

## CHAPTER 171

# MASTER PLAN REGULATIONS

171.01 Purpose	171.08 Final Plans
171.02 Where Permitted	171.09 Amendments or Modifications
171.03 Pre-application Conference	171.10 Validity
171.04 Application for Rezoning	171.11 Application to Existing Districts
171.05 Development Controls	171.12 Fees
171.06 Master Plan and Development Agreement	
171.07 Additional Requirements for Mobile Home Parks and Tiny Home Parks	

**171.01 PURPOSE.** The purpose of this chapter is to promote and encourage development or redevelopment of tracts of land on a planned, unified basis by allowing greater flexibility and diversification than is normally permitted by conventional single lot development in zoning districts, because of the substantial public advantages of planned development. Although Planned Unit Developments (PUDs), including mobile home parks and tiny home parks, 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 purposes 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, an improved level of amenities, appropriate and harmonious variety, creative design, and a better living environment.

**171.02 WHERE PERMITTED.** Planned Unit Developments shall be permitted on any 10-acre or larger tract of land, or contiguous tracts of land, that has been zoned or rezoned for PUD purposes by the City Council. Said PUDs may consist of residential, commercial, public, semi-public land, conservancy land, or any combinations of land uses thereof. Mobile home parks and tiny home parks are permitted only on any 20-acre or larger tract of land that has been zoned or rezoned for mobile home park and tiny home park purposes by the City Council. Said mobile home parks and tiny home parks shall consist of mobile home or tiny home spaces and accessory structures including a required storm shelter. A Master Plan shall be submitted by the applicant in conjunction with any petition requesting rezoning of a parcel or parcels of land to either Planned Unit Development District (PUD) or R-4 Mobile Home Residential District (R-4). However, the Master Plan for such PUD, mobile home park, or tiny home park shall not become effective until the appropriate zoning, either PUD or R-4, has been approved by the City Council.

**171.03 PRE-APPLICATION CONFERENCE.** In order to eliminate unnecessary expenditures of time and money, the developer shall first schedule a pre-application conference with the City Manager, who shall involve the City Engineer and representatives of other departments as deemed appropriate. The City Manager may require submittal of a generalized sketch plan providing such information as follows:

1. Location and size of the overall site, and of the individual types of development or uses proposed within the site.
2. Existing topography, indicating slopes, major earth-work areas, drainage courses, embankment stability, soil suitability, runoff on considerations, floodplains, and any problem areas.

3. Existing tree masses and other geological and environmentally important characteristics.
4. Generalized vehicular and pedestrian systems and parking areas.
5. Generalized building locations.
6. Approximate gross density, and number and types of dwelling units, in accordance with the Comprehensive Plan; approximate gross floor areas of commercial and industrial land uses.
7. Generalized stormwater management plan for drainage and detention, including embankment protection and erosion controls.
8. Generalized utility line considerations with sanitary sewer capacity limitations so noted.
9. Generalized public and private ownership boundaries, including common ownership areas, if any.
10. Generalized building locations for small PUD proposals.
11. Proposed development schedule and phasing plan.

#### **171.04 APPLICATION FOR REZONING.**

1. Following the pre-application conference, the applicant shall submit a petition for rezoning to PUD or R-4 in accordance with standard City procedures for rezoning, accompanied by a Master Plan, development agreement and related documents containing the information required by this chapter, and required fees.
2. The petition, Master Plan, and development agreement shall be referred to the Planning and Zoning Commission for study and report and for public hearing if required for rezoning by the Commission. The Commission shall review the Master Plan for conformity to the standards of this chapter, and may approve the plan as submitted; require the petitioner to modify, alter, adjust, or amend the plan as deemed necessary to preserve the intent and purpose of this chapter to promote public health, safety, and general welfare; or recommend that it be denied. The action of the Planning and Zoning Commission shall be reported to the City Council, where upon the Council may approve or disapprove the petition and Master Plan as reported, or may require such changes thereto as deemed necessary to effectuate the intent and purpose of this chapter.
3. The City staff shall schedule all required public hearings as soon as possible after all required information has been submitted. The Planning and Zoning Commission shall report their findings to the City Council in a timely manner. In the event they fail to take action within 60 days after the date of public hearing, the petitioner or anyone located within the notification area as defined for rezoning may request in writing that the Commission complete their considerations. The Commission shall then take action within the next 30 days and report their findings to the Council for consideration by the Council, unless the Council expressly grants the Commission additional time to complete negotiations, studies, or other items necessary.

