

ORDINANCE NO. 562

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JEFFERSON, IOWA, 2008 BY ADDING A NEW SECTION PROVIDING FOR PUD – PLANNED UNIT DEVELOPMENT DISTRICT

Be it enacted by the City Council of the City of Jefferson, Iowa:

SECTION 1. Section amended. The Code of Ordinances of the City of Jefferson, Iowa, 2008 is amended by adding to the list of zoning districts shown under section 165.20 the following: “PUD – Planned Unit Development.”

SECTION 2. New Section. The Code of Ordinances of the City of Jefferson, Iowa, 2008 is amended by adding a new Section 165.40, entitled PUD – Planned Unit Development, which is hereby adopted to read as set forth on Exhibit A attached hereto.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

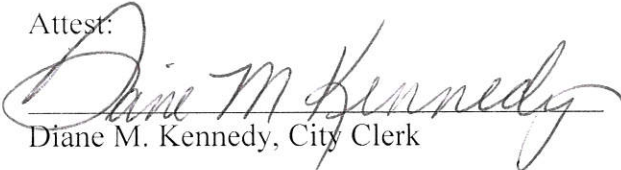
SECTION 5. When effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on January 13, 2015, and approved on January 13, 2015.



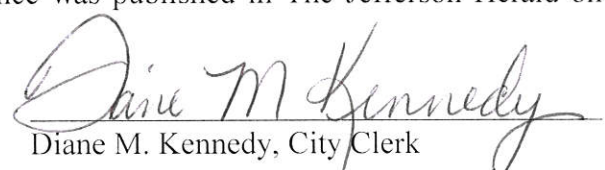
Craig J. Berry, Mayor

Attest:



Diane M. Kennedy, City Clerk

I hereby certify that the foregoing ordinance was published in The Jefferson Herald on February 12, 2015.



Diane M. Kennedy, City Clerk

165.40 PUD – PLANNED UNIT DEVELOPMENT DISTRICT.

1. Intent. This district is intended to provide for comprehensively planned projects which provide for innovative and imaginative approaches to urban design and land development. A PUD includes a development plan prepared by a developer in cooperation with the City. This differs from the traditional approach to land development wherein the developer develops the land pursuant to minimum standards previously adopted by the government. A PUD permits flexible variation from established land regulations as contained in other zoning districts and in platting and subdivision requirements. When an area of land is developed under this section, various provisions of the platting and subdivision requirements may be waived, requirements pertaining to area, height, spacing and density shall be established, and various land use mixtures may be permitted with appropriate screening, landscape buffers and setback restrictions. In essence, the developer, with City staff guidance, Planning and Zoning Commission review, and Council approval pursuant to an ordinance, may develop its own guidelines for the best development of the land in question. However, it is not the intent of this section either to permit a mixture of totally unrelated uses to be developed or to allow the fundamental purposes of the zoning, platting and subdivision provisions of this Code to be ignored. It is the intent of this section to permit the establishment of unified developments with differing land uses arranged so as to be compatible with one another, with the site to be developed, with the surrounding area, and with the City's Comprehensive Plan. In no event shall the basic purpose or intent of the zoning, platting and subdivision provisions of this Code of Ordinances be violated.

2. Pre-application Conference. Before submitting an application for a change to the PUD - Planned Unit Development district classification the developer shall meet with the City Administrator and Building and Zoning Official. The purpose of the conference shall be to discuss the feasibility of the proposal and to provide the developer with information and guidance regarding applicable city ordinances, specifications, standards and procedures before the developer enters into binding commitments or incurs substantial expenses. The conference shall concern, but not be limited to:

- A. The type of development proposed;
- B. The density of development – both residential and non-residential;
- C. The quantity and location of parking areas and egress driveways;
- D. The location, type and method of maintenance of open space;
- E. Proposed landscaping or other treatment of the tract;
- F. The location and widths of public rights-of-way access;
- G. The estimated time span for construction and development, including any anticipated staging; and

H. The proximity and adequacy of public utilities.

3. Application and Development Plan. An application for a change to the PUD - Planned Unit Development district classification shall be submitted to the Building and Zoning Official, and shall be accompanied by ten copies of a development plan of the entire proposed development prepared and signed by an architect or a landscape architect. The development plan shall include the following:

A. The name of the proposed PUD and the names and addresses of the owners and developers;

B. A description of allowed and prohibited uses within the PUD district;

C. A site plan showing the following information:

(1) The legal description and boundaries of the PUD district and proposed lot lines and plot designs.

