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PLANNING AND ZONING COMMISSION MEETING
Tuesday, May 29, 2018 • 7:00 p.m.
West Branch City Council Chambers, 110 N. Poplar St.
Council Quorum May Be Present

- a) Call to Order
- b) Roll Call
- c) Approve Agenda/Consent Agenda/Move to action.
 - a. Approve minutes from the March 27, 2018 Planning and Zoning Commission Meeting.
 - b. Approve minutes from the May 1, 2018 Special Planning and Zoning Commission Meeting.
- d) Public Hearing/Non-Consent Agenda./Move to action.
 - a. Public Hearing on the matter of a re-zoning of the following described parcel located at 116 N. 1st Street, West Branch, Cedar County, Iowa. Rezoning parcel #0500-13-05-357-015-0 from CB-1 to RB-1.
 - b. Approve a recommendation to the City Council for the rezoning of the following described parcel located at 116 N. 1st Street, West Branch, Cedar County, Iowa. Rezoning parcel #0500-13-05-357-015-0 from CB-1 to RB-1./Move to action.
 - c. Discuss and approve the draft Planned Unit Development ordinance./Move to action.
 - d. Discuss changes to the Comprehensive Plan Chapter 7 – The Local Economy of West Branch.
- e) City Staff Reports
- f) Comments from Chair and Commission Members
- g) The next regularly-scheduled Planning and Zoning Commission Meeting – July 24, 2018 at 7:00 p.m.
- h) Adjourn

Planning & Zoning Commission Members: Chair John Fuller, Vice Chair Ryan Bowers, Sally Peck, Gary Slach, Emilie Walsh, Tom Dean, Vacant • **Zoning Administrator:** Terry Goerd • **Deputy City Clerk:** Leslie Brick
Mayor: Roger Laughlin • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Nick Goodweiler, Jodee Stoolman
City Administrator/Clerk: Redmond Jones II • **Fire Chief:** Kevin Stoolman • **Library Director:** Nick Shimmin
Parks & Rec Director: Melissa Russell • **Police Chief:** Mike Horihan • **Public Works Director:** Matt Goodale

(These minutes are not approved until the next Commission meeting.)

City of West Branch Planning & Zoning Commission Meeting
March 27, 2018
West Branch City Council Chambers, 110 North Poplar Street

Chairperson John Fuller opened the meeting of the Planning & Zoning Commission at 7:02 p.m. welcoming the audience and following City Staff, Deputy City Clerk Leslie Brick, Public Works Director Matt Goodale, Zoning Administrator Terry Goerdt and Mayor Roger Laughlin. Commission Members Ryan Bowers, Gary Slach and Tom Dean were present. Absent: Peck, Walsh and Stevenson.

Approve Agenda/Consent Agenda/Move to action.

Approve the March 27, 2018 agenda.

Motion by Bowers, second by Slach to approve the agenda. Motion carried on a voice vote.

Approve the minutes from the January 23, 2018 Planning and Zoning Commission Meeting.

Motion by Dean, second by Bowers to approve the minutes. Motion carried on a voice vote.

Public Hearing/Non-Consent Agenda

Discussion- Concept Plan for Cedar's Edge Golf Course – Jerry Sexton

Sexton presented a concept plan for Cedar's Edge Golf Course which includes a new clubhouse and wedding venue center, additional parking, 17 lots zoned R-1, 9 lots zoned R-2 and 1 commercial lot at the northwest side of the property. Sexton said the commercial lot would be used primarily for golf cart and maintenance sheds and possibly commercial storage. Sexton asked the commission for their feedback as he is working with design engineers on finalizing plans. Fuller questioned the type of storage facility Sexton was planning and Sexton replied that it would be similar to Lynch Storage on N. 4th Street. Fuller also asked why the streets were drawn as private streets. Fuller said his preference was that the streets be city streets rather than private to eliminate future maintenance issues. Goerdt and Schechinger agreed that the streets should be built to city standards. Fuller also expressed concern with lots 11 through 17 being only accessible from Cedar Johnson Road. He felt it would be more desirable to have those residences access the street on the east. Fuller also commented that rezoning would be required for the concept plan in order to accommodate Sexton's request. After further discussions, the commission agreed they were satisfied with the plan with the following changes; building all streets to city code then dedicating them to the city (up to the access point of the golf course entrance), clarifying street widths, making a few changes to the commercial lot, and consider changing the residential access for lot 11 and 17.

Discussion – Potential Retail Space – Dollar General

Deputy Clerk Brick advised the commission that a representative from Dollar General had been searching for land to purchase and build a store in West Branch. The representative has looked at a few lots within the city, but has been unable to secure property at this time. Brick asked the commission if they had any specific issues with this venture. The consensus of the commission was that they were not a fan of the typical architecture of the standard Dollar General Store and would have concerns if the aesthetics were not addressed to match the current historic nature of West Branch depending on location. The commission felt that the store would be best suited on the south side of Interstate 80.

Discussion – Cluster Box Units for new developments

Deputy Clerk Brick brought the issue of cluster mailboxes to the attention of the commission due to a recent situation with a developer. The developer was upset saying they were unaware of the post office's requirement for cluster boxes and the additional expense they would incur. Brick said she was notified last fall that the post office now requires all new subdivisions to install cluster box units for mail delivery, curbside delivery is being phased out. Brick suggested that this item be added to the site plan checklist to alert developers of the postal requirements. Fuller asked Brick to follow-up on the post office requirements and report back to the commission on her findings.

Review of draft Ordinance change to Chapter 170

Fuller suggested a couple of minor wording changes to the ordinance but overall the commission was fine with the changes. Bowers made a motion to accept the revised ordinance and delete the old language as shown. Slach seconded the motion. Fuller called for a commission vote on the approval of (Ordinance 749).

Motion by Bowers, second by Slach. AYES: Bowers, Slach, Fuller and Dean. NAYS: None. Motion carried.

Review Planned Unit Development (PUD) draft ordinance

Fuller presented a revised PUD draft ordinance and asked the commission to review his changes. He asked Brick to forward to the city attorney for his review. Fuller said this item would be brought back to the next meeting for discussion and/or approval.