**171.05 DEVELOPMENT CONTROLS.** Although PUD's are intended to promote and permit flexibility of design, and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this chapter. Mobile home parks and tiny home parks are intended to be developed in a consistent manner.

1. Any use that is approved and made a part of the Master Plan, subject to any conditions attached thereto, shall be permitted.
2. Height, setback, bulk, and other requirements set out in the Master Plan shall constitute the basis for, and become the zoning requirement for, that particular PUD, provided that refinements may be made through Preliminary Plat and Site Plan approval if not defined as a substantial modification; in lack of any special provisions set out in the Master Plan, the requirements of the most proximate zoning district, as defined by use, shall be applied.
3. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, required open space, screening and transitional elements and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should include development of common amenities and should provide a feasible means of developing the property in terms of access, sewer service, or similar physical constraints.
4. The combination of adjoining tracts of land into one cohesive Planned Unit Development shall be encouraged. Where such adjoining tracts of land are not under the same ownership, the owners of all property within the PUD shall sign the development agreement indicating concurrence with the requirements of the Master Plan and rezoning ordinance.
5. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space setbacks, landscaping and screening, grading, traffic circulation, and architectural compatibility. It is the intent of this chapter to recognize that appropriate use of design techniques will provide the required mitigation, and thereby eliminate the need for certain conventional regulations or standards. As examples and not requirements:
  - A. Provision of landscaped parks and open space to mitigate densities, orienting views, access, and principal activities away from the land use needing protection, placing those least compatible activities farthest from the common boundary and those most compatible nearest, can create an effective buffer.
  - B. Setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing the differences in architecture and bulk, and reducing heat. Dense landscaping can reduce the width of physical separation needed for such purposes.
  - C. Proper grading will control drainage, can alter views and subdue sound, and channel access.
  - D. Fences, walls, and berms will channel access and control visual, sound, and light pollution.
  - E. Proper architectural use of color, bulk, materials, and shape will enhance compatibility and reduce contrast, although details added to the building for aesthetic purposes without consideration to form and surroundings may be detrimental rather than helpful.
  - F. Proper design of pedestrian ways, streets, and points of access, and proper location of parking areas, will reduce congestion and safety hazards and

help prevent introduction of noise, pollutants, and other conflicts into areas with less intensive land use.

G. Other techniques may also be used.

6. Permanent care and maintenance of open space, recreation amenities, and other common elements shall be provided in a legally binding development agreement.

7. Except where the City agrees to other arrangements, a PUD shall be comprised of either a single owner or a group of owners acting as a partnership or corporation with each agreeing in advance to be bound by the conditions which will be effective in the PUD.

**171.06 MASTER PLAN AND DEVELOPMENT AGREEMENT.** The following information, plans, and maps shall be submitted as part of the application for a Planned Unit Development, mobile home park, or tiny home park.

1. Names, addresses, and telephone numbers of owners, developer, and designer; name of development, date, north point, and scale.

2. Legal description of the property, and map of the boundary of the proposed PUD, as well as interior boundaries of proposed development phases, and of any existing separate ownerships.

3. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as land divisions, land use, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern.

4. Existing site conditions including contours at intervals sufficient to indicate topographic conditions (generally two feet), drainage ways and 100-year floodplains (base floodplains), floodways, heavy woods or other significant natural areas, and existing structures.

5. General locations of proposed lots and attached residential, multiple family, commercial, and industrial structures, and recreation facilities; further delineating areas with different uses or building types, and gross density per acre.

6. General location and size of areas to be dedicated or reserved for common open space, parks, landscaping areas, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained.

7. Existing and proposed general circulation systems, including streets, pedestrian ways, recreation trails, major off-street parking and loading areas, and major points of access.

8. Existing and proposed general sanitary sewer collection systems, water main distribution systems, and stormwater management plan including storm sewers, drainage ways, and detention facilities. All utilities, including franchise utilities, shall be underground.

9. Proposed development standards, including uses, density, floor area ratios for nonresidential developments, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances.

