City of Council Bluffs, Iowa
Request for Proposals
East Manawa Redevelopment Area
Proposal Due Date: August 21, 2024

The City of Council Bluffs is applying for the State of Iowa funded Community Development Disaster Recovery (CDBG-DR) fund to construct between 30 and 40 new single-family attached housing units. The chosen property is located within the City's East Manawa redevelopment area generally located north of Huron Circle connecting East Manawa Drive and Mohawk Street. This will be a new street extension.

The City is currently in the process of designing the infrastructure extension as well as creation of the preliminary subdivision and platting for the site. A map depicting the project location is included as Attachment 'A'.

The CDBG-DR Single Family Housing Production and Down Payment Assistance Program, Round 3 provides communities the opportunity to apply for funds to increase housing opportunities after the 2019 flood disaster declaration. Approximately $8 million is available to communities that were impacted by the 2019 disaster declaration to provide long-term, quality, single-family housing that is resilient to future natural disasters and affordable to low-to-moderate income households.
The City wishes to work with one or more developers/builders that can assist in the construction of the new attached single-family homes that will be marked through the CDBG-DR program. All units must be completed and sold to qualified household by July 31, 2026. Interested developers and builders must be committed to a timeline that meets this deadline. Attachment 'B' includes the guidelines for the CDBG-DR Program.

Site Description
East Manawa Subdivision is a 93-acre master-planned, residential development project generally located south of Veterans Memorial Highway along the west side of East Manawa Drive. The neighborhood is also designed to incorporate current best urban planning practices such as: mixture of housing typologies; buildings constructed with custom setback distances from the adjacent public realm, pedestrian mobility and walkability via sidewalks. A map illustrating existing development within the neighborhood is included with this RFP as Attachment 'C'. Currently the site is vacant land but the City plans to continue development of the area as funding is available.

The site will be rezoned to R-3 Low-Density Multi-Family Residential with a PR/Planned Residential Overlay. Per Section 15.128 of the Council Bluffs Municipal Code (Zoning Ordinance), the PR-Overlay is intended *"Provide for innovative and imaginative development through flexibility in subdivision and site layout, placement of buildings, a variety of housing types, efficient diversification of land uses, alternative modes of transportation, pedestrian and vehicular interconnections, use of open space, conservation of natural habitats and wildlife, and related architectural design, off-street parking and signage considerations".* A copy of the complete PR District zoning regulations is included with this RFP as Attachments 'D'.

All subject properties included in this RFP are located in flood zone X (protected by levee).

<u>Value of the Property</u>
Lots will be sold at a cost that meets the IEDA cost caps established for the constructed homes.

Inquiries, Questions and Deadlines

All inquiries/questions regarding this RFP must be directed via the electronic submission system at https://cbiabids.ionwave.net/. Any changes or additions to the RFP information will be sent to via Ion Wave. Any other contact in reference to this RFP prior to the time of an award decision will not be addressed.

RFP Issued: **July 23, 2024**

Q&A Ends: **August 9, 2024 at 3:00 pm (CST)**

Answers Posted: **No later than August 13, 2024 at 3:00 pm (CST)**

RFP Due: **August 23, 2024 by 4:00 p.m. (CST)**

All proposal responses must be submitted through the City's bidding platform IonWave. https://cbiabids.ionwave.net/Login.aspx.

Proposal and Submittal Requirements
In a clear and concise manner, developers must submit proposals that demonstrate the developer's capacity to satisfy the requirements of this RFP. Proposals do not need to be elaborate or costly, but should be prepared in a professional manner. The following information to be submitted for consideration include:

1. Cove Page – Summary of qualifications. Include relevant contact information.

2. Developer Experience – Provide a listing of previous projects completed, especially with regard to projects that are relevant to the proposed development.

3. Project Timeline – A timeline for the project design, bidding, construction and occupancy.

4. SAM.gov Registration – Must be registered in SAM.gov and show not on debarred list.

Proposal Evaluation
The project proposals will be reviewed based on the following evaluation criteria:

1. Developer's Experience and Capacity (75%): The makeup/description of the developer's project team. The preferred developer will have significant experience in the construction residential development. The names of individuals involved and the roles they will perform must be listed. Provide a description of the qualifications and experience of the specific individuals who will be involved in the work described in this RFP, including staff and other professionals.

   Developers and builders are encouraged to partner together.

2. Units (25%): The number of units the developer is able to construct during the allotted timeline. Preference will be giving to developers/builders that can commit to at least 5 or more units.

The above information will be used to select qualified developers. Upon developer selection, development agreements will be negotiated and executed.

General Provisions

1) Submittal Ownership/Costs: Upon submission, all information becomes the property of the City of Council Bluffs. The City has the right to use any or all ideas presented in any submission in the response to this RFP, whether or not the submittal results in a contract with the submitting Developer. All costs for development of the written submittal and any oral presentation are entirely the obligation of the Developer and shall not be reimbursed.

2) Non-Warranty of Request for Qualifications: The City shall not be responsible for any error or omission in this RFP, nor for the failure on the part of the Developers to ensure that they have all the information necessary to affect their submittals.

3) Request for Clarification: The City reserves the right to request clarification of information submitted and to request additional information of one or more Developers, either orally or in writing.

4) Acceptance/Rejection of Submittals: The City reserves the right to accept or reject any or all submittals in whole or in part, with or without cause, to waive technicalities, or to accept submittals or portions thereof, which, in the City's judgment, best serve the interest of the City of Council Bluffs.

   The City reserves the right to allow alterations, modifications or revisions to individual elements of the Scope of Services any time during the period of contract, which results from this RFP.

5) Indemnification: The selected Developer shall: (1) faithfully perform said Contract on City's part and satisfy all claims and demands incurred for the same; (2) fully indemnify and save harmless the City from all costs and damages which said City may suffer by reason of failure to do so; and (3) fully reimburse and repay said City all outlay and expenses which said City may incur in making good any default.