Discussion – Transportation Chapter

Fuller said he was not able to provide an update on this subject at this time.

COMMENTS FROM CHAIR AND COMMISSION MEMBERS

Fuller shared information on a bike sharing program taking place in Iowa City as well as information on a Bi-State Alternative Fuels Vehicle Summit taking place on April 3, 2018. Fuller invited the mayor and Goodale to attend.

Slach said he was asked by a resident about erosion control at the Hilltop condo development site and who was responsible for enforcing it. Schechinger said that erosion control is required per the site plan and will have Goodale contact the developer to get it installed as soon as possible before any issues arise.

Laughlin reported on Alliant Energy vehicle charging stations and said that a location was chosen at the Water Street parking lot. Laughlin said he would work with Superintendent Pete Swisher on the subject. He also said he had received the final report from USGS on the flood inundation model and the report shows that a main issue for flooding is due to a downstream outflow issue near Beranek Park. Laughlin said he would be sharing the information with the City Council and work on addressing the issue. He also mentioned that a committee has been created called Solarized Johnson County which will include West Branch. The purpose of this committee is to inform residents on the benefits of solar energy. Solar Power Hour meetings will be held at the West Branch Public Library on May 3rd and June 27th.

Adjourn

Motion by Dean, second by Bowers to adjourn the Planning & Zoning Commission Meeting. Motion approved on a voice vote. Meeting adjourned at 8:31 p.m.

Submitted by:

Leslie Brick

Deputy City Clerk

(These minutes are not approved until the next Commission meeting.)

City of West Branch Planning & Zoning Commission Meeting
May 1, 2018
West Branch City Council Chambers, 110 North Poplar Street

Chairperson John Fuller opened the meeting of the Planning & Zoning Commission at 7:23 p.m. welcoming the audience and following City Staff; Deputy City Clerk Leslie Brick, Zoning Administrator Terry Goerdt and Mayor Roger Laughlin. Commission Members Ryan Bowers, Emilie Walsh and Tom Dean (via phone) were present. Absent: Peck and Slach.

Approve Agenda/Consent Agenda/Move to action.

Approve the May 1, 2018 agenda.

Motion by Dean, second by Bowers to approve the agenda. Motion carried on a voice vote.

Approve the minutes from the March 27, 2018 Planning and Zoning Commission Meeting.

Motion by Dean, second by Walsh to approve the minutes. Motion carried on a voice vote.

Public Hearing/Non-Consent Agenda

Discuss and approve a request for rezoning a parcel of land from CB-1 to RB-1 and set a date for a public hearing.

David Poppen introduced himself and said he is interested in purchasing the property at 116 N. 1st Street and turning it into a duplex with living space on both levels. Poppen and wife Kami own a rental business with properties in Iowa City, West Liberty and West Branch. Poppen said they recognize the need for affordable housing in West Branch and that their units always have a wait list and feel that this property is under-utilized.

Poppen continued and stated that the property is currently zoned CB-1 and only allows residential on the upper floor with commercial on the lower level. Poppen said his purchase agreement is contingent upon rezoning the property from CB-1 to RB-1.

Fuller said he felt RB-1 be a suitable rezoning change but questioned if the Poppen's had a legal right to request rezoning with not being the official owner of the property. Poppen said they do have an accepted offer on the property and with further discussion the commission decided that the 'accepted offer' was adequate.

Goerdt asked Poppen if the building met the required set back of twenty-five foot that RB-1 requires. Poppen replied that he was not sure where the property pins were at this time but would see if he could locate them and measure the set-back of the building.

The commission decided to approve the rezoning to RB-1 contingent upon the building meeting the RB-1 set-back requirement.

Motion by Bowers, second Dean to approve the rezoning request with the stated contingency.

AYES: Bowers, Dean, Fuller, Walsh. Absent: Peck, Slach. NAYS: None. Motion carried.

Discuss the Planned Unit Development Ordinance

Fuller said he met with Mayor Laughlin, City Attorney and City Administrator and they discussed some changes to the draft ordinance. Fuller is hoping to bring this back as an agenda item for the next meeting for approval. Fuller asked the commission to review and provide comments.

Discuss Comprehensive Plan progress

Fuller presented and reviewed some of the changes to chapter 7 of the Comprehensive Plan and asked the commission to review. Fuller said based on comments received, this chapter would be ready for approval at the next meeting.

COMMENTS FROM CHAIR AND COMMISSION MEMBERS

No comments.

Adjourn

Fuller adjourned the meeting at 8:16 p.m. Motion approved on a voice vote.

Submitted by:

Leslie Brick

Deputy City Clerk

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE WEST BRANCH ZONING CODE.

YOU ARE HEREBY NOTIFIED that a public hearing will be held by the West Branch Planning and Zoning Commission in the Council Chambers at the City Office, located at 110 N. Poplar Street in West Branch, IA at 7:00 p.m.. on Tuesday, May 29, 2018. The public hearing will discuss the proposed rezoning of the following described parcel: East ½ of Lot 3, Block 34 West Branch, Cedar County, Iowa, more commonly known as 116 N. 1st Street. Rezoning parcel #0500-13-05-357-015-0 from CB-1 to RB-1.

YOU ARE FURTHER NOTIFIED that a public hearing will be held by the City Council of the City of West Branch, Cedar County, in the Council Chambers at the City Office, located at 110 N. Poplar Street in West Branch, IA at 7:00 p.m.. on Monday, June 4, 2018. The public hearing will discuss the proposed rezoning of the following described parcel: East ½ of Lot 3, Block 34 West Branch, Cedar County, Iowa, more commonly known as 116 N. 1st Street. Rezoning parcel #0500-13-05-357-015-0 from CB-1 to RB-1.

All interested persons are invited to attend these meetings and be heard on the aforementioned proposed adoption of the amendment. Further information regarding same may be obtained by contacting the West Branch Deputy City Clerk.