10. Sewer usage computations in accordance with the criteria of the sewer district.

11. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and buffer areas, landscaping, fences or other screening, height limitations, or other provisions.
12. A narrative or graphic explanation of the planning and design concepts and objectives the owner intends to follow in implementing the proposed development, including a description of the character of the proposed development; the rationale behind the assumptions and choices made; the compatibility with the surrounding area; and design considerations for architecture, engineering, landscaping, open space, and so forth.
13. A statement of intent with regard to selling or leasing all or portions of the proposed development.
14. Proposed energy conservation methods, such as siting or design of structures.
15. Proposed phasing timetable including a phasing plan indicating the limits of each phase of development along with buffers for each phase where appropriate.
16. A development agreement shall be signed by the property owners and the applicant if the applicant does not own all of the property within the PUD, mobile home park, or tiny home park. This agreement shall reference the Master Plan drawings and shall include narrative information as deemed necessary regarding specific development provisions and densities, such information may also be incorporated into the ordinance rezoning the property.
17. The City Manager may require any additional information which may be needed to evaluate the proposed development on the basis of special or unforeseen circumstances, or may waive any of the above requirements if it is found that such information is unnecessary to properly evaluate the proposed development.
18. The Master Plan and development agreement shall be binding on the petitioner and any and all successors in title so long as PUD or R-4 zoning applies to the land, unless amended in accordance with the procedures set forth. The development agreement and the ordinance for rezoning may include a sunset clause such that the zoning of the land or a portion of the land may revert to the original zoning should development not occur within a specified time frame if such sunset clause is deemed necessary by City Council.

The above information should be shown in a clear and logical manner in a legible scale. Sheet size should not exceed 24 inches by 36 inches. Generally, existing conditions should be illustrated on a separate sheet for sake of clarity, although existing topography, access, utility and sewer lines, and other items that are appropriate for understanding the proposal should also appear on the proposed development plan. It is strongly recommended that an architect, landscape architect, and civil engineer be employed to prepare the plans.

#### **171.07 ADDITIONAL REQUIREMENTS FOR MOBILE HOME PARKS AND TINY HOME PARKS.**

1. In addition to the Master Plan and development agreement requirements specified above, the applicant for a mobile home park or tiny home park development shall include the following:
  - A. Individual mobile home or tiny home spaces of appropriate dimension shown and numbered.

- B. All buildings, other than garages and other buildings accessory to individual mobile home or tiny home spaces, including their proposed height, size, use, and exterior design.
  - C. Landscaping and plant materials, including species and size at time of installation and maturity.
  - D. Walls and fences.
  - E. Lighting facilities for streets and common areas and buildings, including fixture type and illumination.
  - F. Solid waste receptacles.
  - G. Central television antennas.
2. Design Standards.
- A. No mobile home park or tiny home park, or any initial stage thereof, shall contain less than 50 mobile home or tiny home spaces.
  - B. Not less than eight percent of the gross area of every mobile home park or tiny home park shall be developed as recreation areas easily accessible to all park residents. Recreation areas may include, but are not limited to, such facilities as recreation buildings, adult recreation areas, child play areas, and swimming pools. Only unpaved, unenclosed areas may be considered toward the open space requirement as specified in Section 165.06.
  - C. Off-Street Parking: In addition to the provisions of Section 165.18, two parking spaces for each mobile home space.
  - D. Streets.
    - (1) All streets within the mobile home park or tiny home park shall be privately owned and maintained.
    - (2) If turning lanes or other forms of traffic controls at the entrances and exits to and from the mobile home park or tiny home park are deemed necessary by the Council, the developer shall provide the necessary public improvements.
    - (3) Entrance streets shall be not less than 35 feet wide. Interior streets shall not be less than 25 feet wide.
    - (4) Every dead-end street shall be provided with a cul-de-sac with not less than an 84-foot turning diameter.
    - (5) All streets shall be paved with asphalt or Portland cement concrete and constructed with a continuous concrete curb and gutter to provide for drainage.
    - (6) The location and design of all intersections of access streets with public streets shall be approved by the City Engineer.
  - E. Utilities. All water mains, sanitary sewers, and storm sewers within the mobile home park or tiny home park shall be privately owned and maintained unless otherwise approved by City Council. All such utilities, whether public or private, shall be constructed in accordance with the City's standard specifications and the construction of same shall be inspected by the City Engineer.