(2) Topographic features of the site, including contours, watercourses, floodplains (100 year flood evaluation), and other major existing natural features;

(3) Proposed building uses, number of stories, general exterior design and building materials, dimensions, and floor areas, prepared by an architect registered in this state;

(4) Parking areas and access drives;

(5) Streets abutting or within the proposed development;

(6) Landscaping plan for the entire PUD district showing the general location and type of proposed landscaping, walks, fences, walls and other screenings;

(7) Location, size and type of any existing and proposed signs;

(8) Required peripheral yards;

(9) Common land, detention basins, recreation areas, parks, school sites and any other amenities and shall show if any area is to be dedicated to a governmental entity with its written acknowledgement of such dedication;

(10) Existing and proposed utility and other easements; and

(11) Development stages and schedule for commencement and completion after City Council approval of the development plan.

D. The manner in which the developer proposes to maintain any common ground to be included within the development;

E. Copies of proposed restrictive covenants, building restrictions, and easements affecting the development;

- F. The feasibility of providing adequate storm water and surface water drainage, sanitary sewer capacity, and water service for the proposed development;
 - G. The surrounding streets are capable of accommodating the increased traffic that would be generated by the new development, including a traffic study if required by city staff at the pre-application conference;
 - H. Off-street parking and loading will be provided as appropriate for the size and character of the proposed development; and
 - I. A study to indicate a market for the proposed development, provided such study is required by city staff at the pre-application conference.
 - J. Sufficient information as to land areas adjacent to the proposed PUD to indicate the relationship between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of the landscape;
 - K. The proposed treatment of the perimeter of the PUD, including materials and techniques to be used such as screens, fences and walls; and
 - L. Any additional information required by City staff deemed necessary to evaluate the character and impact of the proposed PUD.
4. Design Standards. A PUD shall be planned as an integral unit and may consist of residential, commercial and/or industrial land uses. A PUD District shall consist of not less than one acre. When different land uses are used in a PUD, the development shall be designed to be compatible with adjacent areas. A PUD shall meet all platting and subdivision requirements unless those requirements are specifically addressed and amended in the approving ordinance. The following design standards apply to a PUD:
- A. The proposed development must be in harmony with the existing or anticipated uses of other properties in the surrounding neighborhood and shall generally be in conformance with the City's Comprehensive Plan;
 - B. Environmental Design. Existing trees, groves, waterways, scenic points, historic spots, and other natural assets and landmarks shall be preserved whenever possible. The location of trees shall be considered when designing open spaces and planning the location of buildings, underground services, walks, paved areas, playgrounds, parking areas and finished grade levels. Excessive site clearing of topsoil, trees and natural features shall be discouraged;
 - C. Open Space. The maintenance of public and/or common open space shall be encouraged. In the case of a large residential and/or commercial development, open space may be required. However, any requirement for open space shall not exceed more than twenty-five percent (25%) of the total land area involved in the development;

D. Building Spacing. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers and other landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise. High-rise buildings included within a PUD shall be located in such a way so as to minimize any adverse impact on adjoining low-rise buildings and any invasion of privacy of the occupants of such low-rise buildings;

E. Traffic Circulation.

(1) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Streets within a PUD shall be connected to streets outside of the PUD so as not to encourage the use of the streets within the PUD by through traffic;

(2) The pedestrian circulation system and its related walkways shall be separate from the vehicular street system when possible;

(3) All nonresidential land uses within a PUD shall have direct access to a public street or frontage road;

(4) Developers are encouraged to design and construct private roadways within PUDs to comply with those standards provided for public streets in the Jefferson Subdivision Regulations (Chapter 166). No privately owned roadways may be dedicated to the public use at a later date unless and until said roadways have been improved by the private owner thereof to then existing design standards for public streets.

F. Community Services. PUD approvals shall not be granted unless utility systems such as water lines, sanitary sewer lines and streets located outside the PUD exist in sufficient quantity and quality to serve the PUD without system overload, unless the developer agrees to sufficiently improve the system deemed inadequate at the developer's own expense.