   The selected Developer shall protect, defend, indemnify and save harmless the City, its agents, boards and employees, collectively referred to as "Indemnitees", from and against costs and suits, actions, claims, losses, liability or damage of any character, and from and against costs and expenses, including in part attorney fees, incidental to the defense of such suits, actions, claims, sickness, including death, to any person, or damage to property, including in part the loss of use resulting there from, arising from any act or omission of the Developer, or his employees, servants, agents, subcontractors or suppliers, or anyone else under the Developer's direction and control, and arising out of, occurring in failure of performance of any work or services called for by the Contract, or from conditions created by the performance or non-performance of said work or services. The Developer's indemnification hereunder shall apply without regard to whether acts or omissions of one or more of the Indemnitees would otherwise have made them jointly or derivatively negligent or liable for such damage or injury, expecting only that the Developer shall not be obligated to so protect, defend, indemnify and save harmless if such damage or injury is due to the sole negligence of one or more of the Indemnitees.

6) Insurance: The selected Developer shall carry and maintain during the life of the contract insurance as deemed appropriate by the City of Council Bluffs. Specific amounts and types of insurance will be detailed in the negotiated development agreement.

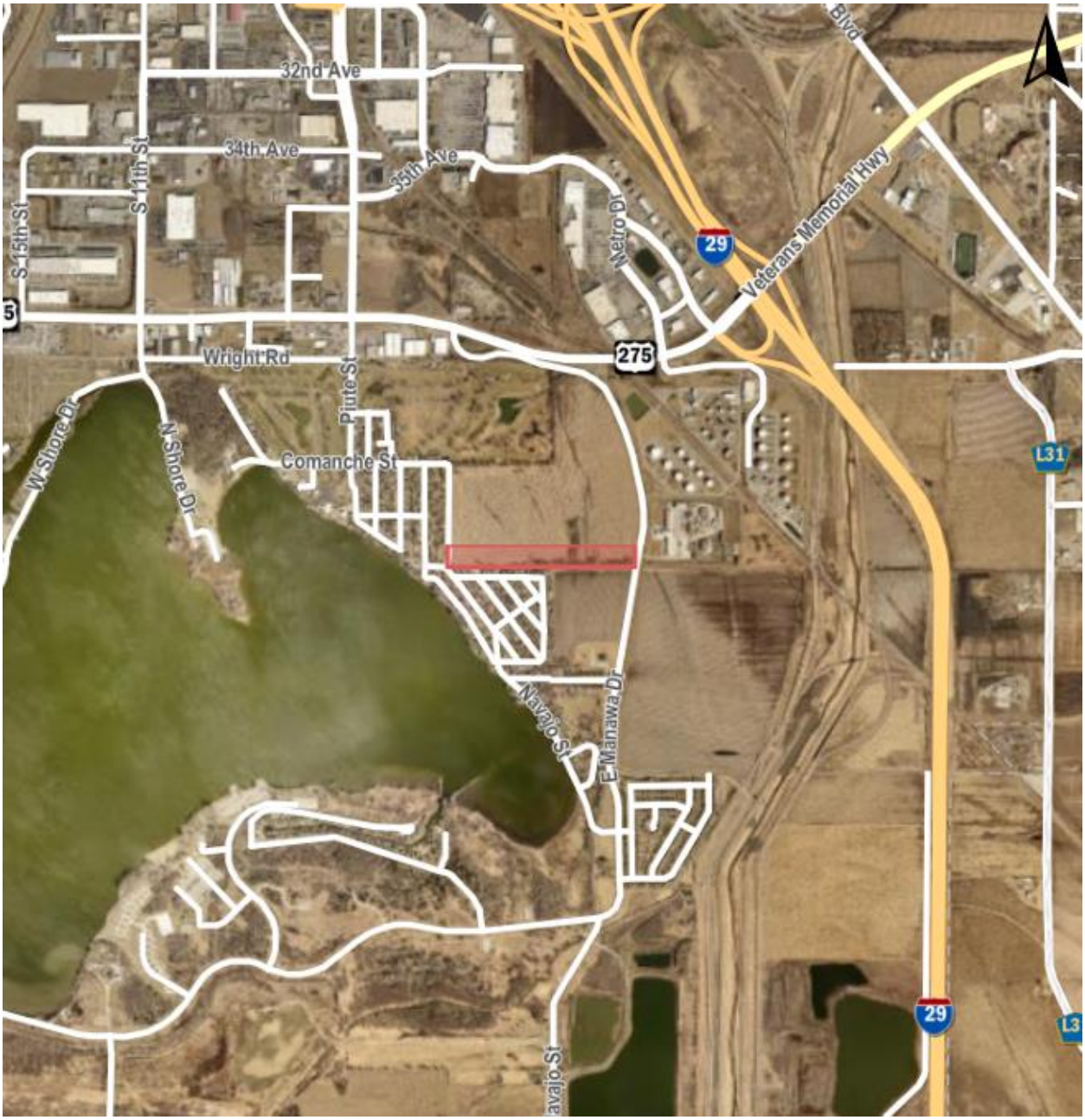
7) Collusion: The Developer, by submitting a Proposal, declares that the submission is made without any previous understanding, agreement or connections with any persons, Developers or corporations making a competing submission on the same project, and that it is in all respects, fair and in good faith without any outside control, collusion or fraud.

8) Consideration of Submittals: Proposals will be considered from Developers normally engaged in providing and performing services as specified in this RFP. The Developer must have adequate organization, facilities, equipment and personnel to ensure prompt and efficient service to the City. The City reserves the right to inspect the facilities and organization or to take any other action necessary to determine the ability to perform in accordance with specifications, terms and conditions before recommending any award.

9) Discrimination Clause: According to the City of Council Bluffs Municipal Code 1.40, discrimination of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, age or mental or physical disability is prohibited in any form. This extends to any and all partner agencies and contractual obligations.

Attachment A

Site Map



Attachment B

IEDA 2019 Single Family Housing Production and Down Payment Assistance Program Guidelines

2019 Single Family Housing Production and Downpayment Assistance Program

Program Purpose

To assist in the long-term recovery to the 2019 floods by providing for long-term, quality, single-family housing that is resilient to future natural disasters and affordable to low to moderate income households.