- F. Walks.
- (1) Common sidewalks shall be provided along all entrance streets and in areas of high pedestrian traffic, such as in the vicinity of community buildings and recreation facilities. The sidewalks shall be at least four feet wide and of asphaltic or Portland cement binder pavement.
  - (2) Individual walks shall be provided to connect all mobile home or tiny home stands to common sidewalks, to paved streets, or to paved driveways or parking spaces connected to a paved street. Such individual walks shall be at least two feet wide and of asphaltic or Portland cement binder pavement.
- G. Lighting. The park street system shall be furnished with lighting units so placed and equipped to provide the following average minimum maintained levels of illumination:
- (1) Upon all parts of the park street system: 0.2 foot-candles.
  - (2) Upon potentially hazardous locations, including major street intersections and park entrances: 0.4 foot-candles.
- H. Installation, Anchorage, and Skirting.
- (1) Every mobile home or tiny home shall be supported and set, and tie-downs or anchors provided, as specified in the manufacturer's instructions, or in their absence, according to the minimum requirements as established by the Iowa *State Building Code*.
  - (2) Skirting of a permanent type material and construction sufficient to provide substantial resistance to high winds shall be installed within 90 days after the placement of the mobile home or tiny home to enclose the open space between the bottom of the mobile home or tiny home floor and the grade level of the mobile home or tiny home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home or tiny home and the appearance of the mobile home park or tiny home park.
- I. Refuse collection stands consisting of a holder or rack elevated at least 12 inches above ground, or an impervious slab at ground level, shall be provided for all solid waste receptacles.
- J. Buildings housing accessory uses, food services, vending machines, drug stores, grocery stores, coin operated laundry facilities, and similar goods or services customarily incidental and subordinate to a mobile home park or tiny home park, and the required parking, therefore, shall not exceed five percent of the gross area of the mobile home park or tiny home park.
- K. A minimum area of five percent of the total area for the mobile home park or tiny home park is required for the parking or storage of boats and recreational vehicles. This parking facility shall be hard surfaced with concrete or asphalt with a minimum depth of six inches and be strategically placed with the development to minimize public visibility. The area must be screened and landscaped.

**171.08 FINAL PLANS.**

1. Preliminary Plats of Subdivision and Site Plans. Following City Council approval of an ordinance rezoning a parcel to PUD or R-4 and approving the Master Plan and development agreement, the applicant shall be required to submit a Preliminary Plat in compliance with the requirements of Chapter 170 – Subdivision Regulations.

A. Such plat shall contain all information and be processed in the manner set forth in said regulations, in addition to complying with any specific provisions of the Master Plan, and shall generally comply with the development concepts outlined in the Master Plan and development agreement.

B. The initial Preliminary Plat filed for the property shall be required to include the entire PUD, mobile home park, or tiny home park, with lots assigned for Phase 1 development and outlots assigned for approved future phases of development. Each approved phase shall demonstrate the ability to be self-sustaining in terms of access, services, utilities, open space, economic viability, and other major considerations.

C. The Preliminary Plat may be required to subdivide the property in outlots based on use prior to platting into lots for further development.

D. For all uses other than single-family detached residential lots, the Preliminary Plat shall include a Site Plan providing detailed design information including architectural elevations, building materials, sidewalks and walkways, landscaping, sidewalks and trails, monument and building signage, and various site amenities, all in conformance with Chapter 157 – Site Plans. Site Plans may be required for single-family detached residential lots or for amenities such as parks serving said lots if so designated on the Master Plan or if requested by the Commission or Council.

E. No public notice or hearing shall be required for Preliminary Plats or Site Plans unless required by the Master Plan or development agreement or caused to be required by the Commission or Council as deemed appropriate. Provided, however, minor deviation from the Master Plan may be permitted as refinements to the design and planning if not defined by this chapter as a substantial modification requiring amendment to the Master Plan. Such minor deviations shall be expressly set out and shall be approved by the Planning and Zoning Commission and City Council.

2. Construction Drawings and Final Plats of Subdivision. Following City Council approval of a Preliminary Plat, and Site Plan if required, the applicant shall submit a Final Plat including accompanying information in conformance with all requirements of Chapter 170 – Subdivision Regulations.

A. Final Plat shall be in conformance with the Master Plan, Preliminary Plat, and Site Plan.

B. If the Master Plan or Preliminary Plat include any public improvements, the applicant shall submit construction drawings for review by the City Engineer and approval by City Council as required by Chapter 170. Construction of the public improvements shall be completed, and said improvements accepted by Council, prior to Final Plat approval; unless this requirement is specifically waived by the City Council and appropriate bond or



security as recommended by the City Attorney has been provided to the City Clerk.