/s/ Leslie Brick
Leslie Brick, Deputy City Clerk
by West Branch City Council

PUD Description

A planned unit development (hereinafter “PUD”) is an exception to the requirement of Chapter 414.2 of the Code of Iowa for general uniformity of regulations within a zoning district. Municipal planning authorities have recognized that traditional zoning ordinance regulations which dictate specific uses, building lines and minimum-area requirements can be relaxed and made more flexible under appropriate circumstances.¹

PUD regulations typically merge zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, with the design flexibility to mix land uses, housing types and densities.² This allows flexible zoning regulations for projects that are beneficial to a community and that support and further the goals of West Branch’s Comprehensive Plan. The PUD directly supports the comprehensive plan goal to “encourage redevelopment opportunities to revitalize unused property”³ as well as supports additional goals in several areas, including economic development, housing, transportation, and environmental stewardship.

Purpose

The purpose of a PUD is to allow innovative, creative, and flexible development that is sensitive to economic, environmental, and cultural considerations in partnership with public values as outlined in the comprehensive plan. The PUD district is intended to maximize benefits from the use of open spaces, maximize aesthetics, encourage certain design standards for buildings, and permit mixed uses and diversity of regulations without endangering the health, safety, welfare and land value of surrounding properties.⁴ Approval of a PUD results in a change in zoning district with specific requirements and standards that are unique to the PUD.⁵

The PUD is a negotiated private/public contract for land development, rather than a development following a set of minimum requirements.⁶ The PUD is a binding development plan created under a permit review process and has the following additional purposes:

1. Permit greater flexibility and consequently more creative and imaginative design for the development of residential and business uses than is generally possible under conventional zoning regulations, including alteration of bulk and scale requirements that may be included in the underlying zoning district;⁷
2. Promote more economical and efficient use of the land while providing a variety of housing choices, a higher level of city attractiveness and quality, and preservation or implementation of scenic open space;⁸
3. Promote infill development within established neighborhoods, and promote a higher density housing pattern that supports smaller-scale neighborhood retail and service uses that work to encourage non-vehicular trips;⁹
4. Promote the development of housing and mixed housing/commercial developments that generally emulate a traditional village setting that blends Main Street and residential zones in the City, and/or provide a truly unique development style that is not otherwise commonly available through other development entitlements;¹⁰
5. Provide incentive for cluster development to increase open space, avoid development within environmentally sensitive areas, and encourage remediation of brownfield sites;¹¹

¹ (Nervig 2014)

² (American Planning Association 2006)

³ (City of West Branch IA 2013, 78)

⁴ (Perry IA Code of Ordinances May, 2006)

⁵ (Blaine WA Municipal Code 2018)

⁶ (Burlington IA City Code 2018)

⁷ (Blaine WA Municipal Code 2018)

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

6. Increase the public benefit to the community and provide benefits to the developer that cannot be achieved through the standard subdivision or site development process;¹²
7. Correlate comprehensively the provisions of this title and all applicable plans; encourage developments which will provide a desirable, attractive, and stable environment in harmony with that of the surrounding area;¹³
8. Implement goals identified within the comprehensive plan, especially goals relating to transportation, housing, commercial, land use/zoning, and public facilities. While not exhaustive, the following list provides examples:
 - a. Support the Public Infrastructure goal to adopt the Complete Streets Policy by increasing walkability and pedestrian-friendly transport;¹⁴
 - b. Support the vision of the Complete Streets policy¹⁵ to “provide safe and comfortable routes for walking, bicycling, and, in the future when practicable, public transportation”;¹⁶
 - c. Support the Housing goals to: provide a variety of housing types and costs as well as encourage a range of affordable, accessible, decent, safe and sanitary rental housing options;¹⁷ promote preservation, rehabilitation, and investment in the city housing stock and neighborhoods to improve housing opportunities;¹⁸ and, address affordable housing needs by increasing aging-in-place ownership, rental options and inclusionary zoning;¹⁹
 - d. Support the Economic Development goal to reuse, revitalize, and redevelop underutilized commercial properties;²⁰ improve the local shopping atmosphere;²¹ retain and expand existing local businesses;²² and, increase number of entrepreneurial firms;²³
 - e. Support the Administrative goal to provide opportunities for recreation activities, connect to the Hoover Nature Trail and synchronize with the Community Trails Plan;²⁴
 - f. Support the Smart Planning principles in the “Iowa Smart Planning Act” to: incorporate clean, renewable and efficient principals into design standards; facilitate the redevelopment and/or reuse of established town centers and revitalize existing sites; and, promote developments, buildings and infrastructure that utilize green design and construction practices.²⁵

Of emphasis, the PUD should be developed in support of the 2013 Comprehensive Plan Land Use and Zoning Goal, as identified in Chapter 2 “Vision Statement, Goals and Objectives”:²⁶

1. Encourage redevelopment opportunities to revitalize unused property.
 - a. Encourage redevelopment or adaptive reuse of vacant or underutilized buildings and sites;
 - b. Promote infill development;
 - c. Promote affordable commercial space for small start-up, new or growing businesses;
 - d. Encourage reinvestment in our existing neighborhoods (i.e., smart growth);
 - e. Consider incentives for smart growth.

This PUD provides the Planning and Zoning Commission (hereinafter the “Commission”) with the flexibility to address mixed uses for buildings, vary building setbacks between uses, support pedestrian and bicycle safety, ensure environmental protection and complete brownfield remediation within a limited amount of space.

The Site

It is recommended West Branch initiate a proactive zoning strategy to promote investment in the

¹² Ibid.

¹³ (West Linn OR Municipal Code 2018)

¹⁴ (City of West Branch IA 2013, 10)

¹⁵ (City of West Branch IA 2013, 10)

¹⁶ (City of West Branch IA Pending 2018, 5)

¹⁷ (City of West Branch IA 2013, 72)

¹⁸ (City of West Branch IA 2013, 8)

¹⁹ (City of West Branch IA January 2018, 4)

²⁰ (City of West Branch IA Pending, 2)

²¹ Ibid.