Version History

Version	Date	Summary Description
1.0	December 2020	Round 1 Launch
2.0	July 2021	Round 2 Launch
2.1	November 2022	Update for Fair Housing for New Applicants
2.2	June 2022	Update to Disaster Tieback, Removal of redundant already in the Combined Policies & Procedures Manual
2.3	November 2023	Update to downpayment assistance parameters, disaster impact marketing period
3.0	May 2024	Round 3 Launch

Administration

This program is administered by the Iowa Economic Development Authority (IEDA). IEDA is a state agency which administers Community Development Block Grant-Disaster Recovery (CDBG-DR) awards issued to the State of Iowa by the U.S. Department of Housing & Urban Development (HUD). Administrative activities are led by the IEDA Disaster Recovery Team Lead and members of both the Disaster Recovery and Federal Programs teams.

Available Funds

Program	Budget
For Sale Housing	$31,350,500.27

Eligible Applicants

Units of general local government (UGLGs) are the eligible applicants for these funds. This includes all city, tribal, and county governments within Mills, Fremont, and Harrison counties. For Round 3 of new housing, UGLGs in Pottawattamie County are also eligible. All program funds from Rounds 1 and 2 will be allocated to the HUD MID area (Mills, Fremont, and Harrison counties. Round 3 will be allocated to the HUD MID area and Pottawattamie County. Subrecipients of Rounds 1 and 2 which were awarded 5 or more units of single-family new construction (other than communities which received 2019 CDBG-DR FEMA Match buyout funds) are not eligible for Round 3. UGLGs will identify a developer on their applications to IowaGrants and enter into a development agreement once Release of Funds has been issued by IEDA.

Application Rounds

Round 1: IEDA will open an initial competitive round for $5,000,000 in single family new housing construction with down payment assistance. This round will allow the State to establish a competitive review process, gauge the capacity of the region for new single-family housing, and support local housing markets. Additional funds may be awarded through this round if the demand of quality applications exceeds this amount. Otherwise, future rounds will be established, at no less than one round per year, until the funds in this program are expended.

Round 2: IEDA will open a second competitive round of new production housing. IEDA's 2019 CDBG-DR Action Plan allowed $15,000,000 for the production of new single-family housing. In Round 1, IEDA awarded: $121,500, leaving $14,898,750 remaining for this competitive round. Additionally, $10,000,000 is available for public infrastructure needs in support of these new housing units. If requests do not expend all available funding, future rounds will be established at no less than one round per year until the funds in this program are fully expended.

Round 3: IEDA will open a third competitive round for up to $8,140,000 in new housing for sale and infrastructure in support of housing. This third round will allow the State to expand new housing opportunities into a county where many residents displaced from the 2019 disaster relocated and expand further housing recovery options in the HUD MID area.

Application Workshops

Round 1 Application Workshop Date:	December 9, 2020
Round 1 Green Streets Workshop Date:	December 10, 2020
Round 2 Application Workshop Date:	July 13, 2021
Round 3 Application Workshop Date:	June 18, 2024

National Objective and Eligible Activities

This program is designed to meet the Low to Moderate Income Housing (LMH) national objective. Eligible activities include: New construction, acquisition, clearance, and homeownership assistance; HCDA Section 105(a) 1,4,5,8,11,14,15,24; applicable waivers identified in the 2019 CDBG-DR Federal Register notices.

Disaster Tieback

This program addresses the unmet needs tied to providing new resilient, affordable housing to improve the housing stock in the disaster-impacted MID areas. The State intends to market to first-time homebuyers to assist with the disaster's impact on the rental community but will not restrict the program to first-time homebuyers. The State currently anticipates the creation of 115 new single family housing units over the life of this program.

Housing Requirements

This program's intent is to help the affordable housing market recover from the 2019 floods in the MID areas and provide for more resiliency in the affordable housing market to future natural disasters. With that, there are numerous requirements that come with federal assistance related to affordability, home construction, and project management.

IEDA will seek to award program funds to a diverse range of neighborhoods and communities in order to not concentrate LMI housing in a singular area. IEDA will also seek to award a variety of housing types to provide disaster-affected households a range of options, including options for those experiencing disabilities.

IEDA will make awards to cities/counties/tribes for the construction of new housing. Subrecipients may enter into a development agreement with a developer who maintains site control of the project site. A **developer** is a for-profit or nonprofit individual or entity that the grantee provides CDBG-DR funding to for the purpose of constructing new housing on vacant or demolished properties. Local government agencies, local housing authorities, and tribal governments are not developers and would need to procure if awarded and not working with a private or nonprofit developer.

All housing units must be sold to Low to Moderate Income (LMI) households. These are households that make at or below 80% of the area median income of the county in which the housing unit is built. Income verifications must be completed in accordance with 24 CFR 5.609 (Part 5 Annual Income). Income verifications are valid for 12 months from the date verification is completed.

During the affordability period, initial and subsequent homeowners of units constructed under this program will be required by provide **proof of primary occupancy** to IEDA upon request.

Second homes are not allowed. Second home is defined as a home that is not the primary residence of the owner, tenant, or any occupant at the time of the disaster or at the time of application for CDBG-DR assistance. This program will not fund second homes and all homes built must be the primary residence of an LMI household.

The **affordability period** will be 5 years for single-family housing units. Housing construction offset amounts per unit will be recorded as a forgivable mortgage on a monthly receding basis and subject to recapture from the homeowner if the housing unit is sold during the affordability period to a non-LMI household.

The **maximum sale price** of the housing units cannot exceed $175,000 for initial occupancy. This figure affords the widest available opportunities for LMI households to purchase the housing units while, coupled with program housing construction offsets, still allow for the construction of high-quality housing exceeding the sale price in value. For instance, a developer could still retain a similar margin on a $275,000 home if requesting the full $100,000 in housing construction offsets available through this program.

Projects of 8 or more housing units are subject to **Davis Bacon** prevailing wage requirements. All infrastructure in support of housing is subject to Davis Bacon.

All construction projects receiving more than $200,000 in HUD assistance (including CDBG-DR) are subject to **Section 3.**

All units shall be designed and constructed in accordance with all locally adopted and enforced **building codes** and standards. In the absence of locally adopted or enforced building codes and standards, the requirements of the current Iowa State Building Code shall apply.

