

CHAPTER 171

PLANNED UNIT DEVELOPMENTS

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171.01 PURPOSE. The PUD, planned unit development regulations are intended to encourage a more efficient use of land and public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements for lot-by-lot development. Although PUD developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the planned unit development regulations are intended to allow freedom of design in order to promote developments which will be an asset to the City by equaling or surpassing the quality of developments resulting from the application of more conventional zoning and subdivision regulations.

171.02 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

1. “City engineer,” when used in this chapter, means the professional engineer registered in the State designated by the Council to perform the services required in this chapter
2. “Common open spaces” means a parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned unit development and designed and intended for the use or enjoyment of residents of the planned unit development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the development. Common open space may not include such facilities as parking lots, private streets, or drives, etc.
3. “Developer” means any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, developing or proposing to develop a tract of land as a planned unit development, as defined herein, and includes any agent of the developer. The term “subdivider” is synonymous with the term “developer” as defined in this subsection.
4. “Planned unit development” means an area of land to be developed as a single entity for a number of dwelling units and uses ancillary thereto, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one residential district established by any other chapter of this Code of Ordinances.
5. “Plat,” for purposes of this chapter, means a map, drawing, or chart on which a developer’s plan for the subdivision and/or development of a planned unit development is presented, which the developer submits for approval and intends, in final form, to record.
6. “Subdivision” means planned unit development subdivision when used within this chapter.

171.03 PERMITTED USES. Uses permitted in a planned unit development may include and shall be limited to the following:

1. Dwelling units in detached, semi-detached, attached or multi-storied structures, or any combination thereof;
2. Nonresidential uses of a religious, cultural, recreational and commercial character to the extent they are designed and intended to serve the residents of the planned unit development;
3. No commercial use, or any building devoted primarily to a commercial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve.

171.04 OBJECTIVES.

1. The City being confronted with increasing urbanization and acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, intends to encourage:
 - A. The variety and flexibility in land development for residential purposes and uses ancillary thereto that are necessary to meet those changes in technology and demand and that will be consistent with the best interests of the entire City;
 - B. The more efficient allocation and maintenance by private initiative of common open space ancillary to new residential areas;
 - C. The more efficient use of those public facilities required in connection with new residential development.
2. It is intended that in the established areas of the City the detached single-family character will be maintained. The City will resist vigorously any attempt to rezone to multiple family use vacant enclaves within established single-family areas, except where the developer can show:
 - A. Exceptional amenities for the area to be redeveloped; and
 - B. Insignificant adverse impact upon the neighboring areas.

To the extent established areas are shown in the future to be blighted or in need of renewal, the City will consider proposals for the use of planned unit development for redevelopment. On the peripheries of established residential areas and adjacent to commercial and industrial development, the City will consider with a favorable presumption proposals to permit changes in the densities indicated on the present zoning map.

3. In areas substantially undeveloped, the City will consider, with a favorable presumption, proposals for diverse residential types under a planned unit development, and will consider favorably the advisability of increased densities provided the plan offers physical, architectural and recreational amenities greater than those otherwise required by the Zoning Ordinance.
4. The City is prepared to accept a greater population density in these undeveloped areas than reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

171.05 ZONING REQUIREMENTS. The Zoning Ordinance requirements of the City will not be literally applied to planned unit developments but the general intent of the zoning provisions must be considered and the properties within planned use developments must be zoned in the proper district. An example of this would be that the land for a residential planned unit development must be zoned residential. Any zone change required for a PUD may be undertaken concurrently with the PUD approval process.

171.06 EXCEPTIONS TO OTHER REGULATIONS. Whenever the provisions of this chapter are inconsistent with this or other chapters of this Code of Ordinances, the PUD provisions shall prevail.

171.07 STANDARDS. Permitted principal and accessory land uses and lot area, yard and height requirements in a PUD are set forth in this chapter, and shall prevail over conflicting requirements.

1. **Gross Area and Density.** A proposed planned unit development shall have a minimum of two (2) acres of gross area which will permit construction and development to a maximum density of twelve (12) dwelling units per acre. Amenities and special character of a site may, with Commission and Council approval, permit a smaller gross area for planned unit development, to a minimum site of one acre.

2. **Building Use.** Buildings shall be used only for residential purposes; occupant garages, occupant storage space and similar accessory uses; noncommercial recreational facilities; community activities, including churches and schools; and retail-type convenience facilities designed primarily to serve occupants of the development. The retail-type convenience facilities shall be designed to be compatible with the residential buildings. Display signs shall be low profile and unobtrusive.

3. **Yard Requirements.** The minimum lot and yard requirements of the conventional zoning districts in which the development is located shall not apply, except that minimum yards specified in the conventional district with suitable screening or buffering shall be provided around the boundary of the development. The height requirements of the zoning district in which the development is located shall apply within one hundred twenty-five (125) feet of the development boundary. The maximum height of any structure permitted within the development shall be seventy-two (72) feet, or six (6) stories, or any lesser height required by airport height zoning.