²² (City of West Branch IA 2013, 6)

²³ Op. Cit., p. 7

²⁴ Op. Cit., p. 11

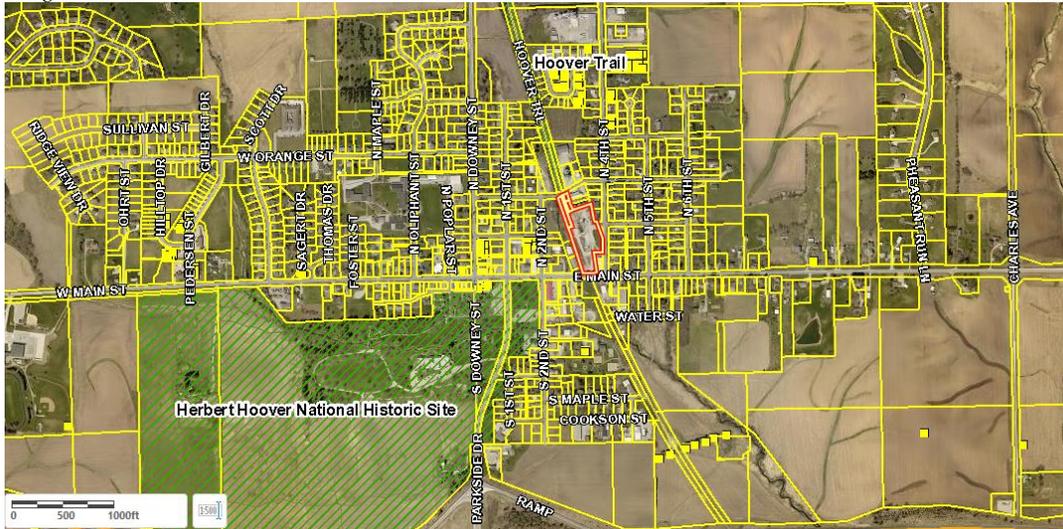
²⁵ Op. Cit., p. 13, 14

²⁶ (City of West Branch IA 2013)

redevelopment and/or adaptive use of the former Croell Redi-Mix site at 325 E. Green St. It is recommended that the Croell site be established as a PUD district.

The nearly four-acre site is near the heart of downtown West Branch. It has access to E. Main Street, E. Green St. and E. College St., as well as the Hoover Nature Trail. To the north of the parcel is additional commercial property, on the north east is residential, on the very southeast corner are three small commercial buildings, directly to the south is commercial, on the southwest corner are three commercial buildings, and to the west/northwest sits a 1.6-acre city park across the creek. The proposed PUD site is highlighted in red in both Image 1 and Image 2 below.

Image 1



The proposed PUD site is outlined in red.

Source: Cedar County Assessor, www.cedarcounty.org, Accessed Nov., 2017

Image 2

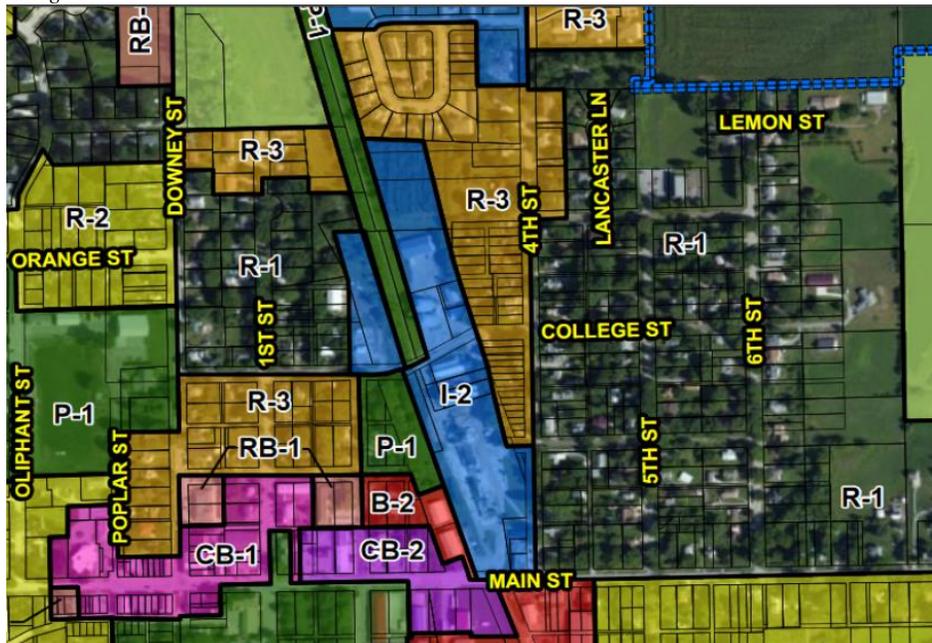


The proposed PUD site is outlined in red.

Source: Cedar County Assessor, www.cedarcounty.org, Accessed Nov., 2017

Image 3 below is the zoning map for the proposed PUD site and surrounding properties.

Image 3



The proposed PUD site is zoned I-2 - Industrial.
 Adjacent zoning is P-1 (Public Use), B-2 (Business), CB-2 (Central Business),
 R-1 (Single Family Residential), and R-3 (Multiple Family Residential).
 Source: City of West Branch, http://westbranchiowa.org/sites/default/files/Zoning_3-13-14_3.pdf

Table 1 below summarizes the four parcels which combine to form the Croell Redi Mix site.

Table 1

Parcel Number	Deed Holder	Class	Acres
0500-13-05-356-003-0	CROELL REDI MIX INC	Commercial	0.29
0500-13-05-361-001-0	CROELL REDI MIX INC	Commercial	0.082
0500-13-05-361-002-0	CROELL REDI MIX INC	Commercial	0.115
0500-13-05-361-007-0	CROELL REDI MIX INC	Commercial	3.45
Total Acres			3.937

This space intentionally left blank.

The west side of the proposed PUD site abuts a small creek. Image 4 below is the flood plain map.

Image 4



Orange (Zone X) is 0.2% Annual Chance of Flood Hazard
(500-year floodplain)

Blue and Striped (Zone AE) is 1% Annual Chance of Flood Hazard
(100-year floodplain)

Source: Cedar County Assessor, www.cedarcounty.org
Accessed Nov., 2017

Applicability

What follows adopts best practices for PUDs and draws from PUDs employed by communities that are comparable with West Branch.