All units are subject to the ICC 700 National Green Building Standard (NGBS) or **Iowa Green Streets Criteria** requirements. All applicants will be required to participate in a project-specific

design consultation with IEDA prior to submitting their application. This will ensure that the project is designed in compliance green building requirements and are incorporating stormwater management and green building practices into designs.

All projects of 5+ units following NGBS or Iowa Green Streets will be required to design at least 7% of units (no fewer than 2) to the universal design requirements of Iowa Green Streets, which ensures access to persons with mobility, hearing, or vision impairments. Any exceptions to universal design granted under this program will not reduce the total number of universally-designed multifamily units fellow the federal ADA requirements of 5% of the project being accessible for persons with mobility impairments and 2% of the project being accessible for persons with hearing or vision impairments.

All homes funded under Round 3 must be constructed with a **basement (**if geotechnically feasible) and a **garage** in order to expedite the sales process of the homes.

Any **conversion project**, where new housing units will be created within an existing structure, must demonstrate that the space is not currently used for housing and has not been housing in the recent past. No housing rehabilitation will be considered eligible: only the conversion of space into new, additional housing units.

The **maximum number of units** awarded in a project cannot exceed 40 units unless granted an exception by IEDA based on demonstrated need in a housing needs assessment.

The developer must **own the project site or be able to demonstrate site control** at the time of application.

Any actions to acquire property in anticipation of, or in receipt of, a federal CDBG-DR award may be subject to the **Uniform Relocation Act** and **Section 104(d)** of the Housing & Community Development Act.

All units must be constructed **outside of the mapped 100-year floodplains.** No exceptions will be granted to the 100-year floodplain restriction while projects within the 500-year floodplain restriction will be scored lower than projects located outside of flood hazard areas.

All housing units must be **connected to utilities** at the time of completion, including to municipal water, sewer, and broadband. No applications proposing connections to wells or septic tanks will be accepted. All housing units must be connected to publicly owned streets.

Any **contingencies** proposed in the application budget may not exceed 16%. **Developer fees** proposed in the application budget may not exceed 10%.

Residential properties containing businesses may only be included in the program when it can be clearly shown that CDBG-DR funds will not benefit businesses on the property. Program files will document how the costs were allocated between the residential portion and the business portion of the building.

Prior to the Grantee's (IEDA) obligation of funds for construction, developers will demonstrate that the engineering co-design for a project is feasible, prior to the obligation of funds by IEDA for construction. IEDA will also require that the subrecipient demonstrate construction financing and submit supporting documentation for estimated project costs prior to Release of Funds.

IEDA will reimburse funds for **actual costs incurred** up to the CDBG-DR award amount. Claims for reimbursement will be submitted via IowaGrants. The subrecipient shall maintain a file of all claim supporting documents, invoices, payments, and approval. Overhead and profit reimbursement for general contractors and subcontractors is limited to 10% overhead and 10% profit. Starting with Round 3, reimbursements will be limited to the hard costs of construction and no soft costs apart from profit and overhead. If applicable, mobilization will be paid at 25% once 5% of the project has been completed, 10% once 50% of the project has been completed, and 100% once 50% of the project has been completed in accordance with SUDAS standards.

Claims are due within every 3 months. CDBG-DR assistance may be drawn down amid construction with supporting documentation of costs incurred submitted with the claim on IowaGrants. The final drawdown for reimbursement will only be granted once the "Demographic Data Collection" information is completed in IowaGrants.

10% of awarded funds will be withheld as a retainage until 100% of all invoices with all costs claimed are submitted to IowaGrants, reviewed, and approved. The subrecipient, in coordination with the grant administrator, will reduce the IowaGrants requested amount by the retainage so that the claim is paid in full.

Once closeout and compliance are complete, the subrecipient will claim the final 10% and IEDA will issue payment.

Federal regulations require FEMA National **Flood Insurance** for all federally-funded projects located within a Specific Flood Hazard Area-**100 year floodplain**. Insurance will be obtained before work begins and must be maintained at minimum throughout the remaining project and closeout. IEDA requires flood insurance for new housing units constructed in the 500-year floodplain. This flood insurance requirement does not apply to areas with reduced flood risk due to levee (Zone X)

Subrecipients shall follow the federal **procurement** requirements detailed in the 2019 CDBG-DR Policies and Procedures Manual for CDBG-DR projects and in 2 CFR Part 200. Any procurement conducted by the subrecipient must comply with the procurement policy in the 2019 CDBG-DR Policies and Procedures Manual.

For this program, **developers do not need to procure their contractors or subcontractors** in accordance with HUD policy "Guidance on the Procurement of Developers and Subrecipients – June 1, 2012".
https://files.hudexchange.info/resources/documents/NSPPolicyAlert_ProcurementDevelopersSubrecipients.pdf.

Any construction contracts procured through awarded projects must comply with the Bonding Requirements noted in the Procurement Policy in the 2019 CDBG-DR Policies and Procedures Manual.

All projects **must be cost reasonable**. IEDA will determine project cost reasonableness through the competitive application comparison, review, and selection processes and may obtain third-party verification on a case-by-case basis. As such, application budgets must be thorough and accurate for evaluation.

The subrecipient will maintain safety procedures designated by federal and state law for construction of new buildings.

Timeliness

All projects will be tracked by the IEDA project manager in the annual risk assessment for their timeliness in completion. The budgetary discrepancy limits are as follows for a 2-year project:

Year	Projected Expenditure	Discrepancy
Year 1	50%	40%
Year 2	100%	10%

The budgetary discrepancy limits for a 3-year project are as follows:

Year	Projected Expenditure	Discrepancy
Year 1	33%	60%
Year 2	67%	40%
Year 3	100%	10%

If the spending differential is found to be greater than the limit shown, the project manager will determine the reason by reviewing current reporting narratives or metrics to determine if the spending is reasonable in regards to the status of tasks and deliverables. The project manager will also determine if the delays in spending or the completion of deliverables/tasks can potentially result in a negative impact to the project. If the discrepancy in spending or progress is deemed reasonable, the project manager will continue to monitor the expenditures.

