



**HUXLEY**  
HEART OF THE PRAIRIE

**PLANNING & ZONING COMMISSION ZOOM MEETING**  
**Monday December 19, 2022**  
**6:00 P.M.**

**Zoom Information:**

Meeting ID: 672 468 5877

Passcode: 50124

Dial In: 312-626-6799

**AGENDA**

1. Roll Call
2. Motion to approve the minutes from the November 21, 2022 Planning & Zoning Commission Meeting.
3. Public Comments (5-minutes limit for items not on this agenda)
4. Business Items
  - a. Heinen Residential Subdivision
  - b. Site Plan Review Ordinance
  - c. PUD Ordinance Update— “limited industrial” clarification
5. Informational Items for Planning & Zoning Consideration/Input
  - a. Council Action Update
    - i. Fjeldberg Church Site Plan -- Approved
    - ii. 55703 Oak Bend Rd Subdivision (2-mile review) -- Approved
    - iii. PUD Ordinance – Council requested the revised PUD ordinance language regarding “limited industrial” go back to P&Z for a recommendation.
6. Planning and Zoning Commission Comments
  - a. Next meeting is January 16, 2023 via Zoom.
7. Adjournment

For more information on this and other agenda items, please call the City Clerk’s Office at 515-597-2561 or visit the Clerk’s Office, City Administration Building at 515 N. Main Ave. Agendas are available to the public at the City Clerk’s Office on Friday morning preceding Monday’s Planning & Zoning Commission meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk’s Office or sending their request via email.

## **Huxley Planning & Zoning Commission Minutes November 21, 2022**

Chairman Roger Bierbaum called the meeting to order at 6:00 P.M.

**ROLL CALL:** Bierbaum, Murphy, Patterson, Frantz, Ebel, Schonhorst present.

**CITY STAFF PRESENT:** Amy Kaplan – Zoning Clerk, Jolene Lettow, City Clerk.

**CONSULTANTS PRESENT:** Forrest Aldrich.

**MINUTES APPROVAL:** Motion by Murphy, second by Schonhorst to approve the minutes from the September 26, 2022 meeting. 6 Aye. 0 Nay. MCU.

**PUBLIC COMMENTS:** None.

### **BUSINESS ITEMS:**

*Recommendation to Council on Fjeldberg Church Site Plan-* Aldrich and City Staff reviewed the site plan and found it acceptable. Bierbaum pointed out that the addition will be over a lot line. Aldrich indicated that this was ok since both lots are owned by the church and if ever sold, the lots would have to be sold together. Motion by Patterson, second by Schonhorst to recommend approval of the Fjeldberg Church site plan to City Council. Bierbaum, Murphy, Patterson, Frantz, Ebel, Schonhorst voted yes. MCU.

### **Mosher entered the meeting at 6:06 PM.**

*Recommendation to Council on 55703 Oak Bend Rd Subdivision (2-mile review)-* The purpose of this plat is to split a parcel for another residence. No public improvements are proposed. Aldrich reviewed the subdivision and finds it acceptable. Motion by Murphy, second by Mosher to recommend approval of the subdivision to City Council. Bierbaum, Murphy, Patterson, Mosher, Frantz, Ebel, Schonhorst voted yes. MCU.

*Recommendation to Council on PUD Ordinance-* It was discovered during the rezoning of 120 South, that Huxley's PUD ordinance only allows for residential development. The amended ordinance was drafted by our City Attorney, Amy Beattie, using Pleasant Hill's ordinance as a model. Beattie thought it was very clear in both what is expected and in the process that is set out in the amended ordinance. The revision will allow for residential, commercial and limited industrial development.

Discussion was had by the Commission. The topic of concern was 6 (A) (1) "Compatibility with Comprehensive Plan." The Commission spent ample time discussing the importance of the Comp Plan, its need to be updated, as well as the need for an accurate, up to date Land Use Map. It is desired that with each new development, the Land Use Map is updated.

Aldrich indicated that V&K has worked on an updated Land Use Map, but it has not been to Council for approval.

Motion by Patterson, second by Schonhorst to recommend approval of the PUD ordinance to Council with a note that portions are difficult to comply with because the Comp Plan is outdated and therefore the Comp Plan should be updated as soon as possible.

Motion withdrawn.

Motion by Bierbaum, second by Schonhorst to recommend approval of the PUD ordinance as presented to City Council with a note that it is difficult to comply with the ordinance because we do not have an updated Comp Plan. Bierbaum, Murphy, Patterson, Mosher, Frantz, Ebel, Schonhorst voted yes. MCU.