A PUD application may be submitted for the Creoll Redi-Mix site at 325 E. Green St. and adjacent parcels as presently zoned. Future implementation of the PUD is to be on a case-by-case basis as submitted to the Commission.

Permissible initiators of a PUD are:

1. The owner of all the property involved, if under one ownership;²⁷ or
2. All owners having title to the property in the area proposed for the PUD project.²⁸

The proposed project incorporates a mix of land uses coexisting within the same development to accommodate demands of the population in type, design, and layout uncharacteristic of traditional or existing land use practices in the community.²⁹

Ownership

All property to be included within a PUD shall be under unified ownership or control or be subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved PUD development plan and final site and building plan.³⁰

Compliance

No building or other permit shall be issued for any work on property included within a proposed or approved PUD prior to City Council approval, nor shall any work occur unless such work is in

²⁷ (Blaine WA Municipal Code 2018)

²⁸ Ibid.

²⁹ (Victoria MN Municipal Code 2018)

³⁰ Ibid.

compliance with the proposed or approved PUD.³¹

Termination of PUD

If no substantial development has taken place in an approved PUD in one year following approval of the PUD, the city shall have the right to terminate the agreement. The City Council may grant an extension of one year to the applicant if deemed appropriate. No development may be granted more than one extension unless voted by super majority of the City Council.³²

Permitted Uses

Permitted uses include housing (single family, duplex, multi-family, attached, renter and owner-occupied), commercial, and mixed use. Uses not permitted include agriculture and industrial.

The site is expected to provide neighborhood commercial, retail, and/or residential uses to serve the needs of the City of West Branch.

1. Professional and semi-professional office buildings³³:
 - a. Abstracting or title business
 - b. Accountants, actuaries, auditors and bookkeeping
 - c. Advertising office (no sign shops)
 - d. Adjusters (insurance)
 - e. Aerial survey and photography
 - f. Appraisers and auctioneers (no auction sale of any type on site)
 - g. Architects, civil engineers, landscape architects and planners
 - h. Attorneys
 - i. Banks and financial institutions
 - j. Business or financial analysts and counselors
 - k. Building contractors, office only (no shops or equipment and material storage)
 - l. Counseling, child guidance and family service
 - m. City, County, State or Federal Government office use only (no shops or equipment and material storage)
 - n. Drafting and printing services
 - o. Engineers
 - p. Professional insurance
 - q. Manufacturer's agents
 - r. Market research, marketing agencies
 - s. Model agencies or schools
 - t. Mortgage brokers
 - u. Public libraries
 - v. Real estate sales and management (office only)
 - w. Stock broker exchanges, investment services or brokers
 - x. Tax consultants
 - y. Similar or general office users
2. Medical doctors and medical practitioners, optometrists, chiropractors and medical services offices, clinics or group medical centers, including dental clinics, but not including animal clinics.³⁴
3. Neighborhood retail commercial and service establishments:³⁵
 - a. Apparel (specialty) shops
 - b. Bakeries (retail), including baking for sale on premises only
 - c. Beauty shops and barber shops
 - d. Bicycle repair, rentals, sales
 - e. Book stores and stationery stores
 - f. Breweries and brewpubs
 - g. Camera and photographic supply
 - h. Candy, nut, and confectionery stores
 - i. Coffee shops
 - j. Convenience store, provided there is no vehicle washing or repair on site
 - k. Drug stores
 - l. Dry cleaning establishment using nonflammable solvents
 - m. Florists, including potted plants
 - n. Gift, party supply and souvenir shops
 - o. Grocery and specialty food
 - p. Hobby and game shops
 - q. Home accessories, such as small appliances, cookware, and glassware
 - r. Home video equipment and movie rentals
 - s. Jewelry stores
 - t. Liquor stores

³¹ Ibid.

³² (Victoria MN Municipal Code 2018)

³³ (Cumming IA City Code 2016)

³⁴ Ibid.

³⁵ Ibid.

- u. Optical goods and medical supplies
 - v. Restaurants and cafes, provided there is no drive-through/drive-in facility
 - w. Sewing, needlework, linen and piece goods stores
 - x. Shoe repair and tailor shops, including clothing alteration/repair
4. Day care center, day nursery or nursery school, licensed in the State of Iowa, provided there is established and well-maintained a completely fenced play lot of no fewer than one thousand (1,000) square feet in area for the first twenty (20) or fewer children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building, or as required by State law.³⁶
 5. Any use which is found by the Commission to be similar to one of the above named uses and determined to conform to the intent of this parcel.³⁷

Development Standards

Development standards shall be in accordance with city standards as identified in Chapter 170 “Subdivision Regulations” in the City code. As the western edge of the parcel is within the floodplain it is expected the developer will consult Chapter 160 “Flood Plain Regulations” in the City code. The PUD provides opportunities to expand upon these regulations to better meet aforementioned comprehensive planning objectives. Two desirable development outcomes follow.

1. The use of bio-swales, landscaping and shrubs should be implemented to maximize storm-water management efficiency.
 - a. In accordance with the Complete Streets Policy, the City encourages street trees, landscapes, and planting strips, including native plants where possible, in order to buffer traffic noise and protect and shade pedestrians and bicyclists. Trees planted on public property shall adhere to the list of permitted trees in City Code Chapter 150 “Trees”.
 - b. The development should contribute to the City’s long-term goal to reduce surface water runoff by reducing the amount of impervious surfaces on the streets, as explained in the Complete Streets Policy.
 - c. Development is preferred that includes native landscaping, storm water swales, trees, green roofs and rain gardens as they help clean the air, store water, and reduce energy costs by cooling buildings in the summer. Designing with nature will directly improve water quality, reduce stresses on the storm water management system and contribute to cleaner air in the region.³⁸
 - d. Support of nature-friendly infrastructure, such as green infrastructure, enhances natural areas and helps minimize risks from flooding. Preserving and enhancing city habitat corridors allows for safe and healthy places for resident and migratory wildlife to move throughout or stay within the city.³⁹
2. The implementation of LEED energy efficiency standards for all buildings is encouraged.