If the project manager has concerns about the spending discrepancy or the status of project deliverables/tasks, or the recipient has reported a spending discrepancy for 2 consecutive years, the project manager will confer with the Disaster Recovery Team Lead for next steps. One of the following action items will be taken:

- Annual spending projections will be amended
- Project manager will continue to monitor the project status
- A meeting with partner management will be held. Partner will submit revised quarterly budget projection and/or a plan to overcome progress delay.
- Terminate the agreement.

Housing Construction Offset Amounts

Housing Construction Offset Per Unit	Green Streets Plus/Mitigation Incentive Per Unit	Down payment & Closing Cost Assistance Per Unit	Infrastructure in Support of Housing Per Unit
$100,000 (Round 1 and 2) $125,000 (Round 3)	No cap (Round 1 & 2) $25,000 (Round 3)	$20,000 (Round 1 and 2) $35,000 (Round 3)	No cap (Round 1 & 2) No more than $70,000 per unit (Round 3)

Housing construction offset amounts are awarded as a non-receding forgivable loan and will be forgiven at the time of sale to an LMI qualified buyer, at which point the difference between the home's appraised value and sales price of the housing construction offset will be recorded as a homebuyer construction subsidy and receding forgivable mortgage for the housing unit's

affordability period. Downpayment & homebuyer assistance was allocated at $20,000 per unit for Rounds 1 and 2 and $35,000 for Round 3. It was backfilled to $35,000 per unit for projects open as of May 1, 2024.

*-Infrastructure in support of housing will be awarded competitively and not available to every awarded unit.

Green Streets Plus/Mitigation Incentive

Mitigation activities are those activities that increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to, and loss of property, and suffering and hardship, by lessening the impact of future disasters.

This program is proposing the Green Streets Plus housing construction offset at no cap per unit (for Round 3 to be referred to as the Mitigation Incentive at no more than $25,000 per unit) to increase the housing units' resilience to future natural disasters, lessen the impact of future natural disasters, and reduce LMI households' suffering and hardship after a natural disaster has destroyed or damaged their home.

IEDA will utilize the Iowa Green Streets Criteria and Fortified® Home, where these standards exceed the Iowa Green Streets, to manage the proper installation and completion of elements funded under this housing construction offset. If using NGBS, the equivalent standard if applicable under NGBS may be followed instead of Green Streets.

Eligible activities for the Green Streets Plus/Mitigation Incentive Housing Construction Offset include but are not limited to:

Green Streets Criteria Number	Description	Disaster Mitigation	County Eligibility
1.8	Resilient Structures	Thunderstorm, lightning, & hail; tornado & windstorm	Mills, Fremont, Harrison, Pottawattamie
3.4	Surface Water Management (1.25" rainfall)	Flood, Flash Flood, Drought	Mills, Fremont, Harrison, Pottawattamie
3.5	Surface Water Management (2.5" rainfall)	Flood, Flash Flood, Drought	Mills, Fremont, Harrison, Pottawattamie
5.2b, 5.3a, 5.3b	Moving to Zero Energy	Extreme heat, severe winter storm, thunderstorm, lightning & hail; tornado & windstorm	Mills, Fremont, Harrison, Pottawattamie

5.4	Achieving Zero Energy	Extreme heat, severe winter storm, thunderstorm, lightning & hail; tornado & windstorm	Mills, Fremont, Harrison, Pottawattamie
5.13 Fortified® Roof	Fortified® Roof	Thunderstorm, lightning, & hail; tornado & windstorm	Mills, Fremont, Harrison, Pottawattamie
5.13 Fortified® Silver	Fortified® Silver	Thunderstorm, lightning, & hail; tornado & windstorm	Mills, Fremont, Harrison, Pottawattamie
5.13 Fortified® Gold	Fortified® Gold	Thunderstorm, lightning, & hail; tornado & windstorm	Mills, Fremont, Harrison, Pottawattamie

If requesting an additional mitigation item not listed in the table above, reach out IEDA prior to submission. Email confirmation of the request's eligibility must be included in the application.

If mitigation reimbursable project costs are less than the requested funding amounts, IEDA will allow subrecipients to redirect those funds into other housing and infrastructure aspects of the awarded project.

Infrastructure in Support of Housing

Infrastructure in support of housing can only be claimed when used in support of public infrastructure. The public infrastructure must be owned and maintained by the city/county/tribe through either the transfer of ownership or another legal agreement. Starting with Round 3, all public infrastructure must be procured by the subrecipient and constructed under the oversight of the subrecipient. If the real property for the infrastructure is owned by the developer, it will be sold to the subrecipient for no more than $1 after Release of Funds has been issued by IEDA.

Public infrastructure must be accessible to the general public and serve a delineated service area. No utilities on private property will be considered public infrastructure (e.g., service lines from the right-of-way into the housing unit). Examples of public infrastructure include but are not limited to:

- Streets
- Street curbs and gutters
- Street trees
- Access roads
- Bridges
- Sidewalks
- Multi-use paths/trails

- Water lines and supporting infrastructure (if owned and operated by a publicly owned utility).
- Sewer lines and supporting infrastructure (if owned and operated by a publicly owned utility).
- Stormwater lines and supporting infrastructure (if owned and operated by a publicly owned utility).
- Electric, gas, and broadband lines (if owned and operated by a publicly owned utility. Rural electric cooperatives are not considered publicly owned utilities. Assistance to private utilities is allowable under a waiver granted to the State of Iowa under 87 FR 75644 as applied according to the Combined Policies and Procedures Guide)

For all applications that require the construction of infrastructure in support of housing, the applicant will provide a line-item request for each infrastructure item based on anticipated costs of construction, provide support documentation for these costs, and demonstrate that funding is not available through other existing federal, state, or local programs (e.g. TIF, DOT, general fund, etc.). All infrastructure in support of housing is subject to federal labor standards and Davis Bacon prevailing wage compliance. Infrastructure contracts must be separate from housing contracts.

Infrastructure in support of housing is available to both the owner-occupied and rental new housing construction programs. Higher scoring applications in both programs will receive the first opportunity to access these funds based on a demonstration of need.