4. **All dedicated streets, sanitary sewer and storm sewer facilities must comply with City ordinances and specifications.**

5. **Recreation Area.** With every multiple dwelling unit, the developer shall provide a defined location for appropriate recreational activities.

6. **Building Permits.** The final development plan shall be approved by the Council and filed with the Clerk before a building permit shall be issued for any building or other structure within the development.

7. **Common Space Open in Recreation Area.** Any land gained within the development because of the reduction in lot sizes below minimum ordinance requirements shall be placed in common open space which may be dedicated to the City (by consent of the Council); managed by the owners of the property; or managed by a homeowner's association. Developments or portions thereof which are being developed for sale or resale shall contain common open space and recreation area totaling twenty-five percent (25%) or more of the net development area. The net development area shall be defined as the gross development area minus area set aside for churches, schools and streets.

8. **Traffic Design.** If turning lanes or other forms of traffic controls are deemed necessary by the Council, the developer shall provide the necessary improvements, subject to the approval of their location and design by the City Engineer.

9. **Sanitary Facilities.** Before the preliminary development plan is approved by the Commission or Council, the developer must show that sanitary sewer facilities of sufficient capacity to accommodate the development are accessible. Alternatively, the developer must show he can provide a temporary method of sewage disposal which meets the approval of the health agencies involved. The design of the sanitary sewer facilities shall be approved by the City Engineer.

10. **Off-street Parking.** Off-street parking and loading spaces shall be in accordance with the municipal code for the land use intended.

11. Stage Development. No stage of a development shall contain less than two acres or total development, whichever is less; and any stage of development must include ancillary uses and common open spaces.

171.08 GENERAL REQUIREMENTS.

1. Relation to Existing Streets. New planned unit developments shall make provisions for the continuation of the principal existing streets in adjoining areas (or their projection where adjoining property is not developed) insofar as they may be necessary for the public requirements.
2. Streets. The street layout shall be in conformity with a plan for the most favorable development of the entire neighboring area, and proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
3. Relation of Railroads. If a railroad is involved, the development plan shall be laid out such that the distance between any street and the railroad will provide lots of sufficient depth to allow for a buffer strip between the residence and the railroad. No street shall be dedicated which is parallel or approximately parallel to the railroad unless it is a minimum of one hundred (100) feet between the railroad right-of-way line and the street right-of-way line. This 100-foot minimum may be waived provided there is to be no residential building between the street and the railroad.
4. Cul-de-sacs. Wherever a cul-de-sac is proposed, a turnaround having a street property line diameter of at least one hundred (100) feet shall be provided and the minimum paved turnaround shall be eighty (80) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than fifty (50) feet.
5. Minimum Roadway Width. The minimum roadway surfaced shall be twenty-four (24) feet in width.
6. Street Grades. Street grades shall be so arranged that grades shall not exceed ten percent (10%) and shall not be less than four-tenths of one percent. All changes in street grades shall be connected by a vertical curve of reasonable length to assure adequate visibility. However, on streets which have minimum grade, no vertical curve shall be used. In approaching intersections, there shall be a suitable leveling of the street at a grade generally not to exceed one percent and for a distance of generally not less than fifty (50) feet from the nearest line of the intersecting street. The grade within the intersection should be as level as possible permitting drainage. The Council may permit variance from these grades where it deems modification advisable to adjust to topographic situations.
7. Intersections. Street curb intersections shall be rounded by a radii of at least twenty (20) feet. Streets shall be laid out to intersect at right angles, and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at an angle of less than sixty degrees.
8. Street Names. Streets that are obviously in alignment with others already existing and names shall bear the name of the existing streets. The proposed names of new streets shall be shown on the preliminary and final plats and such names shall not duplicate or sound similar to existing street names. The City Engineer shall determine street names and house numbers.
9. Easements for Public Utilities. Where alleys are not provided in the plat, easements of not less than five (5) feet in width shall be granted to the City by the owner on each side of all rear and side lot lines where necessary for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extensions of main sewers or other utilities. The developer shall install electrical and telephone wiring system consisting of the necessary wiring, fixtures and equipment which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main electrical power lines and telephone lines shall be installed underground according to local utility specifications.

10. Monuments. Monuments shall be placed at block corner point of curves, change in direction along lot lines, and at each lot corner in accordance with City specifications.

11. Public Sites and Open Spaces. Where a proposed park, playground, school, or other public use shown in the comprehensive development plan is located in whole or in part in a proposed development, the Commission may require that such area be reserved for acquisition by the City for a period of one and one-half years in those cases in which the Commission deems such requirements to be reasonable.