Building Design Regulations and Development Standards

The PUD design is expected to be suitably in accord with neighboring districts.

1. *Maximum Height Restrictions:* No principal building shall exceed thirty-five (55) feet in height and no accessory structure shall exceed fifteen (35) feet in height.
2. *Adjacent Buildings in the Same Complex.* If a building is planned to be attached or closely located to adjacent buildings in the same complex, the side or sides which are to be attached or closely located to the adjacent building shall be permitted to have a zero (0) side yard setback if construction complies with building and fire codes.⁴⁰
3. *Façade.* Buildings facing public streets must have entrance doors facing the public street.

³⁶ (Cumming IA City Code 2016)

³⁷ Ibid.

³⁸ (City of Portland OR 2035 2016)

³⁹ Ibid.

⁴⁰ (Cumming IA City Code 2016)

4. *Lighting and Landscaping.* A landscape and lighting plan, identifying the type, size, spacing, and maintenance schedule for all landscaping and lighting elements proposed within the required buffer areas, open space areas, and other common areas, shall be developed where applicable.⁴¹ Lighting shall be provided to illuminate any off-street parking of more than two parking spaces or loading area and shall be so arranged as to divert the light away from adjoining residential uses or premises, and away from the traveled roadway of public streets. Lighting illumination shall not exceed one (1) foot-candle at the property line. Low pressure sodium lighting fixtures shall be prohibited.⁴² All outdoor lighting should be in accordance with the dark skies objective to limit light pollution as outlined in Chapter 10 “Environmental Stewardship” of the comprehensive plan (currently under revision).
5. *Architectural Standards.* As the gateway and the major transportation corridor carrying traffic through West Branch, land development fronting Main Street will have an impact on the community’s image. Any building on the south side of the PUD shall be designed and constructed with architecture, use of materials and exterior colors acceptable to the City and compatible with the residential uses within the neighborhood.⁴³
6. *Signs.* Sign requirements shall follow provisions of the adopted sign ordinance for the most closely related zoning district.⁴⁴
7. *Compatibility.* The design of the PUD shall achieve compatibility with surrounding land uses, both existing and proposed, and shall minimize the potential adverse impacts of the PUD on surrounding land uses.⁴⁵
8. *Construction Phasing.* If development of the PUD is to be completed in phases, each phase of construction shall address criteria as outlined in the PUD ordinance and as determined by the City Council.⁴⁶
9. *Infrastructure.* Unique qualities of each PUD require that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification from the city ordinances ordinarily governing them. The City Council may approve streets, utilities, public facilities and land subdivisions which are not in compliance with usual specifications or ordinance requirements if it is found that strict adherence to the usual standards or requirements are not required to meet the intent of this section.⁴⁷

Off-Street Parking Area Landscaping, Screening and Open Space Requirements

It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics which are inherent to their use. Therefore:

1. Wherever practical, all new parking areas shall be screened from public street view by incorporating natural landscape and topography with the introduction of permanent earth berms of adequate height, and additional landscape plantings to accomplish this desire.⁴⁸
2. All parking areas shall include landscape areas and islands within the boundaries of the paved parking area equal to not less than ten percent (10%) of the total paved area. Landscaped islands within the parking area shall have ground cover of grass (i.e. sod), shrubs, or other acceptable plant life, with a preference for native species.⁴⁹
3. No parking space shall be greater than seventy-five (75) feet from a landscaped open space.⁵⁰
4. Parking spaces shall be separated from any adjoining roadway by a landscaped island or elevated separation (i.e. sidewalk) of a minimum of nine (9) feet in width, except the roadway

⁴¹ (Blaine WA Municipal Code 2018)

⁴² (Cumming IA City Code 2016)

⁴³ Ibid.

⁴⁴ (Victoria MN Municipal Code 2018)

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ (Cumming IA City Code 2016)

⁴⁹ Ibid.

⁵⁰ Ibid.

or parking bay aisle providing direct access to the parking space.⁵¹

Landscape, Buffer and Open Space

This site shall be developed at a minimum in accordance with City Code Chapter 173 “Site Plan Requirements” Section 06 “Open Space, Landscaping, Parking and Architectural Requirements”.

The use of physical barriers or buffers is considered a necessary requirement to allow for the transition from one land use to another contrasting land use in recognition of neighbor’s rights, to lessen the impact of the transition of conflicting land uses and to protect the value of buildings and property.

1. The developer may be required to install a buffer along the north boundary of the parcel.
2. The trees described within shall be maintained for 20 years once the finished parcel is recorded by the Cedar County Recorder Office. Any tree or shrub planted as part of the landscape buffer that may die or is diseased shall be replaced by the property owner.⁵²
3. It is encouraged to exceed the minimum quantity expectations of trees and shrubs in City Code Chapter 173.06, and to place emphasis on species which are native to the region.
4. Storm water retention is encouraged to allow the flow of water to percolate back into the soil and water table instead of draining through septic systems to wastewater treatment plant.
5. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity.⁵³
6. A site plan which amplifies the natural creek feature within the development is encouraged.

Street Design Standards

All streets to be constructed within the interior of a PUD site or existing streets fronting on a PUD site shall be improved in accordance with city standards as identified in Chapter 170 “Subdivision Regulations” Section 15 “General Requirements” in the City Code. In some instances, streets within a PUD may be private, provided that the applicant demonstrates the following:⁵⁴

1. Minimum safety standards for emergency vehicle access are provided within the PUD.⁵⁵
2. Adequate travel-way width for the anticipated levels of traffic, including appropriate provisions for off-street and on-street parking, backing, vehicle stacking, pedestrian movements, bicycle movements, and truck turning movements are provided.⁵⁶
3. Street layout within the PUD is consistent with the surrounding street system and shall not preclude remote parcels of property from gaining access to the city street system.⁵⁷
4. Approval of a private street would not negatively impact the traffic circulation in the surrounding neighborhood or area.⁵⁸
5. Through streets extending across the PUD site are not identified in the comprehensive plan.⁵⁹
6. The applicant demonstrates the ability to maintain a private street system within the PUD.⁶⁰
7. The final plat documents shall reference any restrictive covenants regarding private streets and shall include an acknowledgment statement indicating city policy to refuse consideration of private streets for dedication unless and until said private streets are improved to meet then current minimum city standards.⁶¹

⁵¹ Ibid.

