

ORDINANCE NO. 1328

AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE MUNICIPAL CODE OF THE CITY OF DECORAH RELATED TO CHAPTER 17.84 R-5 PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, the City of Decorah has a housing shortage; and

WHEREAS, The R-5 district is intended to provide for the development or redevelopment of tracts of ground on a unit basis, allowing greater flexibility of land use and building locations than the conventional single-lot method

WHEREAS, a public hearing was held on the proposed resolution, where public comment was made in favor of and against the request; and

WHEREAS, the City Council finds that the proposed changes allow for more opportunities for the R-5 Zoning to be used and beneficial to the City.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Decorah, Iowa, as follows:

SECTION 1. That Section 17.84.020 Procedure, be amended by deleting Paragraph A, and inserting in lieu thereof the following:

A. The owner or owners of any tract of land comprising an area of not less than two acres may petition the city council for a change to the R-5 zoning district classification. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included within the development, evidence of the feasibility of providing adequate stormwater and surface water drainage, water mains and sanitary sewers for the proposed development, and evidence that the developer is capable of successfully completing the proposed development. A preliminary plan of the proposed development shall be submitted in a format and number as determined by the Zoning Administrator as necessary to review, showing in schematic form the location of all proposed:

1. Buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each;
2. Parking areas;
3. Access drives;
4. Streets abutting or within the proposed development;
5. Walks;
6. Site topographic features;
7. Landscaping and planting areas;
8. Required peripheral yards;
9. Common land, recreation areas and parks;
10. Existing utility or other easements;
11. Development stages and timing.

SECTION 2. That Section 17.84.020 Procedure, be amended by deleting Paragraph D.1., and inserting in lieu thereof the following:

D.1. If the council approves the preliminary plan and request for rezoning, the applicant shall submit within two hundred seventy days, or such longer period as may be approved by the council, to the commission a final development plan in a format and number as determined by the Zoning Administrator as necessary to review, of not less than one stage of the proposed development showing in detail the location of all proposed:

- a) Buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each;
- b) Parking areas;
- c) Access drives;
- d) Streets abutting or within the proposed development;
- e) Walks;
- f) All proposed walls and fences;
- g) Landscaping and plant material;
- h) Required peripheral yards;
- i) Common land, recreation areas, and parks;

- j) Existing and proposed utilities and public easements;
- k) Proposed signs and their area and dimensions;
- l) Storm and sanitary sewer lines;
- m) Water mains; and
- n) Development stages and timing.

SECTION 3. That Section 17.84.030 Standards, be amended by deleting the section in its entirety, and inserting in lieu thereof the following:

Permitted principal and accessory land uses, lot area, yard and height requirements shall be as set out below, which shall prevail over conflicting requirements of this title or the subdivision ordinance.

- A. Buildings are primarily to be used for residential purposes; occupant garages, occupant storage space, and similar accessory uses; noncommercial recreational facilities; and community activities, including churches and schools.
- B. Buildings, or portions thereof, may be used for limited commercial use that meet the following criteria;
 - 1. The building shall be located no closer than one hundred-fifty feet (150') from the closest point of an adjacent residential zoning district, measured in a straight line from the nearest point of the structure to the nearest point of the residential district.
 - 2. The combined commercial units may not exceed ten percent (10%) of the total units in the development and must be identified on the development plan.
 - 3. All potential uses of commercial units must be submitted as part of the development plan. Only those approved will be considered permitted uses for the development.
- C. The minimum lot and yard requirements of the zoning districts in which the development is located shall not apply, except that minimum yards specified in the district or suitable screening or buffering shall be provided around the boundaries of the development. In the absence of any appropriate physical barrier, the council may require that open space or screenings be located along all or a portion of the development boundaries. The height requirements of the zoning district in which the development is located shall apply within one hundred twenty-five feet of the development boundary.
- D. All streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the city.
- E. "Common land," as used in this section, refers to land retained in private ownership for the use of the residents of the development or to land dedicated to the general public.
- F. Any land gained within the development because of the reduction in lot sizes, below minimum zoning ordinance requirements, shall be placed in common land to be dedicated to the city or retained in private ownership to be managed by a homeowners' association. The dedication of land to the city shall be subject to the approval of the city council after referral to appropriate city agencies.
- G. The requirements of Chapter 17.52, relating to off-street parking and loading, shall apply to all R-5 developments.
- H. Each stage of the final development plan shall comply with the density requirements of this chapter for the zoning district in which it is located.
- I. No stage of a final development plan shall contain less than two acres.

SECTION 4. That Section 17.84.050 Completion, be amended by deleting the section in its entirety, and inserting in lieu thereof the following:

The council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the council, in accordance with the provisions of Chapter 17.44, to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension is recommended by the commission and approved by the council for due cause shown. For the purpose of this section, the term "unimproved" property means all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

SECTION 5. That the following be added as Section 17.84.070 Modifications:

Any application by the property owner or owners for modification to an approved plan shall first be reviewed by the Planning and Zoning Commission. Said proposed modification, along with a recommendation from the Planning and Zoning Commission shall then be forwarded to the City Council. The City Council shall then take such appropriate action on the proposed modification and their decision shall be final.

No modification may be considered that is more than a ten percent (10%) increase in density or a change of uses of the site without a public hearing by the Planning and Zoning Commission and City Council as required for a rezoning. A public hearing may be held by the Planning and Zoning Commission or City Council on any requested modification. All modifications and adjustments shall be recorded at the Winneshiek County Recorder's Office.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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.

When Effective. This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

Date of First Reading: April 15, 2024

Date of Second Reading: May 6, 2024

Roll Call Vote:

Councilmen Voting Aye: Olson, Parker, Schissel, Miculinich, Neal, Hadley

Councilmen Voting Nay: None

PASSED AND ADOPTED this 20th day of May, 2024.

CITY OF DECORAH



Lorraine Borowski, Mayor

ATTEST:



Keri Sand, City Clerk-Finance Officer

I hereby certify that the above Ordinance No. 1328 was published on the 30th day of May 2024, in the Decorah Public Opinion



Keri Sand, City Clerk-Finance Officer