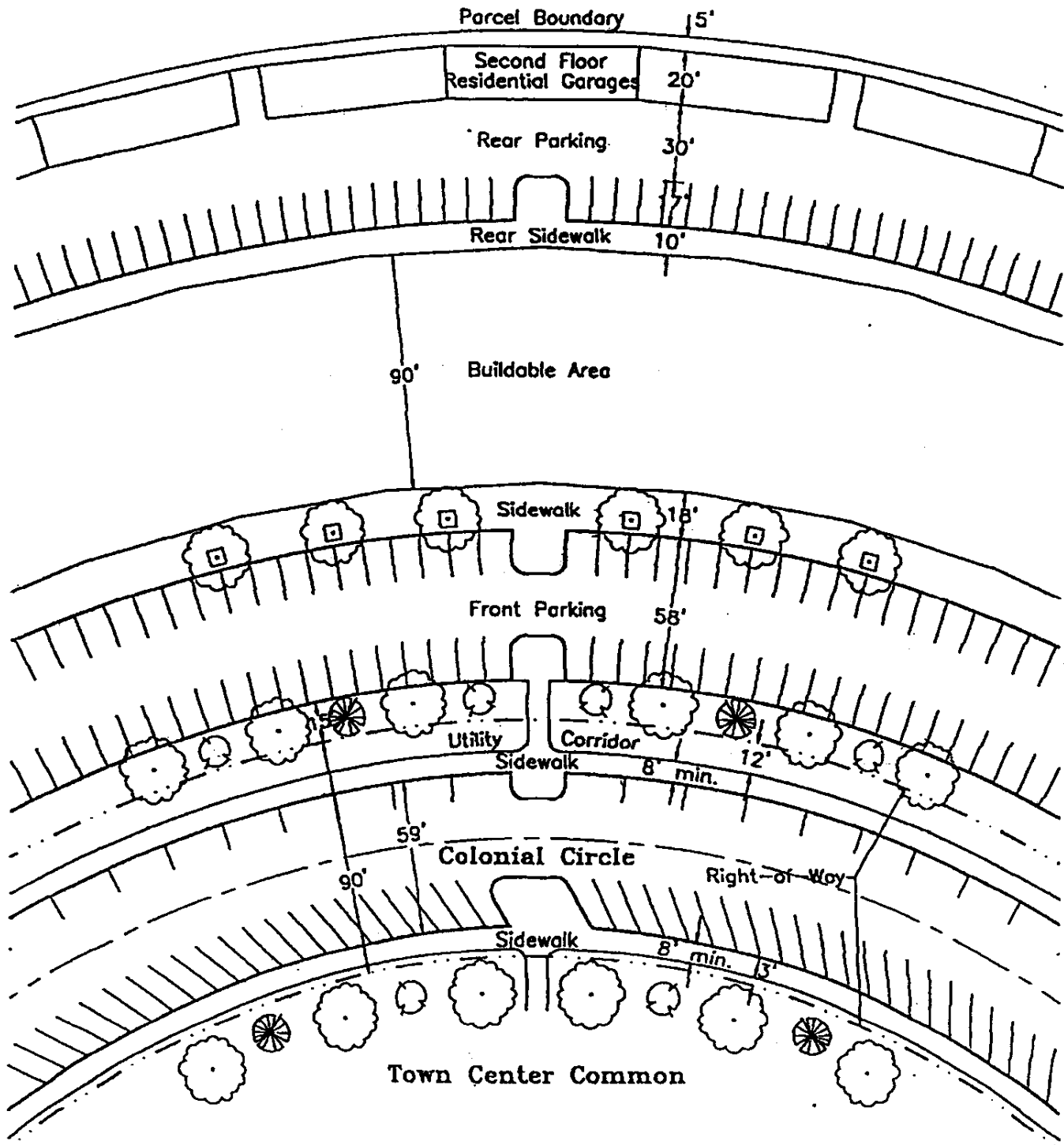
ORDINANCE NO.	<u>98-09</u>
Activity	Date
1st Reading	<u>11-23-98</u>
2nd Reading	<u>12-3-98</u>
3rd Reading	<u>12-17-98</u>
Tabled	_____
Defeated	_____