All infrastructure in support of housing construction is subject to Davis Bacon if it exceeds $2,000 in funds. Infrastructure in support of housing that is constructed by a developer is exempt from procurement in accordance with HUD policy “Guidance on the Procurement of Developers and Subrecipients – June 1, 2012”. https://files.hudexchange.info/resources/documents/NSPPolicyAlert_ProcurementDevelopersSubrecipients.pdf.

Infrastructure in support of housing that is constructed by the subrecipient is subject to procurement. Any construction contracts procured through awarded projects must comply with the Bonding Requirements noted in the Procurement Policy in the Combined CDBG-DR Policies and Procedures Manual.

Program	Budget
Infrastructure in Support of Housing	$39,687,169.73

Down payment and Closing Cost Assistance

Eligible LMI buyers approved for a mortgage will have access to downpayment assistance up to 100% of lender required downpayment and applicable closing costs. Households requiring co-signers from outside of the purchasing household are ineligible. This will be filed as a forgivable mortgage on a monthly receding basis for 5 years and subject to recapture if the housing unit if

the LMI buyer transfers, sells, vacates, or abandons the property during the 5-year period, unless such sale or transfer meets the requirements of these guidelines or IEDA provides approval in advance of the transfer.

Downpayment assistance may be used for up to 100% of the required downpayment, applicable closing costs, principle write-down, interest rate subsidization, and assist in paying private mortgage insurance. First year's insurance and taxes will not be eligible for assistance.

Downpayment assistance will only be provided for mortgages with a term of 33 years or less. No balloon payment loans are eligible. No private loans are eligible.

Homeowners that refinance their property within the 5-year period may only do so for the purpose of lowering their interest rate and not for the purpose of receiving funds by cashing out equity. Refinancing to lower the interest rate will require verification from the lender that no funds will be received and a subordination agreement between the homeowner and the subrecipient is required. If the homeowner receives funds from refinancing, they will be required to repay all CDBG-DR funding.

IEDA estimates that this assistance will not exceed $20,000 per housing unit in Rounds 1 and 2 ($35,000 per unit in Round 3) and $20,000 per unit in Rounds 1 and 2 ($35,000 in Round 3) will be awarded unless the need is higher. Projects awarded in Rounds 1 and 2 will have increases to $35,000 per unit for their downpayment assistance as of May 1, 2024. Homebuyers should apply for State and local homebuying assistance programs (e.g., Iowa Finance Authority programs) before applying for CDBG-DR assistance to avoid a Duplication of Benefit.

IEDA encourages the use of USDA Section 502 Direct Loans, which tend to offer lower interest rates and no required down payment for LMI buyers. These loans are available in the entirety of Harrison, Mills, and Fremont counties and for rural areas in Pottawattamie County.

Promoting Equity in Recovery

This program is intended to help impacted residents, protected classes, vulnerable populations, and members of underserved communities. Subrecipients will be expected to reduce barriers to individuals impacted by disaster, protected classes, vulnerable populations, and members of underserved communities in accessing the housing market. These classes include:

Population	Type	Population	Type
Race	FHA, Iowa Civil Rights Act Protected Class	Disability	FHA, Iowa Civil Rights Act Protected Class
Color	FHA, Iowa Civil Rights Act Protected Class	Sexual Orientation	Iowa Civil Rights Act Protected Class
National Origin (including immigrants & refugees)	FHA, Iowa Civil Rights Act Protected Class	Gender Identity	Iowa Civil Rights Act Protected Class
Religion	FHA, Iowa Civil Rights Act Protected Class	Citizenship	Iowa Civil Rights Act Protected Class
Sex (including sexual orientation and gender identity)	FHA, Iowa Civil Rights Act Protected Class	Political Affiliation	Iowa Civil Rights Act Protected Class

Familial Status	FHA, Iowa Civil Rights Act Protected Class	Indigenous Populations	Vulnerable & Underserved Population

Subrecipients will be expected to expedite the recovery of these populations and their participation in this program by conducting efforts including but not limited to:

- Performing outreach and engagement to understand the needs of impacted participants
- Creating a personalized recovery plan (during the application phase) that addresses the needs of the local community
- Coordinating with government agencies and developers
- Coordinating with local organizations to ensure that refugee and immigrant populations are aware of the assistance and can access it
- Coordinating with local nonprofit organizations that provide services to people experiencing homelessness, people with disabilities, and historically underserved populations to ensure the promotion of the program and help remove their barriers to access the assistance

In the Fair Housing and Outreach plan, for projects awarded after November 1, 2022, applicants should also specify which mandatory and elective activities. **All subrecipients, regardless of award date, must complete at least two of the mandatory activities**, which are as follows:

Mandatory Activity	Description
1	Advertise, publicize, and pass an affirmative fair housing policy that will certify that the local government adheres to the requirements of the federal Fair Housing Act and the Iowa Civil Rights Act of 1965 (adoption and use of the Equal Housing Opportunity logo and the Equal Housing Opportunity statement)
2	Identify and publish the name and contact information of a Discrimination Complaint Officer within the agency or jurisdiction for any housing-related bias or discrimination complaint
3	Refer housing discrimination complaints and assist in filing complaints with the Iowa Civil Rights Commission, the U.S. Department of Housing and Urban Development, or a local civil rights commission

All subrecipients must complete at least one of the following elective activities that they will complete. The list of elective activities includes the following:

Elective Activity	Description
1	Advertise the availability of housing and related assistance to population groups that are the least likely to apply through various forms of media (i.e. radio stations, posters, flyers, newspapers, Facebook, city web page) in English and other languages spoken by eligible families within the project service area
2	Include a flyer about fair housing in a local utility or tax bill and send it to every household within the municipality