G. Market Analysis. A market analysis may be required for any PUD project. The market analysis shall contain the following determinations:

(1) Determination of the trade area of the proposed commercial facilities;

(2) Determination of the trade area population, both present and prospective;

(3) Determination of the effective buying power in such trade area;

(4) Determination of net potential customer buying power for stores in the proposed commercial facilities and, on such basis, the recommended store types and store floor areas;

(5) Determination of the residual amount of buying power in the trade area and how it may be expected to be expended in other business areas serving the trade area;

H. Setbacks and other appropriate screens shall be provided around the boundary of a PUD development to protect the adjoining district properties. Only in exceptional circumstances shall such a setback be less than the amount of the setback which the adjoining district is required to maintain from the PUD development;

I. A PUD development shall comply with all applicable city ordinances, specifications and standards relating to all dedicated street, sanitary sewer and storm sewer facilities and to surface drainage and floodwater retention; and

J. Where appropriate to the size and character of a PUD development, provision shall be made therein for open space for recreation and other outdoor uses, and for places of worship, convenience shopping and other community services.

5. Review and Approval Process.

A. Building and Zoning Official Review. Upon receipt of a completed application and development plan for a PUD as required under this section, the Building and Zoning Official shall have 20 days to review the PUD application and supporting documents in detail and make comments and/or recommendations for changes to the developer.

B. Planning and Zoning Commission. After review by the Building and Zoning Official the Building and Zoning Official shall schedule the application and plan for review by the Planning and Zoning Commission at a public hearing. All property owners of property located within 200 feet of a proposed PUD shall be notified by ordinary mail at least seven days prior to the date of the Commission meeting held to consider such change. Notice shall be considered given on the date it is mailed to the owner of record at the owner's last known mailing address. The Commission shall review the conformity of the proposed development with the standards of this section and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing the Commission may vote to recommend either approval or disapproval of the proposed development plan and request for rezoning as submitted, or to recommend that the developer amend the plan and request for rezoning to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare.

C. City Council. The recommendations of the Commission shall be referred to the City Council for consideration after a public hearing to be held at a regular meeting. Notice of the time and place of the public hearing shall be published as required by Iowa law not less than seven nor more than twenty days before the date of the hearing. After the hearing the Council may

approve or disapprove the development plan and request for rezoning, as submitted or as amended after hearing before the Commission, or may require such changes in the plan or rezoning as the Council deems necessary to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare. Approval of the development plan and request for rezoning shall be by ordinance which shall set forth the legal description of the property included within the development and restate and/or incorporate by reference the development plan. The ordinance, the development plan, the site plan and any other documents which relate to the operation or governance of the PUD (such as covenants, building restrictions and easements) shall be recorded with the county recorder.

6. Failure to Commence and/or Complete Construction. If the developer fails to begin and/or complete construction of the PUD, which shall include without limitation landscaping and development of common amenities and facilities, within the time schedule set forth in the development plan, the Building and Zoning Official shall schedule a public hearing before the Planning and Zoning Commission regarding such failure, and the developer shall be served prior notice of such hearing by certified mail. After such hearing the Commission shall consider all circumstances relevant to the developer's failure and may vote to recommend to the City Council that appropriate remedial measures be initiated, which may include (i) the initiation of rezoning of the subject property to the zoning classification effective prior to the rezoning of the property to a PUD district classification or to the current zoning classification of adjoining property, whichever is more appropriate, and/or (ii) referral of the matter to the City Attorney for institution of enforcement proceedings. Upon receipt of the recommendations of the Commission, the City Council may act to initiate remedial measures in conformity to the Commission's recommendations or to initiate such other remedial measures as the Council determines to be reasonably necessary under the circumstances.

7. Amendments. Any proposed change in the development plan, except an insubstantial change as described below, after the City Council has approved the plan shall be resubmitted in the same manner as the original development plan. For purposes of this subsection insubstantial changes are those changes, as determined by the Building and Zoning Official, to be minor and in harmony with the intent and objectives of this section and the development plan as approved by the Council.

8. Building Permits. No building permit for any stage of a PUD planned unit development shall be issued until after the development plan has been approved by the City Council.