Motion by Murphy, to strongly recommend City Council update the Comp Plan and Land Use Map as soon as possible to enable Planning and Zoning board to fulfill obligations. Seconded by Ebel. Bierbaum, Murphy, Patterson, Mosher, Frantz, Ebel, Schonhorst voted yes. MCU.

**INFORMATIONAL ITEMS FOR PLANNING & ZONING CONSIDERATION/INPUT:**

- *Council Action Update:* Kaplan gave a re-cap of the action taken at the City Council Meetings on topics that were discussed at Planning & Zoning.
- *City Administrator Search:* Lettow indicated that the search is underway and the hope is to have a candidate hired by the end of February.

**PLANNING AND ZONING COMMISSION COMMENTS:**

- Next meeting will be on December 19, 2022 via Zoom.
- Bierbaum indicated that earth work is being done at 120 South at their own risk as the annexation and rezoning are still pending.

**ADJOURNMENT:** Motion – Mosher, second- Frantz to adjourn meeting at 7 P.M. 7 ayes, 0 nays. MCU.

---

Amy Kaplan, Zoning Clerk

---

Roger Bierbaum, Chairman

---

Date of Approval

# Heinen Residential Subdivision

Story County Planning & Development received a subdivision application for 32411 560<sup>th</sup> Avenue, Huxley, which is within two miles of city limits. The proposed subdivision would be creating just one additional lot for a dwelling, with access taken from an easement over an existing driveway.

Subdivision plat was sent to Forrest Aldrich, City Engineer with Veenstra & Kim for review. V&K does not have any comments and recommends approval.



**City of Huxley**  
515 N. Main Ave, Huxley, Iowa 50124  
(515) 597-2561 Fax: (515) 597-2570  
[www.huxleyiowa.org](http://www.huxleyiowa.org)

### Preliminary Plat Application

<u>Thomas A Heinen +</u> <u>Owner: Sheila Y Heinen</u>	<u>Applicant: Same</u>
<u>Address: 32411 560th Avenue</u>	<u>Address:</u>
<u>Huxley, IA 50124</u>	
<u>Phone: 515-450-7271</u>	<u>Phone:</u>

<u>Engineer/ Surveyor: Brian Campbell</u>
<u>Phone: 515-963-4385</u>

<u>Property Address: 32411 560th Avenue, Huxley, IA 50124</u>
<u>Current Zoning: Residential, A-1, Agricultural</u>
<u>Q/Q: NE ¼      Section: 25      Township: 82      Range: 24</u>
<u>Subdivision:      Lot #:      </u>
<u>Story County Parcel Number(s): 13-25-200-445</u>
<u>Size of Lot or Parcel: 8.29</u>

**ACKNOWLEDGEMENT:**

The undersigned is/are the owner(s) of the described property on this application, located in the incorporated area of Huxley, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the City of Huxley and/or its representatives to conduct a site visit and photograph the subject property.

This development is subject to and shall be required, as a condition of final development approval, to comply with all Interim Development Ordinance policies, requirements and standards that are in effect at the time of final development approval.

Owner: Sheila Heinen Applicant: \_\_\_\_\_

Date: 08 / 15 / 2022 Date: \_\_\_\_\_

Application, Fees and Site Plan (if required) must be submitted jointly.

Fees:  
\$100 Application fee  
\$50 per re-submission  
Legal and Engineering fees reimbursed to the City of Huxley

Proposed Name of Plat: STH Plat 1
--------------------------------------

Proposed Use: Residential
------------------------------

Number of Lots:	<b>For Office Use Only:</b> Associated Zoning case(s):
Number Of Acres:	
	Associated Plat:



# Site Plan Review Ordinance

Staff has been working with the city attorney to produce an ordinance that will establish a Site Plan Review process and will also assist the city with the misuse of vacant lots being used to conduct business.



**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE REVISING SITE PLAN REVIEW**

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

**SECTION ONE:** The Code of Ordinances of the City Huxley, Chapter 167.01, shall be and is hereby amended by adopting the underlined language as follows:

**167.01 PURPOSE.**

1. \_\_\_\_\_ In order to further promote the safe and efficient use of land and to further enhance the value of property in the City, the Council deems it advisable to establish a Site Plan Review Process for any construction of 2,500 square feet or more; or brings existing gross floor area to 2,500 square feet or more, for which a building permit is required, except for construction of single-family and two-family residential structures or structures accessory thereof in R-1 and R-2 districts. Site Plan Review is also required for any parking lot construction of eight (8) or more parking spaces. This review is intended to supplement the review and administrative procedures which are carried out under other City policies or ordinances. The Site Plan Review Process is intended to help ensure that newly developed properties or redeveloped properties are compatible with adjacent development and that safety, traffic, over-crowding and environmental problems are minimized to the extent possible. The Site Plan must include landscaping plans as required by landscaping regulations within Chapter 168 of this Code of Ordinances. No building permit shall be issued until Site Plan approval is obtained where applicable. Site Plan Review will also apply to all areas within two miles of the corporate limits of the City where such development will have an impact on the City's traffic or waterways.