3	Have the Responsible Entity staff attend a fair housing training or conference
4	Organize a letter writing campaign to local legislators and/or local government staff about the need to fund and support fair housing programs
5	Sponsor trainings for realtors, bankers, landlords, homebuyers, tenants, public housing authority and other city/town employees to educate them on their fair housing rights and responsibilities. This activity MUST be done in collaboration with the Iowa Civil Rights Commission or a local civil rights commission
6	Provide training/educational programs about fair housing for financial, real estate, and property management professionals at local firms, including their obligations to comply with the federal Fair Housing Act and the Iowa Civil Rights Act of 1965 (this can be done by partnering with a bank, board of realtors association, or other local group and helping to sponsor a program taught by a qualified entity such as the Iowa Civil Rights Commission
7	Conduct meetings with advocacy groups for members of the protected classes on the availability of affordable and accessible housing and determine housing needs to plan future projects
8	Establish and/or fund fair housing organizations in areas where there are no such organizations
9	Conduct fair housing testing to ensure that local housing providers and/or lenders do not discriminate (fair housing testing must be conducted by a HUD-certified fair housing agency)
10	Assist Housing Choice Voucher program participants to help locate and secure housing outside of racially concentrated areas of poverty (RCAPs) or outside of areas nearby RCAPs
11	Conduct outreach to housing providers and housing developers to discuss affordable and accessible housing needs in RCAPs and near RCAPs
12	Evaluate the local zoning ordinance against fair housing benchmarks identified in this AI, using the Zoning Risk Assessment Tool. Evaluate the need for amendments to the zoning ordinance and make them.
13	Organize a tester recruitment event in collaboration with the Iowa Civil Rights Commission to help document instances of housing discrimination.

IEDA monitoring will include reviewing efforts indicated in the Fair Housing and Outreach Plans, for projects awarded after November 1, 2022, along with the mandatory and elective activities to affirmatively further fair housing for all projects.

Tieback: Disaster-Affected Households

The purpose of this program is to provide affordable new housing opportunities outside of the special flood hazard area in the MID area (Mills, Fremont, and Harrison counties). Preferably, these housing units should be occupied by persons impacted by the 2019 disaster.

Considerable time passed between the March 2019 disaster, HUD's signing of the 2019 CDBG-DR grant agreement with the State of Iowa in December 2020, the launch of housing rounds in January 2021 and September 2021 and September 2024, and the completion of the first units in calendar year 2023. However, it is important to maintain the tieback to the disaster event.

All housing units built must be marketed to persons impacted by the August 2019 Floods for 4 months before being offered to an eligible member of the public. Impact includes but

is not limited to: property damage, property loss, displacement, buyout, loss of business, loss of employment, economic loss, commute time to employment or childcare significantly increased due to disaster impact, physical or mental health issues related to the disaster, etc.

The State will notify LMI beneficiaries of the FEMA Match Buyouts of the opportunity to purchase homes. This notification will occur prior to the sale of the first homes and will include all of the awarded housing opportunities with anticipated project timelines.

The State does not want completed housing units sitting empty for 4 months before being able to be sold to an income-eligible member of the public. For this reason, the State is proposing several steps to ensure that disaster-impacted residents have the first opportunity to buy the housing units:

Spec House Approach:

This policy and procedure update is effective April 3, 2023.

Step 1: Marketing

No more than 8 months out from the completion of housing units, the developer will reach out to the grant administrator to begin marketing the homes and establishing a pool of eligible buyers. All marketing materials must contain approximately the following language:

"Those who were impacted by the Spring 2019 floods will receive the first opportunity to purchase the homes".

The grant administrator will also receive a sample of marketing materials. Once the developer has notified the grant administrator of marketing efforts beginning, the 4-month period will commence.

Step 2: Income Qualification

During the 4-month disaster impact marketing window, the grant administrator will receive applications from persons interested in purchasing the home. This application will include a self-certification for applicants to certify their disaster impact and provide an explanation of how they were impacted by the disaster.

Only applicants with a disaster impact will be income-qualified and receive approved applications during the 4-month window. Applicants will then proceed to mortgage underwriting with the lender of their choosing. Income qualifications are valid for 12 months and there should be an expected opportunity to purchase homes within 8 months of income qualification.

Step 3: Sale of Units

When housing units are completed or it is appropriate to sign a purchase agreement, developers will notify approved applicants on a first come, first serve basis. Provided that disaster impacted persons will be the first ones to be income qualified and put onto a list of eligible buyers as maintained by the developer and grant administrator, disaster impacted residents will have the first opportunity to purchase the homes.

Disaster-impacted residents income qualified within the 4-month marketing window will have at least 30 days to secure approval from a lender and sign a purchase agreement to hold their place in the queue. Once all disaster-impacted approved applicants have been contacted to

secure approval and sign a purchase agreement and at least 30 days have passed, approved LMI applicants of the general public will be contacted on a first come, first serve basis and have at least 30 days to secure approval from a lender and sign a purchase agreement.

Buyer Pool Approach:

This policy and procedure update is effective December 1, 2023.

Step 1: Marketing

At a developer-chosen time after IEDA approval of the environmental review, the developer will reach out to the grant administrator to begin marketing the homes and establishing a pool of eligible buyers to sign purchase agreements for new construction. All marketing materials must contain approximately the following language:

> *"Those who were impacted by the Spring 2019 floods will receive the first opportunity to purchase the homes".*

The grant administrator will also receive a sample of marketing materials. Once the developer has notified the grant administrator of marketing efforts beginning, the 4-month period will commence.

Step 2: Income Qualification & Sale of Units

During the 4-month disaster impact marketing window, the grant administrator will receive applications from persons interested in purchasing the home. This application will include a self-certification for applicants to certify their disaster impact and provide an explanation of how they were impacted by the disaster.

Only applicants with a disaster impact will be income-qualified and receive approved applications during the 4-month window. Applicants will then proceed sign a purchase agreement for the construction of their new home with earnest money of no greater than $500 required. Income qualifications are valid for 12 months and there should be an expected opportunity to purchase homes within 9 months of signing the purchase agreement for new construction.

Provided that disaster impacted persons will be the first ones to be income qualified and put onto a list of eligible buyers as maintained by the developer and grant administrator, disaster impacted residents will have the first opportunity to purchase the homes. Once all disaster-impacted approved applicants have been contacted to sign a purchase agreement and at least 30 days have passed, approved LMI applicants of the general public will be contacted on a first come, first serve basis and have at least 30 days to sign a purchase agreement.

