

## **ORDINANCE NO. 1-2024**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGVILLE, IOWA, BY ADDING A NEW SECTION ALLOWING A PLANNED DEVELOPMENT**

**BE IT ENACTED** by the City Council of the City of Springville, Iowa:

**SECTION 1. NEW SECTION.** The Code of Ordinances of the City of Springville, Iowa, is amended by adding a new Section 165.31, entitled PLANNED DEVELOPMENTS, which is hereby adopted to read as follows:

#### **165.31 PLANNED DEVELOPMENTS.**

1. Nature and Purpose. Planned Development provides an alternative approach to development projects, wherein the developer is permitted to design by objective rather than in strict conformance to district specifications. It is intended to allow the use of design techniques such as cluster siting of buildings, use of natural drainage ways and common open space, and such management and ownership options as condominium, cooperative, and leasehold agreements. Uses within a Planned Development may include both permitted and conditional uses as provided for in this chapter.
2. Ownership Control. A planned development must be developed under single ownership or control.
3. Authorization. Planned Developments shall be authorized by a permit granted by the Commission. No application for a Planned Development permit shall be approved or denied until the Commission has given notice and held a public hearing upon the proposed project.
4. Planned Development Permit - Application. An application for a planned development permit shall be filed with the Zoning Administrator upon forms furnished for the purpose, and shall be accompanied by such plans, exhibits, documents, and other information as may be required by the Planning and Zoning Commission. Said application shall contain at least the following:
  - A. Names and addresses of the owner, developer, and designer.
  - B. A site design plan, drawn at an appropriate scale, showing existing topography of the site and including the area within 200 feet of the perimeter, and also showing, on separate drawings as necessary, the site grading and drainage plan, location and area of all buildings, driveways, walkways, parking spaces, plantings, and all other structures.
  - C. Ownership and management plan (condominium, co-operative, leasehold, subdivision) and supporting documents demonstrating how control of use and maintenance will be accomplished.
5. Review Process. Upon receipt of an application for a planned development permit, the Zoning Administrator shall, without delay, make copies of said application available to all members of the Planning and Zoning Commission and to the following City officials: City Engineer, Building Official, Water Department Manager, Fire Chief, Police Chief, City Attorney, and City Administrator/Clerk. The Planning and Zoning Commission shall review the proposal at the next regular meeting, provided there is a minimum of ten (10) days between the date of application and the date of the meeting. Prior to the time of such meeting said City officials shall review the

development proposal and prepare reports to be rendered to the Commission at said meeting, either in writing or in person, as follows:

A. The City Attorney, City Engineer, Building Official, and City Clerk shall report on apparent problems or efficiencies in the proposal within the scope of their respective disciplines or areas of responsibility.

B. The Water Department Manager and other department heads shall provide an evaluation of the effect that the proposed development might have on the operation of their respective departments, particularly with respect to capital or operating expenditures that may be required to provide customary and necessary services to such development.

After receiving the reports of City officials, the Planning and Zoning Commission may recommend, or the applicant offer, amendments to the plan. Any amendments agreed to by both the applicant and the Commission shall be in writing and attested to by the applicant. For the purpose of preparing such documents, the meeting may be adjourned to a certain time. In the event the applicant and the Zoning Commission fail to reach agreement, the applicant may withdraw the application or make a written request that the application be forwarded to the Council, along with the Zoning Commission recommended amendments, for final determination by the Council. In the event amendments to the plan are jointly recommended by the applicant and the Zoning Commission, the Zoning Administrator shall also have the right to make a written request that such recommended amendments be forwarded to the Council for public hearing prior to approval or denial. In the absence of such a request by the Zoning Administrator, such joint recommendations shall be deemed final.

6. Criteria For Planned Developments. No Planned Development shall be approved by the Commission unless it shall substantially meet all of the following criteria:

A. It shall be so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

B. It will not cause substantial injury to other property in the vicinity.

C. It will not be a social, environmental, or economic liability to the community.

D. No uses shall be allowed except those provided for in this Code listed as either permitted or conditional for the district in which the project is to be located; provided that, accessory uses listed for the district if they are, in fact, accessory to an allowed principal use may be allowed.

E. Provision has been made for free and uninhibited access to all private or common areas by the fire, police, and other public safety vehicles and personnel for the customary performance of their respective duties and responsibilities.

7. Partial Developments, Additions, Redevelopment. If an applicant wishes to develop a portion of a tract at one time, leaving the balance of the area open for future additions, the applicant may so indicate on the plan submitted, showing the interim use to which the undeveloped portion will be put. However, no additions, modification, or change of use not provided for in the original development permit will be authorized until an amended or supplemental application has been filed and approved in the same manner and subject to the same criteria as the original plan.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

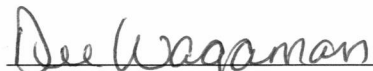
**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. 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 the 20<sup>th</sup> day of May, 2024, and approved this 20<sup>th</sup> day of May, 2024.

  
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Lyle Andersen, Mayor

ATTEST:

  
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Dee Wagaman, City Clerk

First Reading: May 20, 2024

Second Reading: Waived

Third Reading: Waived

I certify that the foregoing was published as Ordinance No. 1-2024 on the 24th day of May, 2024.

  
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Dee Wagaman, City Clerk