171.09 IMPROVEMENTS.

1. Improvements Generally. The subdivider shall install and construct all improvements required by this chapter and Chapter 170. All required improvements shall be installed and constructed in accordance with specifications provided by the subdivider and prepared by a registered engineer. All improvements shall be constructed under the supervision of the City Engineer. The subdivider is obligated for the cost of the minimum street improvement. If a major traffic carrying street requires a roadway width greater than twenty-four (24) feet, the cost of the additional width shall be paid for by the City. The subdivider may, at the subdivider's own expense, construct roadways of greater width than that required by the City.

2. Streets. All streets within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.

3. Roadways. All roadways shall be surfaced with road stone base with asphalt or portland cement concrete with integral portland cement concrete curb as required by the City Engineer. The subgrade shall be prepared to receive surfacing as determined to be required by the City Engineer.

4. Water and Sewer Lines.

A. Where a usable and acceptable public water and sewer line main, as determined by the City Engineer, is within six hundred (600) feet of the area to be subdivided, the subdivider shall connect with such water main and sewer line and provide a water connection and sewer line for each lot and stubbed to the property line in accordance with the water department standards, procedure and supervision.

B. Where the water main or sewer line is not within the six hundred (600) feet as defined above, the subdivider and the Council shall negotiate the cost for extending the waterline or sewer main to within six hundred (600) feet of the subdivision, if the Council wishes to make such extension.

C. The subdivider is obligated for the cost of a six-inch diameter water main, valves, fittings, fire hydrants, and appurtenances. If a water main greater than six inches in diameter is required by the City, the additional cost shall be paid for by the City. The subdivider may, at the subdivider's own expense and with the permission of the Council, construct water mains of greater diameter than that which is required by the City.

5. Availability of Utilities; Bond. If utilities, sanitary sewers, water mains or storm sewer outlets are not available or accessible, the subdivider may be required to post a performance bond guaranteeing that the improvements will be constructed within a five-year period providing the utility service becomes available (within six hundred feet of the subdivision).

171.10 PROCEDURES.

1. Generally. In obtaining a final approval of a proposed PUD subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat and a final plat in accordance with this chapter.

2. Filing Preliminary Plat. The subdivider shall first prepare and file with the Clerk four (4) copies of a preliminary plat conforming in detail to the requirements set forth in this chapter and in Chapter 170. Six copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City.

3. Preliminary Plat Referral. The Clerk shall forthwith refer two copies to the city Engineer and two copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer two copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.
4. Findings of City Engineer. The City Engineer shall carefully examine said plat as to its compliance with the laws and ordinances of the City, the existing street system, and good engineering practices, and shall, as soon as possible, submit findings in duplicate to the Commission.
5. Recommendation of Commission. The Commission shall, upon receiving the Engineer's report, as soon as possible consider said report and tentatively pass upon the plat. It shall then set forth its recommendations in writing whether of approval, modification or disapproval. In case of modifications or disapproval, it shall give its reasons therefor. The Commission shall forthwith return one copy of the approved preliminary plat to the subdivider.
6. Submittal to Council. The Commission shall submit its recommendation of approval to the Council, together with a certified copy of the resolution showing the action of the Commission.
7. Council Approval. The Council shall then consider the preliminary plat and if the same is acceptable in accordance with this chapter and Chapter 170, the Council shall give tentative approval of said plat and the subdivider shall then file final plat with the Clerk in accordance with the statutes of the State. If the preliminary plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.
8. Final Plat Approval of City Engineer. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans, specifications, and information necessary for the detailed engineering consideration of the improvements required under this chapter and Chapter 170 and obtain approval of the City Engineer which shall be endorsed thereon.
9. Filing of Final Plat. The final plat shall be filed in duplicate together with a certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.
10. Final Plat Submittal Requirements. For final plat approval, the subdivider shall submit to the Commission:
 - A. Final plat filed in duplicate;
 - B. Performance bond in the amount approved by the City Engineer if improvements have not been completed;
 - C. One copy of the certified approved plans, profiles, cross-sections and specifications;
 - D. A certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.
11. Recommendation of Commission. The Commission shall then consider the final plat and if the same is approved shall submit its recommendation of approval to the Council together with a certified copy of the resolution showing the action of the Commission.
12. Council Approval. The Council shall then consider the plat and if the same is acceptable and in accordance with this chapter, the Council shall accept the same. If said plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.
13. County Record. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause the plat to be recorded in the office of the County Recorder and shall file satisfactory evidence of the

recording in the office of the Clerk before the City recognizes the plat as being in full force and effect.

14. Fees Established. The Council shall, from time to time establish by resolution, fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the Clerk, unless and until said plat is accompanied by the fee, as established by resolution of the Council, and as required by this chapter.

