

ORDINANCE NO. 2024-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VAN METER, IOWA, BY AMENDING SECTION 165.12 OF CHAPTER 165 ZONING REGULATIONS

Be It Enacted by the City Council of the City of Van Meter, Iowa:

SECTION 1. SECTION MODIFIED. Section 165.12 of the Code of Ordinances of the City of Van Meter, Iowa, is repealed and the following adopted in lieu thereof:

165.12 PLANNED UNIT DEVELOPMENT DISTRICT.

1. Intent. The Planned Unit Development District (P.U.D.) is intended and designed to promote and encourage development or redevelopment of tracts of lands on a planned, unified basis by allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this ordinance. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth, in this ordinance and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. Although Planned Unit Development Districts may appear to deviate in certain respects from a literal interpretation of the Comprehensive Plan, regulations adapted to such unified planning and development are intended both to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety, creative design and a better living environment.

The Planned Unit Development District is designed to:

1. Flexibility. Promote and permit flexibility that will encourage a more creative approach in development which results in a more efficient, aesthetic, desirable and economic use of land, while maintaining the density and intensity of use.
2. Adjust and Existing Development. Provide minimal effect upon adjacent properties and existing development.
3. Utilities. Promote development that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extensions.
4. Special Site Features. Promote flexibility In design, placement of buildings, and use of open space, pedestrian and vehicular circulation facilities, and off-street parking areas in a manner that will best utilize the potential of sites characterized by special features of geography, geology, topography, size or shape.
5. Natural and Historic Features. Provide, where it is shown to be in the public interest, for the preservation of historical features and such natural features as streams, drainageways, floodplains, ponds, lakes, topography, rock outcroppings, unique areas of vegetation, stands of trees and other similar natural assets.
6. Recreational Facilities. Provide for more adequate recreational facilities and other public and common facilities than would otherwise be provided under conventional land development.
7. Natural Setting. Provide for the enhancement of the natural setting through careful and sensitive placement of manmade facilities and plant materials.

8. Review Application Procedure. The reviewing and processing of any proposed Planned Unit Development District shall be in two steps:
 - a. Pre-Application Conference – In order to eliminate unnecessary expenditures of time and funds, the developer shall present to the City Clerk for submission to the City Engineer a pre-application sketch plan. The City Engineer will involve any City personnel necessary. This sketch should show the generalized overall plan for development of the proposed Planned Unit Development area. Included as part of the overall sketch plan should be the following elements:
 - i. Site Location and size of site
 - ii. Topography. Existing topography with major earthwork areas, major storm water runoff considerations, and problem drainageway areas indicated.
 - iii. Environmental Characteristics. Existing tree masses and other geological and environmentally important characteristics.
 - iv. Traffic and Parking. Generalized vehicular and pedestrian systems and parking areas.
 - v. Buildings. Generalized building locations.
 - vi. Density. Approximate gross density, and number and types of dwelling units and the approximate gross floor areas of commercial and industrial land.
 - vii. Utilities. Generalized utility line consideration with sanitary sewer capacity limitations so noted.
 - viii. Lot Ownership. Generalized public and private ownership boundaries, including common ownership areas, if any.
 - ix. Sun and Wind. Generalized building locations shall reflect that consideration be given to positive and negative effects of sun and wind.
 - x. Schedule. Proposed construction schedule.

The City Engineer shall have fifteen (15) days in which to review the pre-application sketch plan and then shall conduct a pre-application conference with the developer.

- b. Application for Planned Unit Development District Approval. After the pre-application conference, application for the Planned Unit Development District plan approval shall be made to the City Council. The Council shall refer to the Planning & Zoning Commission for review and recommendation. Such recommendations shall be forwarded to the City Council within forty-five (45) days of referral. Upon written request and approval by City Council, an additional forty-five (45) days may be granted for review for recommendation. All technical assistance to the Planning & Zoning Commission on the application shall be coordinated by the City Engineer. The application shall include the following written and visual materials: (A minimum of copies shall be provided by the developer):
 - i. Statement and Fee.
 1. A written statement concerning the proposed development, including the nature of the project, proposed land uses, building types, density ranges and description of the open space and recreational system.
 2. A filing fee of one hundred dollars (\$100.00) shall be paid to the City Clerk to cover the Commission's and

Council's review of the Application. All costs in excess of five hundred dollars (\$500.00) incurred by the City in the pre-application phases of review shall be paid and reimbursed to the City by the developer.