⁵² (Cumming IA City Code 2016)

⁵³ (West Linn OR Municipal Code 2018)

⁵⁴ (Blaine WA Municipal Code 2018)

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

Public Services Availability

The PUD shall promote an efficient and effective use of streets, utilities, and public facilities to support high-quality development at reduced cost.⁶² The adoption of “green” infrastructure should be utilized to meet the community values explained in Chapter 8 “Public Infrastructure and Utilities” of the comprehensive plan.⁶³

1. PUD approvals shall not be granted unless such facilities as water lines, sewer lines and streets exist or are immediately planned in sufficient quantity to service the proposed new development.⁶⁴
2. PUD projects shall be located with respect to arterials and collector streets or other transportation facilities so as to provide direct access without creating substantial traffic along local access streets in residential neighborhoods outside the PUD.⁶⁵
3. PUD projects shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations that neither extension nor enlargement of such systems resulting in higher net public cost or earlier incursion of public cost will be required. Such PUD projects shall be so located with respect to schools, parks, playgrounds and other public facilities and services as to have access in the same degree as would development in a form generally permitted in the area; provided, that a PUD may be approved if, alternatively:⁶⁶
 - a. The developers will provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis, and assure their satisfactory continuing operation and maintenance permanently or until equivalent public utilities, facilities or services are available⁶⁷; or
 - b. The developers will make provision, acceptable to the City, for offsetting any added net public cost or early commitment of public funds necessitated by such development;⁶⁸ and
 - c. The city is able to make such determinations through experts acceptable to it and at the cost of the developers, considering the difference in anticipated public installation, operation and maintenance costs, and the difference in anticipated public revenue.⁶⁹

Criteria for Approval

The City may approve a PUD application only if it finds the following requirements have been met:

1. *Design*. The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations, and solely on this basis modifications to the use and design standards established by such regulations are warranted.⁷⁰
2. *Meets Requirements*. The PUD meets the requirements for a PUD set forth in this chapter.⁷¹
3. *Consistent with Comprehensive Plan*. The PUD is consistent with the objectives of the City comprehensive plan as viewed in light of any changed conditions since its adoption.⁷²
4. *Public Welfare*. The PUD will not be detrimental to the public health, safety, morals, or general welfare.⁷³
5. *Compatible with Environs*. Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, substantially impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding

⁶² (Victoria MN Municipal Code 2018)

⁶³ (City of West Branch IA 2013)

⁶⁴ (Blaine WA Municipal Code 2018)

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

- property.⁷⁴
6. *Natural Features.* The design of the PUD is as consistent as practical with the preservation of natural features of the site such as stands of mature trees, steep slopes, natural drainage ways, wetlands, or other areas of sensitive or valuable environmental character.⁷⁵
 7. *Circulation.* Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided. They are adequate in location, size, capacity, and design to ensure safe and efficient circulation of pedestrians, automobiles, trucks, bicycles, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.⁷⁶
 8. *Open Space and Landscaping.* The quality and quantity of public and common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of total public and common open space provided in residential areas render it usable for recreation purposes.⁷⁷
 - a. Open space between all buildings is adequate to allow for light and air, for access by fire-fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted uses of adjacent property from adverse effects from the development.⁷⁸
 9. *Covenants.* Where individual parcels or condominiums are to be later sold, adequate provision has been made in the form of deed restrictions, homeowners or condominium associations and bylaws or covenants, conditions, and restrictions all in a form approved by the City, for the preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body, including such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan. Such a provision must be binding on all future ownership.⁷⁹
 10. *Public Services.* The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the city, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burdens on existing residents and businesses.⁸⁰
 11. *Phasing.* Each development phase of the PUD shall, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities, or the provision of financial sureties guaranteeing their improvement, is phased generally proportionate to the phasing of the number of dwelling units or amount of non-residential floor area.⁸¹

Procedure

The procedure to develop a PUD will generally adhere to City Code Chapter 170 “Subdivision Regulations” and Chapter 173 “Site Plan Requirements”.

Chapter 170 Section 21 “Large Scale Development” allows for the regulations to be modified by the

⁷⁴ Ibid.

⁷⁵ (Blaine WA Municipal Code 2018)

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

City Council per judgment of the Commission using the following process:⁸²

1. Step one: Pre-application meeting.
 - a. Meet with City staff to review contemplated project in relation to community development objectives, the comprehensive plan, and this zoning ordinance. The pre-application meeting will determine requirements of the applicant. Comments received at the pre-application meeting shall not be binding;⁸³
 - b. The purpose of the meeting is to provide early and informal notification to the public, to generate discussion, and make the proponent aware of community concerns relative to the proposed project;
 - c. City staff, the public, and the applicant should discuss creative approaches to address challenging site constraints or potential mitigations;⁸⁴
 - d. Revision of the proposal based on input from the community conference is solely at the discretion of the applicant.⁸⁵
2. Step two: Conceptual development (sketch plat) plan development for public review during a community conference. The developer is to erect a sign on the property identifying the proposed name of the development, identify the developer, and the public conference date(s) and time(s). Said sign shall be placed on the site at least ten days prior to a public meeting.⁸⁶ [Note: there is currently nothing in West Branch City Code Chapter 165 or 170 that details required signs for such purposes].
 - a. *Purpose*. The community conference is an informal public meeting hosted by the applicant. The purpose of the meeting is to provide early and informal notification to the public, to generate discussion, and make the proponent aware of community concerns relative to the proposed project. It is intended to provide a means by which the applicant, staff, and the public are able to work together in a productive and creative manner. However, options and issues raised may not be all-inclusive and no decisions or guarantees on the project design or outcome are made. Revision of the proposal based on input from the community conference is solely at the discretion of the applicant.⁸⁷
 - b. *Expectations*. The applicant can expect the following results from the community conference:⁸⁸
 - i. The more information an applicant can provide for a community conference, the more complete the feedback and input will be for the proposal;⁸⁹
 - ii. Any information or opinions expressed shall not be binding on the final decision or constitute approval or denial of the proposed project;⁹⁰
 - iii. Any inconsistencies with the comprehensive plan, this code and other applicable policies and regulations can be discussed;⁹¹
 - iv. City staff, the public, and the applicant should discuss creative approaches to address challenging site constraints or potential mitigations;⁹²
 - v. Recommended revisions or modifications to the proposal will be discussed;⁹³ and
 - vi. The public will be invited to speak to issues related to the proposal, but their input shall not be considered public testimony in regard to the application when and if submitted.⁹⁴
3. Step three: A master plan, together with a preliminary plat, plus a report of the community conference, is presented to the Commission for public hearing. The master plan is to be a site plan application, and shall include the following for consideration by City staff, the Commission, and the City Council:
 - a. Submittal of application, signed by the owner of the property with review fees as determined by the fee schedule;⁹⁵