171.11 PRELIMINARY PLAT REQUIREMENTS.

1. The preliminary plat shall be clearly and legibly drawn to a scale of at least one inch to fifty feet or less and shall be plainly marked "Preliminary Plat" and shall show:

- A. The proposed name of the subdivision;
- B. The name and address of the owner and/or subdivider;
- C. The name, address and profession of the person preparing the plat;
- D. The date, scale and north point;
- E. The legal description of the area being platted;
- F. The boundary line (accurate in scale), the dimensions and location of the property to be platted and the location of the plat in relation to section lines;
- G. The location of property lines, streets and alleys, easements, utilities and other existing features affecting the plat;
- H. The layout, numbers and dimensions of proposed lots and blocks;
- I. The layout of all existing and proposed utility and other easements;
- J. The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use;
- K. Proposed names for all streets in the area being platted;
- L. Restrictions proposed, if any, to be included in the owner's dedication of the plat;
- M. Written statement of the appropriate officials of the availability of gas and electricity to the proposed subdivision;
- N. Written and signed statements explaining how and when the subdivider proposes to provide and install all required improvements by this chapter;
- O. If a homeowner's association will be formed, a statement of intentions of the homeowner's association which generally define the functions, responsibilities and operating procedures, will be required.

171.12 FINAL PLAT REQUIREMENTS. The final plat shall be clearly and legibly drawn to a scale of one inch to fifty feet or less and shall show:

- 1. The name and title under which the subdivision is to be recorded;
- 2. The name or names of the owners and subdividers;
- 3. The name, address and profession of the person preparing the plat;
- 4. The date, scale and north point;
- 5. The legal description of the area being platted;

6. Accurate distances and bearings of all boundary lines of the subdivision including all sections;
7. The location, width and dimension of all streets, alleys and grounds proposed to be dedicated for public use;
8. Lines of all lots with a simple method of numbering to identify all lots and blocks;
9. The layout of all existing utility and other easements together with their dimension and limitations, if any, of the easements;
10. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and these dimensions shall be expressed in feet and decimals of feet;
11. Names for all streets in area being platted;
12. All radii, points of tangency, central angles and lengths of curves;
13. Dedication together with private restrictive covenants and their period of existence, if any;
14. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made;
15. In the event that a homeowner's association will be formed, the proposed bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedure of the association, will be required;
16. Performance bond or bonds approved by the City in an amount not less than the estimated cost of the bonded improvements, which bonds shall insure to the City that the dedicated public streets and utilities, including sewers, located therein and other common development facilities in each stage shall be completed by the developer within the time specified on the final development plan;
17. Covenant to run with the land, in favor of the City and all persons having possessory interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, walks, parks, and plantings which have not been dedicated to the City in compliance with the ordinances of the City and the final development plan as approved by the Council, which shall be recorded in the office of the County Recorder;
18. A certificate by the owner and his spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse; this certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds;
19. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner and that the land is free from encumbrances other than those secured by an encumbrance bond;
20. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
21. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
22. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

23. Additional easements or agreements required by the Commission and/or Council at the time of preliminary plat approval.

171.13 PLANS, PROFILES AND CROSS-SECTIONS. The subdivider shall submit to the City Engineer:

1. Plans and profiles drawn to a minimum horizontal scale of one inch to fifty feet and a minimum vertical scale of one inch to ten feet; cross-sections drawn to a minimum horizontal scale of one inch to twenty feet and a minimum vertical scale of one inch to five feet; and specifications for the construction of the improvements for the subdivision.

2. The plan and profile of each street with tentative grades and street intersection elevations; all grades shown shall be top of curb grades;

3. The plan and profile of proposed sanitary sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and locations of valves and fire hydrants;

4. The cross-sections of proposed streets showing the width of roadways, present and proposed grade lines, and location and size of utility mains; the cross-sections shall be taken and platted at intervals of not more than fifty feet along the centerline and shall extend out to the sides of that point where the proposed grade intersects the existing grade; in no case shall these cross-sections be extended less than the full width of the right-of-way;

5. Specifications for the required improvements; standard specifications approved by the City Engineer may be used;

6. Provide an overall drainage plan which shall show the drainage area of each inlet of the subdivision;

7. The grading plan shall be sufficiently complete and of such accuracy that it can be used for final lot grading.

171.14 AMENDMENTS. Any regulations or provisions of this chapter may be changed and amended from time to time by the Council; provided, however, the changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

171.15 PENALTIES. Whoever, being the owner or agent of the owner of any land located within or within two miles of the City, knowingly or with intent to defraud, transfers or sells by reference to or exhibition of or by other use of a plat of subdivision of the land before the plat has been approved by the Council, shall forfeit and pay the penalty of not more than one hundred dollars (\$100.00) for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from these penalties.