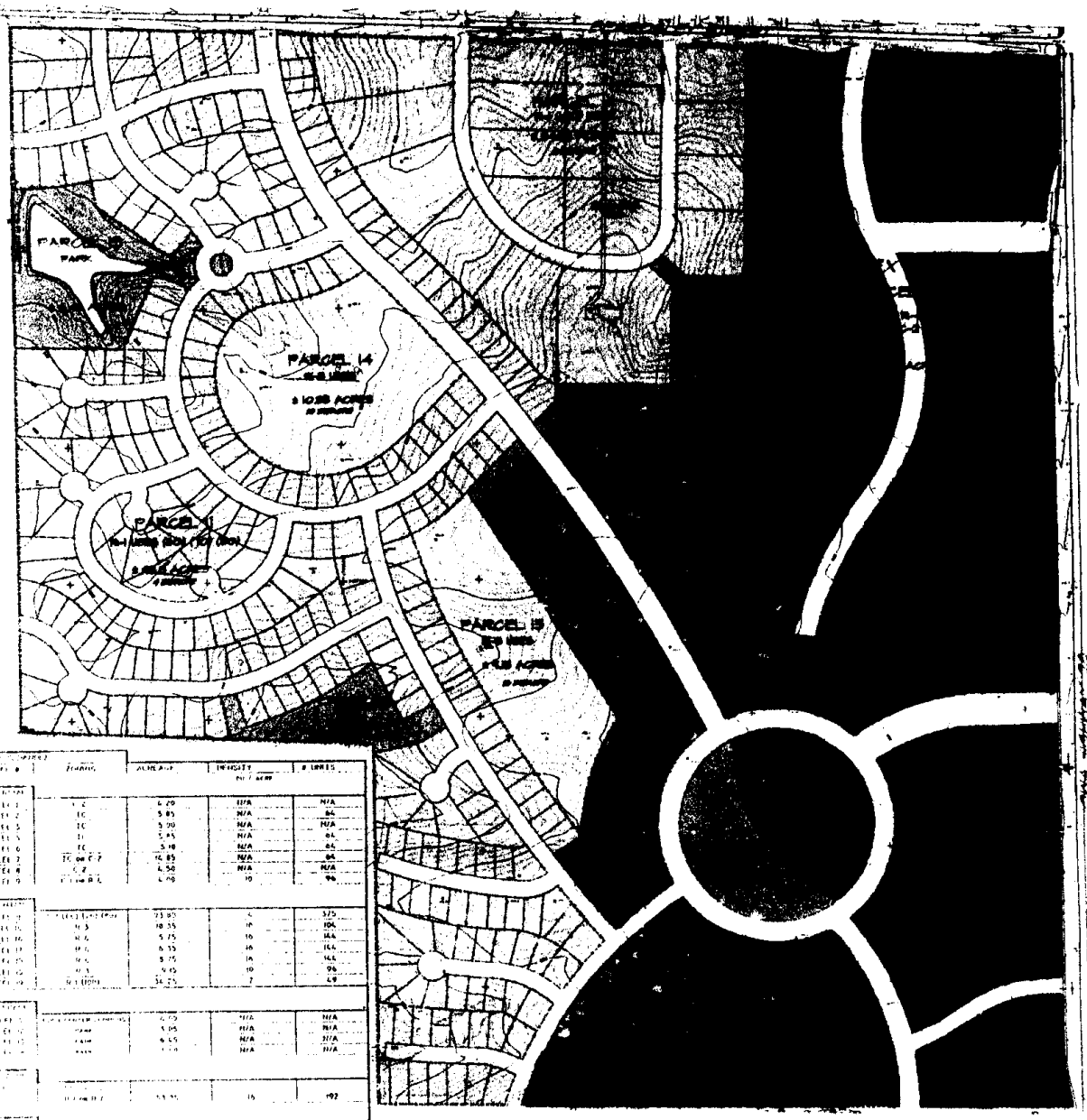
I certify that the foregoing was published as Ordinance No 98-09 on the 24TH day of December, 1999


Mark W. Miller, City Administrator/Clerk

Exhibit "B"

Town Center Development Concept





Parcel #	Parcel Name	Area (Acres)	Use Designation	# Units
Residential Single-Family				
Parcel 1	IC	0.88	R1A	2
Parcel 2	IC	1.30	R1A	3
Parcel 3	IC	1.87	R1A	4
Parcel 4	IC	3.10	R1A	7
Parcel 5	IC	0.97	R1A	2
Parcel 6	IC	1.54	R1A	3
Parcel 7	IC	0.24	R1A	0
Parcel 8	IC	0.47	R1A	1
Parcel 9	IC	0.17	R1A	0
Parcel 10	IC	1.34	R1A	3
Parcel 11	IC	2.04	R1A	5
Parcel 12	IC	1.13	R1A	2
Parcel 13	IC	1.42	R1A	3
Parcel 14	IC	0.65	R1A	1
Parcel 15	IC	1.42	R1A	3
Parcel 16	IC	0.24	R1A	0
Parcel 17	IC	0.47	R1A	1
Parcel 18	IC	0.17	R1A	0
Parcel 19	IC	0.47	R1A	1
Parcel 20	IC	0.17	R1A	0
Parcel 21	IC	0.47	R1A	1
Parcel 22	IC	0.17	R1A	0
Parcel 23	IC	0.47	R1A	1
Parcel 24	IC	0.17	R1A	0
Parcel 25	IC	0.47	R1A	1
Residential Medium-Density				
Parcel 26	MD	0.25	M2A	0
Parcel 27	MD	0.25	M2A	0
Parcel 28	MD	0.25	M2A	0
Parcel 29	MD	0.25	M2A	0
Residential Medium-Density (PUD)				
Parcel 30	PUD	0.25	P2A	0
Parcel 31	PUD	0.25	P2A	0
Parcel 32	PUD	0.25	P2A	0
Parcel 33	PUD	0.25	P2A	0
Commercial				
Parcel 34	C	0.25	C1	0
Public				
Parcel 35	P	0.25	P1	0
Summary				
Overall Acres		25.15		102
Overall Density				4.06
Total Units				102

LAND USE
MASTER PLAN
PLANNED UNIT DEVELOPMENT DISTRICT
COLONIAL MEADOWS
Norwalk, Iowa

