

CITY OF SHELDON, IOWA
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2010 SHELDON ZONING ORDINANCE BY AMENDING
TEXT TO SECTION 17.11. PLANNED UNIT DEVELOPMENT – SPECIAL EXCEPTION.

WHEREAS, the Sheldon Zoning Ordinance and zoning map on file in the office of the City Clerk designates certain standards as provided by Chapter 414, Code of Iowa, and

WHEREAS, the Sheldon Planning and Zoning Commission has considered the proposed zoning change and it is deemed advisable and recommended by the Planning and Zoning Commission to amend the Sheldon Zoning Ordinance.

NOW THEREFORE IT BE ORDAINED, by the City Council of Sheldon, Iowa;

Section 1. AMENDED ZONING TEXT. The Sheldon Zoning Ordinance is hereby amended by incorporating the following changes in text to Section 17.11.(5). General Regulations within Section 17.11. Planned Unit Development (PUD) – Special Exception.

17.11. PLANNED UNIT DEVELOPMENT (PUD) – SPECIAL EXCEPTION

5. **General Regulations.** In order for PUD's to be eligible for consideration of a special exception use permit, certain regulations need to be satisfied to preserve the integrity of the planned development and to minimize an potential impact to adjacent properties.

b. *Minimum Site Area:* A planned unit development, ~~shall include no less than five (5) acres of contiguous land. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement, or right-of-way. A minimum of two (2) or more principal structures must be proposed.~~ depending upon the land uses proposed in such development, shall include no less than the minimum size requirements:

- i. Residential Planned Developments – A minimum of ½ acre or 21,780 sq.ft. of contiguous property under common ownership. The area may be comprised of more than one lot or parcel, so long as they are adjoining and under common ownership.
- ii. Mixed-Use Planned Development – A minimum of 1 acre or 43,560 sq.ft. of contiguous property under common ownership.
- iii. Commercial/Industrial Development – A minimum of 2 acres or 87,120 sq.ft. of contiguous property under common ownership.

d. *Common Open Space:* A minimum of ~~twenty-five percent (25%)~~ of every residential PUD shall be developed as public open space for the use and enjoyment of the residents. A ~~minimum~~ of fifteen percent (15%) of the gross area of every ~~commercial~~ PUD shall be devoted to common open space or greenspace, including lawn areas. ~~In the case of a mixed-use PUD, the greater requirement of minimum open space shall apply.~~ Parking areas and vehicle access facilities shall not be considered in calculating open space requirements. ~~Common open space may qualify wholly or partially as recreation areas, recreational buildings, pedestrian open space system (permanently maintained walks and trails), or environmental features such as natural habitats or environmentally sensitive areas.~~ If natural habitats or environmentally sensitive areas exist, the planning commission may require the area so defined to be left in an undisturbed state and adequately protected or incorporated into the design of the PUD as a natural resource or recreation area.

j. *Streets:* ~~Principal vehicular access to PUDs shall be from primary arterial or collector streets.~~ Any PUD containing over 50 dwelling units and/or 30,000 square feet of nonresidential floor area shall provide at least two (2) access points into the development,

where feasible. Access points shall be designed to provide smooth flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic.

k. *Minimum Development Proposed:* A planned unit development, shall include no less than the minimum number of proposed dwellings, buildings, or structures:

- i. Residential Planned Developments – A minimum of two (2) residential buildings shall be included in a planned development. If one or more duplexes, triplexes, townhomes, row housing, condominiums, or other types of housing developments are proposed, each building (not dwelling units) shall be counted toward the two (2) building minimum requirement.
- ii. Mixed-Use Planned Development – A minimum of three (3) buildings including residential, public, civic, professional, commercial, or industrial shall be included in a planned development. If residential uses are included in a mixed-use development, two of the three minimum required buildings shall be residential in nature.
- iii. Commercial/Industrial Development – A minimum of two (2) buildings containing retail, professional, or other commercial or industrial uses shall be included in a planned development.

l. *Other Conditions:* The zoning administrator and the Board of Adjustment shall have the authority to impose other such conditions as are necessary to accomplish the purposes of this zoning ordinance and the comprehensive plan.

Section 2. REMOVE ZONING TEXT. The Sheldon Zoning Ordinance is hereby amended by removing the following text to the second paragraph in Section 26.3. Application for Special Exception Permit.

Application and Fee: Application for a special exception use permit shall be filed with the zoning administrator. ~~The Board of Adjustment shall provide a copy of the application for special exception for review and comment of the Planning and Zoning Commission within five (5) days after receipt of the application.~~ The application shall include the following:

- a. Name and address of the owner
- b. Address and legal description of the property
- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
- e. Site plans as prepared in accordance with Article XVIII.

Section 3. REPEALER. All ordinances or parts of the previously adopted Sheldon Zoning Ordinance in conflict with the provisions of this zoning amendment are hereby repealed.

Section 4. SEVERABILITY CLAUSE. If any section, provision, or any part of this zoning amendment is determined to be invalid or unconstitutional, such adjudication shall not affect the validity of the previously adopted Sheldon Zoning Ordinance as a whole, or any part or provision of the zoning amendment not determined to be invalid or unconstitutional.

Section 5. EFFECTIVE DATE. This zoning amendment shall be in full force and effect from after passage and publication in a newspaper of general circulation.

Passed and approved this _____ day of _____, 2023.

Mayor Greg Geels, City of Sheldon

Attest:

Angela Beckman, Sheldon City Clerk

I certify that the foregoing ordinance was published as Ordinance No. _____ on the ____ day
of _____, 2023.

(signed)