C. No public notice or hearing shall be required for Final Plats or Construction Drawings unless required by the Master Plan or development agreement or caused to be required by the Commission or Council as deemed appropriate. Provided, however, minor deviation from the Master Plan may be permitted as refinements to the design and planning if not defined by this chapter as a substantial modification requiring amendment to the Master Plan. Such minor deviations shall be expressly set out and shall be approved by the Planning and Zoning Commission and City Council.

3. Upon the approval of Preliminary Plat and Site Plan and the approval and recordation of the Final Plat, building permits shall be issued in the same manner as for building permits generally, including siting for individual mobile homes or tiny homes. Certificates of Occupancy shall be issued in conformance with applicable City codes.

#### **171.09 AMENDMENTS OR MODIFICATIONS.**

1. Substantial modifications to the Master Plan shall be processed in the same manner as a rezoning and additionally shall comply with the provisions of this section. Notice and public hearing requirements and the effect of a denial shall be the same as for rezoning, provided that the notification area shall be those property owners proximate to the parcel covered by the amendment, as opposed to the entire PUD. Further provided that in the event a requested amendment for a portion of the entire PUD is denied, such action shall not create any limitations under rezoning procedure on the filing of an amendment to another portion of the PUD having a substantially different notification area. Any ambiguities or disputes between this chapter and procedures for rezoning shall be resolved in favor of the more restrictive requirements.

2. Substantial modifications are hereby defined to include, but are not limited to, the following: increased density; intensification of use by changing to a lower classification, with conventional single-family being the highest classification and progressing to attached single-family, multiple-family, commercial offices, retail, warehousing, and light industry, to heavy industry; addition of uses, or elimination of conditions or restrictions on a use or uses; increased floor area ratios, or other modifications considered probable to generate increased traffic, sewage, waste consumption, or other detrimental conditions; significant modifications to peripheral buffering or screening, setbacks, height, locations of buildings, drives, or other improvements which were intended for protection of proximate properties, provided that substitution of equivalent screening materials shall not be considered a substantial modification; modifications to the street pattern, such as that of major streets or continuations of existing streets, which will have a demonstrable impact on traffic flow such as to effectively change the functional classification of the street; modifications to access which may lead to increased congestion, or to additional commercial or industrial traffic on a local residential street; or other changes deemed substantial by the City staff.

3. Modifications to final plans shall follow the procedures of the site planning or subdivision regulations, as appropriate, except in the case of a substantial modification as defined above.

**171.10 VALIDITY.**

1. In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the City Manager. The City Manager shall review the circumstances and prepare a report recommending appropriate action to be taken concerning the PUD, mobile home park, or tiny home park. The Planning and Zoning Commission and City Council shall review the matter, and may continue the PUD zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this chapter if deemed substantial; continue the PUD or R-4 zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than the applied immediately prior to the rezoning to PUD except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate.
2. Approval of a Site Plan or Preliminary Plat shall be deemed to commence development, provided that the permanent placement of construction materials shall have started and be proceeding without delay within two years after the date of Site Plan approval, and a Final Plat approved within one year after the date of Preliminary Plat approval in the event a Site Plan is not required. Failure to comply with this provision shall void the Site Plan and Preliminary Plat approvals, and make the PUD subject to review as provided above.
3. It shall be the responsibility of the developer to comply with all prescribed time limits without notice from the City.

**171.11 APPLICATION TO EXISTING PUD DISTRICTS.** Existing PUD districts shall comply with the requirements and provisions of this chapter, provided that no additional filings shall be required to maintain current valid status, and no currently expired approvals shall be deemed to have been reapproved by this chapter. Validity of existing PUDs shall be computed according to the time limits set forth herein.

**171.12 FEES.** Before any action shall be taken by the Commission on any petition for rezoning or on any Master Plan, the applicant or agent shall deposit with the Clerk a fee according to a schedule adopted from time to time by resolution of the City Council. The applicant shall also be responsible for any development review fees incurred by the City Engineer for review of the PUD and related documents; said fees shall be reimbursed to the City prior to any action by the Commission and paid in full prior to Council action. Site Plans and Plats of Subdivision within a PUD shall also be subject to the normal fees for such filings.