2. \_\_\_\_\_ In addition, a Site Plan and the Site Plan Review Process shall be required for the following:

A. \_\_\_\_\_ All development or redevelopment of any lot, tract, or parcel of land that includes unclassified, special and/or conditional uses in single-family and one- and two-family residential districts and all uses in multiple-family residential, commercial, or industrial districts.

B. \_\_\_\_\_ All developments of paved areas or fenced property.

C. \_\_\_\_\_ Exceptions:

(1) \_\_\_\_\_ The development does not require any additional parking spaces.

(2) \_\_\_\_\_ The development does not increase the rate of storm water runoff.

(3) \_\_\_\_\_ The building or building addition does not exceed 150 square feet.

3. \_\_\_\_\_ Notwithstanding anything contained elsewhere in the Code of Ordinances, no vacant lot shall be used for any business or commercial purpose without complying with this Code section.

**SECTION TWO:** Repealer. All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed.

**SECTION THREE:** 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 FOUR:** Effective Date. This ordinance shall become effective as of the date of its approval by the City Council of Huxley, Iowa.

---

Kevin Deaton, Mayor

ATTEST:

---

Jolene Lettow, City Clerk

# PUD Ordinance Clarification

City Council requested clarification on the meaning of “limited industrial.” The City Attorney, Amy Beattie, responded with the following

“Please see the highlighted language wherein I added the clarification that it is limited in percentage. That may also limit in the type because certain industries need more land than typically smaller industries. But my opinion is that it is limited in percentage, so have clarified accordingly. Amy.”

Council has requested that Planning & Zoning review this language and provide a recommendation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REVISING R-5 DISTRICT – PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

BE IT ENACTED by the City Council of Huxley, Iowa:

**SECTION ONE:** The Code of Ordinances of the City Huxley, Chapter 165.26 shall be and is hereby amended by repealing the stricken language as follows:

~~165.26 R-5 District – Planned Unit Development District. The R-5 District is intended and designed to provide a means for the development of large tracts of land on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this chapter. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth in this chapter concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. The R-5 District is subject to the following regulations:~~

~~1. — The owner or owners of any tract of land in an R district may submit to the Council a petition requesting a change to the R-5 zoning district classification. The petition shall be accompanied by a proposed plan for the use and development of the entire tract of land. The proposed development plan shall be referred to the Commission for study and report. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning and landscape architecture. The Commission may approve the plan as submitted, or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of the Comprehensive Plan and this chapter and to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the Council; whereupon the Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of the Comprehensive Plan and this chapter.~~

~~2. — The final development plan shall be accompanied by the following required documents:~~

~~A. — If the proposed development includes common land which will not be dedicated to the City and the proposed development will not be held in single ownership, proposed bylaws of a homeowners' association fully defining the functions, responsibilities and operating procedures of the association. The proposed bylaws shall include but not be limited to provisions:~~

~~(1) — Automatically extending membership in the association to all owners of dwelling units within the development;~~

~~(2) — Limiting the uses of the common property to those permitted by the final development;~~

~~(3) — Granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property;~~

~~(4) — Placing the responsibility for operation and maintenance of the common property in the association;~~

~~(5) — Giving every owner of a dwelling unit voting rights in the association; and~~

~~(6) — If the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowners' association and the rights renters shall have to the use of the common land.~~

~~B. — Performance bond which shall insure to the City that the dedicated public streets, utilities and other common development facilities shall be completed by the developer within the time specified on the final development plan.~~

~~C. — Covenant to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with the City ordinances.~~

~~D. — Any additional agreements required by the Council at the time of preliminary plan approval.~~

~~E. — A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, streets, easements and other applicable items required by Chapter 166 of this Code of Ordinances. Following approval of the final plat by the Commission and Council, the plat shall be recorded with the County Auditor and Recorder.~~

~~3. — The final development plan and required documents shall be reviewed by the Commission for compliance with R-5 standards and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council for final approval. The final development plan and final plat shall be approved by the Council before any building permit is issued.~~

~~4. — 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 chapter or Chapter 166 of this Code of Ordinances.~~

~~A. — Buildings shall be used only for residential purposes; occupant garages, occupant storage space and similar accessory uses; noncommercial recreational facilities; and community activities.~~