⁸² (City of West Branch IA May, 2015)

⁸³ (Victoria MN Municipal Code 2018)

⁸⁴ (Blaine WA Municipal Code 2018)

⁸⁵ Ibid.

⁸⁶ (Victoria MN Municipal Code 2018)

⁸⁷ (Blaine WA Municipal Code 2018)

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ (Victoria MN Municipal Code 2018)

- b. Submit full preliminary plat plan as described in City Code Chapter 170 Section 05 “Requirements of a Preliminary Plat”;
 - c. Submit full final plat plan as described in City Code Chapter 170 Section 11 “Requirements of the Final Plat”;
 - d. Incorporates additional detail as necessary to clearly convey the intent of the developer and the approval of the city. This includes the conditions of project approval and the contents of the covenants, conditions, and restrictions in a manner that the master plan becomes the guiding document for development of the overall site, individual phases, building sites and structures, and public and private open space;⁹⁶
 - e. Such submittal shall occur within 180 calendar days of the issuance of the final decision. A single 90-day extension may be granted by the planning commission upon written request of the applicant. No development, except clearing and grading, shall be authorized in the PUD until the master plan is approved by the planning commission;⁹⁷
 - a. Shall include a conceptual streetscape plan, a preliminary landscape plan, a preliminary open space amenity, and trail plan;
 - b. Conceptual architectural renderings demonstrating the style of all residential and non-residential uses, with thorough detail for multiple-family residential, mixed-use and commercial structures.
 - f. Unless otherwise specified within this ordinance, the regulations and standards of the City’s Zoning Ordinance, Subdivision Regulations, Building Codes and other applicable City, State and Federal regulations shall apply to any development within the PUD.
4. Step four: A final plat plan is submitted to the Commission, which holds a public meeting on the final plat and makes its recommendation to the City Council.
- a. The proposal shall preserve the existing amenities of the site to the greatest extent possible by relating the type and design of the development to the topography, landscape features, and natural amenities existing on the site and in the vicinity;⁹⁸
 - b. *Development Agreement*. The city may require the owner and developer of a proposed PUD to execute a development agreement which may include, but not be limited to, all requirements of the final PUD development plan as a condition to approval of a final PUD. The development agreement should include information regarding a potential homeowner's association and outline the HOA maintenance plan as well as development amenities such as landscaping, lighting, and signage;⁹⁹
 - c. *Letter of Credit*. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the city, performance guarantee or cash escrow. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the city. The city may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in the amount sufficient to ensure the provision or development of improvement called for by the development agreement.¹⁰⁰
5. Step five: The City Council holds a hearing on the final plat and determines its approval, denial or modification.
- a. Following a PUD approval by the City Council, the applicant shall make any required revisions and submit the revised PUD site plan and revised preliminary plat or other land division tool to the city for staff review, approval, and stamping;¹⁰¹

⁹⁶ (Blaine WA Municipal Code 2018)

⁹⁷ Ibid.

⁹⁸ (West Linn OR Municipal Code 2018)

⁹⁹ (Victoria MN Municipal Code 2018)

¹⁰⁰ (Victoria MN Municipal Code 2018)

¹⁰¹ (Blaine WA Municipal Code 2018)

- b. Following a PUD approval by the City Council, the applicant shall prepare a final PUD master plan for review and approval by the Commission.¹⁰²

Modifications and Amendments

An approved PUD site plan may be modified or amended upon written request of the property owner(s).¹⁰³

1. Modifications are minor changes to an approved PUD, subject to approval or denial as an administrative decision by the Commission, which do not:¹⁰⁴
 - a. Change the residential density more than five percent by increasing or decreasing the number of units in a PUD;¹⁰⁵
 - b. Change the mix of uses, or significantly alter the arrangement of buildings, or increase or decrease the commercial floor area by more than 10 percent;¹⁰⁶
 - c. Significantly alter the amount or arrangement of open space or recreational amenities, or the treatment of environmentally sensitive areas that may exist on the site;¹⁰⁷
 - d. Significantly alter the approved architectural concept of the PUD master plan or site plan;¹⁰⁸
 - e. Significantly alter the basic layout of the approved project infrastructure;¹⁰⁹
 - f. Require revision to the approved PUD master plan as determined by Commission.¹¹⁰
2. Amendments are major changes to an approved PUD that do not qualify as modifications.¹¹¹
3. No amendment or modification may be considered that is more than a ten percent (10%) increase in density or change of uses on the property without a public hearing as required of a rezoning procedure.¹¹²
4. Proposed PUD amendments shall be processed in the same manner as a PUD application, including noticed community conference and public hearing, Commission review and recommendation, and review and decision by the City Council.¹¹³
5. Amendments to PUDs shall be required when 10 percent or more of the housing type changes (e.g., from single-family units to multi-family units) from the tentatively approved PUD plan, or when there is more than a 10 percent change in the number of units, or when the layout of streets and lots significantly changes.¹¹⁴

¹⁰² Ibid.

¹⁰³ (Blaine WA Municipal Code 2018)

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² (Cumming IA City Code 2016)

¹¹³ (Blaine WA Municipal Code 2018)

¹¹⁴ (West Linn OR Municipal Code 2018)

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