- ii. Plan. A site plan containing the following:
 1. Legal description of the total site being developed along with the name(s) of the owner(s) and seal of the registered land surveyor making the plat.
 2. A topographical survey of the site at an interval of not more than one (1) foot unless characteristics of the site indicate a greater or shorter interval appears appropriate.
 3. Dimensions and bearings of external property boundaries.
 4. The location of all existing structures, easements, utilities, proposed utilities, and public dedications either contained upon or adjacent to the site.
 5. The existing and proposed public and/or private street and sidewalk system.
 6. A statement or quantitative data including total number and types of structures to be constructed on the site, individual parcel sizes, lot coverages, gross and net residential densities, areas reserved for open space and recreation, and off-street parking areas.
 7. A statement addressing the positive and negative effects of sun and wind on the building locations.
 - a. Site. Site supporting information shall include, as appropriate:
 - i. Any water course areas.
 - ii. Unique natural features
 - iii. Unique historical sites
 - iv. General vegetation cover
 - v. Soil Suitability
 1. Landscaping. A landscape plan delineating the proposed treatment of the site. The plan shall be supplemented with a written "statement of Intent" of the plan and how the intent is to be realized.
 2. Plans. Representative floor plans and exterior elevations of proposed structures and buildings.
 3. Schedule. A flow chart indicating the approximate phasing and construction timetable.
 4. Council Action on Planned Unit Development Application. The Council shall conduct a public hearing on the application and then shall by resolution grant approval or, or reject, the

Planned Unit Development application. If the application is rejected, the Council will advise the owner or developer of any changes which are desired, or should have consideration, before approval will be given. Upon approval of the application, a certified copy of the resolution of approval signed by the Mayor and attested by the Clerk shall be attached to the original application. Notice of the public hearing shall be published pursuant to the provisions or State law.

5. Design Standards. Even though Planned Unit Developments promote and permit flexibility of design, certain standards must be applied to assure compatibility of the project with the intent of the Zoning Code. These standards Include:

a. Permitted Uses. Normal permitted uses are those of a residential character including single-family (detached or attached), two-family and/or multiple-family dwellings and the usual accessory buildings, such as garages, storage space, maintenance structures, and buildings for recreational purposes. Commercial uses may be located with residential buildings. However, if such commercial uses are proposed to be contained within a separate free-standing structure:

- i. It must be so designed to reflect the residential character of the development; and
- ii. Signs on-site shall be subject to the provisions of the "C-1" classification.

- vi. Density. The permitted maximum dwelling unit density shall not exceed what is allowable in the zoning district in which the Planned Unit Development is constructed. Where a Planned Unit Development is proposed and is contained within two (2) or more zoning districts, density shall be determined by adding the maximum dwelling units allowable for each proportional part.
- vii. Tract Size. There is no minimum tract size.
- viii. Parking. All parking must meet the requirements of the zoning district in which the Planned Unit Development is constructed. Where a Planned Unit Development is proposed and is contained within two or more zoning districts, parking requirements shall be determined by the Council, but shall not be any less restrictive than the existing requirements in the zones in which the Planned Unit Development is constructed. Parking lot design consideration shall be as follows:
 - 1. Parking areas shall be treated as an integral part of the development in scale, location and character.
 - 2. Parking areas shall be arranged to discourage through traffic.
 - 3. As appropriate, parking areas shall be screened from adjacent structures and streets with hedges, plantings, fences, earth berms, changes in grades, and/or similar buffers.
 - 4. Parking Areas shall be designed to allow for the drainage or surface water without erosion, flooding or other inconveniences.
- ix. Height. There shall be no maximum height requirements. However, heights shall be regulated to the extent that if it relates to the proposed development and to the general area within which the development is proposed to be located.
- x. Open Space. Open Space A major portion of any Planned Unit Development is its open space provisions, the integration of which is closely tied to the total development. However, no quantitative standards are established in

this section. Quality standards acknowledge the separate and multiple functions of open preservation of natural site amenities. In designing the Planned Unit Development, consideration shall be given to such functions. All land in the Planned Unit Development indicated as common land and common open space shall be maintained by one of the following methods:

1. If the land is deeded to a Homeowner's Association, the developer shall file a declaration of covenants and restrictions that will govern the association, which shall be submitted with the application for the Planned Unit Development. The provisions shall include, but not be limited to:
 - a. The Homeowner's Association must be established before the dwellings are sold.
 - b. Membership must be mandatory for each home buyer and any successive buyer.
 - c. The open space restrictions must be permanent.
 - d. The Homeowners Association must be responsible for liability insurance, tax, and the maintenance of recreational and other facilities.
2. All or any part of the open space system may be conveyed to the City by joint agreement of the developer and the City. Such conveyance may be by dedication of easement.
- xi. Chapter 170. Planned Unit Development plans, where applicable, shall comply with the final plat requirements of the Subdivision Regulations contained in Chapter 170.
- xii. Other Considerations. A number of major factors should undergo evaluation as a portion of design standards, including:

1. Natural drainage areas shall be retained as appropriate and, if necessary, improved.
2. Due consideration shall be given to preserving natural site amenities and minimizing the disturbance to the natural environment.
3. Existing trees shall be preserved wherever possible. The location of trees is to be considered in designing building location, underground services, and paved areas.
4. If the development includes floodplain areas, they shall be preserved as permanent open space.
5. Due consideration shall be given to the natural topography. Major grade change shall be avoided. If the development includes hillsides and slopes, special evaluation shall be given to geological conditions, erosion, and topsoil loss. If unfavorable development conditions exist, the Council may restrict clearing, cutting, filling, or other substantial changes in the natural conditions of the affected area.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. 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 the _____ day of _____, _____, and approved this _____ day of _____, _____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____
day of _____, _____.

City Clerk