~~B. — 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 shall be provided around the boundaries of the development. The Council may require~~

~~open space or screenings be located along all or a portion of the development boundaries in accordance with the design standards of this chapter applicable to site plan review. The height requirements of the zoning district in which the development is located shall apply. No structure shall be situated so that it shades or will shade an adjacent residence in a significant way, or interferes significantly in the uses of solar devices.~~

~~C. — All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.~~

~~D. — “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.~~

~~E. — Any land gained within the development because of the reduction in lot sizes below minimum title 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~~

~~F. — The requirements of this chapter relating to off-street parking and loading shall apply to all R-5 Districts.~~

~~5. — The maximum number of dwelling units permitted in an R-5 District shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located. In the R-2 District, the one-family dwelling requirement shall apply. Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation shall be included in determining the number of dwelling units permitted.~~

~~6. — 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, 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 the said period of time shall be deemed sufficient cause for the Council 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. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. “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.~~

~~7. — In no event shall the installation of any improvements be commenced in the second or subsequent stages of the final development plan until such time as ninety percent of all construction and improvements have been completed in any prior stage of such plan.~~

And by adopting the underlined language as follows:

**165.26 R-5 District – Planned Unit Development District.** The PUD zoning district is intended to provide for the development or redevelopment of land under the control and in accordance with an approved Master Plan. The development guidelines and standards in which land uses, transportation elements, building densities, arrangements, and types are set out in a unified plan, thus providing greater flexibility of land use, transfer of development rights, and building locations than other zoning districts may permit.

The PUD District is intended to maximize benefits from the use of open spaces, maximize aesthetics, encourage certain architectural standards for buildings, and permit mixed uses and diversity of bulk regulations without endangering the health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a mix of land uses of residential, commercial, and limited (in percentage of the overall PUD district) industrial, provided such PUD is compatible with the Comprehensive Plan of the City. It is not the sole intent of PUD zoning to be utilized to reduce or provide relief from an existing zoning regulation or requirement.

1. Minimum Size and Density. A PUD shall consist of at least five (5) acres and the building unit density of the land developed shall not be in excess of the density set forth in the Comprehensive Plan Future Land Use Map and Zoning Ordinances of the City.
2. Pre-Submittal Meeting Required. Prior to submittal a PUD rezoning application to the City, the developer/property owner shall request a meeting with the Zoning Administrator to review the proposed PUD and PUD submittal requirements.
3. Application Required. The owner or developer, with consent of the owner, requesting rezoning to PUD, shall submit a completed PUD zoning application form, a non-refundable fee (as established by resolution of the City Council), electronic and folded paper copies of the proposed PUD master plan, and any other information and materials as determined and required by the Zoning Administrator for review by the City and distribution to the Planning and Zoning Commission.
4. Master Plan Requirements. As part of a proposed PUD rezoning, the property owner or developer shall prepare a master plan for the proposed PUD that shall be a scaled drawing not less than 24 inches by 36 inches at a minimum scale of 1 inch = 50 feet and shall show generalized overall plan for development of the proposed PUD area and the following information:
  - A. A vicinity map of a scale of 1 = 500 to show site boundaries and the zoning of adjacent properties within 1,000 feet.
  - B. Dimensions, legal descriptions, acreage, existing zoning, land use, and ownership of the area of the proposed PUD; and existing zoning, land use and ownership of contiguous properties within 250 feet.
  - C. PUD boundary, development phasing plan, and all existing and proposed property lines, street rights-of-way lines, easements, and proposed PUD building and parking lot setbacks.
  - D. Delineation of each "phase" proposed with their land uses and bulk regulations identified.

- E. Existing topography and conceptual storm water management and drainage.
- F. Existing and proposed streets, driveways, parking areas and other paved areas and anticipated including parking requirements.
- G. Existing and proposed locations pedestrian ways, trails, parks, recreation areas, open space, buffers, parking areas, schools, and anticipated traffic generation.
- H. Proposed lot locations for all uses, and conceptual building locations and functions for all multiple-family residential and nonresidential uses.
- I. Existing and proposed buildings, uses, square footages, and number of dwelling units and density calculations.
- J. Area and number of dwelling units, and anticipated floor area of nonresidential buildings by "phase."
- K. Existing tree masses, water channels, drainage ways, flood hazard areas, and other topographic or environmentally important characteristics.
- L. Proposed privately owned common areas and public ownership areas, including open space, parkland, and school sites.
- M. Locations of existing or proposed municipal utilities to serve the PUD and adjoining properties, including sanitary sewer, storm sewer, and water.
- N. Other required storm water management facilities and requirements.
- O. Dimensions of all street right-of-way and paving widths, including all proposed easements.
- P. Staging schedule of development, including anticipated year each phase of development is to be implemented.
- Q. Landscape areas proposed as part of PUD, to include location of shrubs, trees and earth berms.
- R. Delineation of the traffic impacts that would result from the project and how they can be mitigated.
- S. Details for any requirements for Parkland Dedication and compliance with any parks master plan.
- T. Conceptual building elevations including exterior building materials and colors.
- U. Freestanding signage locations and concept plans.



5. Rules, Regulations and Guidelines for Land Use and Performance. In conjunction with the submittal of a Master Plan illustrating the location of each development "phase," there shall be prepared rules, regulations and guidelines for the development of the PUD, and such matters shall be part of the consideration by the Planning and Zoning Commission and the City Council and incorporated within the ordinance providing for the rezoning of the property to a PUD.

The rules, regulations and guidelines shall set forth the permitted land use, bulk regulations, transfer of development rights within the area of the PUD, height requirements, open space and landscaping requirements, architectural standards, sign regulations, buffer requirements, off-street parking and loading requirements, and other performance standards as required by the City for each phase designated within the Master Plan.

6. Process for City Review of Master Plan of Planned Unit Development. The City Administrator with assistance from other City staff including the City engineer shall review the submitted Master Plan, may discuss any suggestions or provide additional information to the Developer, and shall file a report together with the applicant's proposal to the Planning and Zoning Commission. The owner shall submit a number of copies of the Master Plan, as determined by the Zoning Administrator, for distribution to the Planning and Zoning Commission.

A. The Planning and Zoning Commission, after receipt of the report from the Community Development Department and receipt of the Master Plan, shall consider the presentation and give special attention to the following:

- (1) Compatibility with Comprehensive Plan.
- (2) Land Use and density.
- (3) Building types, functions, architecture, buffers, and arrangements.
- (4) Provision and use of open space and landscaping.
- (5) Access to and from the site, and traffic circulation.
- (6) General relationship to surrounding area.

B. The Planning and Zoning Commission may hold a public hearing, giving notice as provided by law for a rezoning. The Planning and Zoning Commission may approve or disapprove the PUD Master Plan and associated development rules, regulations, and guidelines as submitted, or may require the developer to modify, alter, adjust or amend the proposed Master Plan and associated rules, regulations, and guidelines, in order to preserve the intent and purpose of the Zoning Ordinance and the Comprehensive Plan of the City.

C. Before any report is forwarded to the City Council by the Planning and Zoning Commission pertaining to an application submitted for a PUD, said Commission shall determine if such proposal is in compliance with the Comprehensive Plan.

D. After a complete review by the Planning and Zoning Commission, a written recommendation and report giving reasons as to their actions shall be filed with the City Council. The owner shall submit an additional number of copies of the Master Plan, as determined by the Zoning Administrator, for distribution to the City Council.

E. Within a period of sixty (60) days after the City Council has received a report from the Planning and Zoning Commission, together with the proposed Master Plan and rules, regulations, associated development and guidelines of the PUD development, the City Council may approve or disapprove the Master Plan.

7. Recording of Master Plan and Associated Rules, Regulations, and Guidelines. The ordinance providing for the rezoning of the property to the PUD Zoning District and the associated Master Plan, Rules, Regulations, and Guidelines as approved by the City Council shall be recorded at the Office of the Story County Recorder and shall be binding on the property owners, their heirs, successors, or assigns. No phase of the PUD shall be started until all documents have been recorded.

8. Modifications. Any proposed modifications in the approved PUD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Commission shall then be forwarded to the City Council with appropriate recommendations. 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 change of uses of the site without a public hearing as required for a rezoning. A public hearing may be held by the City Council on any modification. All modifications and adjustments shall be recorded at the Office of the Story County Recorder.

9. Platting and Development. Prior to development within the PUD, applications for Preliminary and Final Plats, Site Plans, and Building Permits that are in conformance with the provisions of the PUD shall be submit for review in accordance with the City's regulations. At the applicant's own risk, Preliminary Plats, Final Plats, and Sites Plans may be submitted and reviewed concurrently with the PUD rezoning application.

**SECTION TWO:** Repealer. All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed.

**SECTION THREE:** 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 FOUR:** Effective Date. This ordinance shall become effective as of the date of its approval by the City Council of Huxley, Iowa.

\_\_\_\_\_  
Kevin Deaton, Mayor

ATTEST:

\_\_\_\_\_  
Jolene Lettow, City Clerk