Project Delivery

IEDA will only award applications with a project delivery entity indicated on the application. All non-entitlement subrecipients (cities/counties/tribes) will be required to contract with a council of government or procure an IEDA-approved consultant for project delivery services. Under Iowa law, procurement is not required for grant administration if a local government chooses to use their council of government (COG). MAPA is the council of government for Pottawattamie

County. MAPA and SWIPCO are the councils of government for Mills County. SWIPCO is the council of government for Harrison and Fremont counties. COG or consultant staff working with the project will be required to maintain an active IEDA Certified Grant Administrator certification.

IEDA will award up to $5,000 per unit in project delivery for Rounds 1 and 2 ($10,000 per unit for Round 3). The entitlement community, COG, or consultant will provide a lump sum estimate for project delivery in the application for CDBG-DR funding. Project delivery must be substantiated by documentation of costs incurred and cannot be duplicated by another federal funding source. Project delivery includes but is not limited to:

- Environmental Review Record documentation, including required publication costs
- Lien development and filing
- Mortgage recording
- Income verification
- Federal Labor Standards Compliance
- Section 3 Compliance
- Davis Bacon (if applicable)
- Financing/interest incurred for project implementation

Exception Policy

IEDA will consider exceptions to the program guidelines on a case-by-case basis. All exceptions must be submitted in writing with the application and include a justification. Exceptions should enhance the benefit to LMI households or areas.

Exceptions cannot violate federal, state, or local laws or regulations. Exceptions must still meet HUD's requirements for necessary and reasonable, comply with federal accessibility standards, and accommodate a person with disabilities if applicable.

A written response will be authorized in writing to the applicant upon approval or denial of the application requesting an exception.

Application Scoring Criteria

IEDA will use the following criteria to rank applications for Round 3:

1. Rank the level of development of plans, renderings, and specifications provided
2. Rank the project's location outside of the 500-year floodplain other than Zone X protected by levee
3. Rank the degree to which the proposed project is consistent with sustainability and smart growth principles and the degree to which the project exceeds the NGBS Silver or the Iowa Green Streets Criteria (higher points for requesting and integrating additional green and resiliency housing construction offsets)

4. Rank whether the project intends to comply with the U.S. Department of Energy Zero Energy Ready Homes program requirements and obtain certification

5. Rank the project's alignment with the applicant's Community Development and Housing Needs Assessment

6. Rank the community's proposed steps to Affirmatively Further Fair Housing

7. Rank how well the project furthers infill, compact, transit-oriented development, and/or orderly development

8. Rank the project's access to biking/walking trails, open space/recreation, and parks

9. Rank the project's access to public transit and/or alternative forms of transportation

10. Rank the project's shovel readiness

11. Rank how well documented the other funding sources are

12. Rank the level of optional local match

13. Rank how detailed the development team is. Does it include email and phone number contact information for all development team members?

14. Rank how experienced the development team is with green and resilient building standards

15. Rank how experienced the development team is with HUD or federally funded projects.

Required Application Documentation

Only complete, timely-received applications will be reviewed, scored, and ranked. Complete applications will complete all required fields in IowaGrants and provide at least the following required documentation unless granted an exception in writing by IEDA:

- **Site Plan** (which clearly shows the project location/s)
- **Project design documents**
- **Documentation of site control** (either Assessor's page showing ownership or executed purchase option with HUD environmental review provisions)
- **Current site/s zoning** and an outline of any needed rezonings with a timeline for completion
- **Resolution of support** from the city/county/tribe
- **Developer Assurances** signed by the developer and city/county/tribe
- **DOB Application Certification** signed by the Developer
- **Support documentation** for project budget (awards will not be issued without this)
- **Support documentation** for Sources and Uses of funds equal to the project budget

- **Completed NGBS or Green Streets Checklist** for baseline standards of compliance
- **Documentation of request** for Infrastructure in Support of Housing (if applicable)
- **Documentation of request** for Mitigation Housing construction offset (if applicable)
- **Outreach plan** to LMI, underserved, and vulnerable populations eligible to purchase a home through this program, including any steps to help prepare them for homeownership
- **RFP** for local selection of housing developer/s.
- **Staffing Plan** identifying and providing communication information for local and COG/consultant staff anticipated to be working on the project if awarded
- **Signed Affirmation of Receipt** of Iowa Attorney General contractor fraud checklist

Post Award Steps to Release of Funds

All funded projects will be required to comply with all federal and state requirements including receiving an environmental clearance before any choice limiting actions. By signing the Developer Assurances, the developer acknowledges and accepts these requirements. By passing a resolution of support and executing a contract with IEDA, the subrecipient (city, county, or tribe) assumes the responsibility of enforcing these requirements as the HUD-designated Responsible Entity (RE) in accordance with 24 CFR Part 58. The following steps will be required post award:

1. IEDA will enter into contract with the city/county/tribe for the award amount
2. The subrecipient will enter into a contract for project delivery if applicable
3. Release of Funds will be issued by IEDA

Release of Funds

Before Release of Funds can be issued by IEDA, an environmental review process in accordance with the National Environmental Policy Act (NEPA) must take place to ensure compliance with all federal and state laws and regulations. An environmental review is an analysis of the impacts of a project on the surrounding environment and the environment's impact on the project itself. An environmental review:

- Ensures HUD-funded projects provide decent, safe, and sanitary housing
- Demonstrates compliance with the 17 federal laws and authorities governing NEPA
- Is a public document that encourages public participation in its development
- Is coordinated by the subrecipient and grant administrator

The timeline for an environmental review generally takes between 4-6 months, but the specific timeline will be dependent on site conditions. The review must be published in the local newspaper of record and will include a 30-day comment period. Once the environmental review checklist is complete, it will be submitted to IowaGrants.

Throughout the environmental review, **no choice-limiting** actions can be committed by the subrecipient or its partners. These include actions to commit or spend CDBG-DR or non-HUD funds for activities including but not limited to:

- Purchase of property or structures (including executing an option agreement)
- Bidding (or advertisement of bids)
- Signing construction contracts or any kind
- Construction, demolition, rehabilitation, repair, conversion, site improvements, and any phase of construction activities
- Platting and rezoning land (can work on preliminary plats and rezoning needs)
- Apply for building permits

The federal nexus is as of the award date. If you have any questions regarding choice-limiting actions, please contact IEDA immediately.

Document Retention

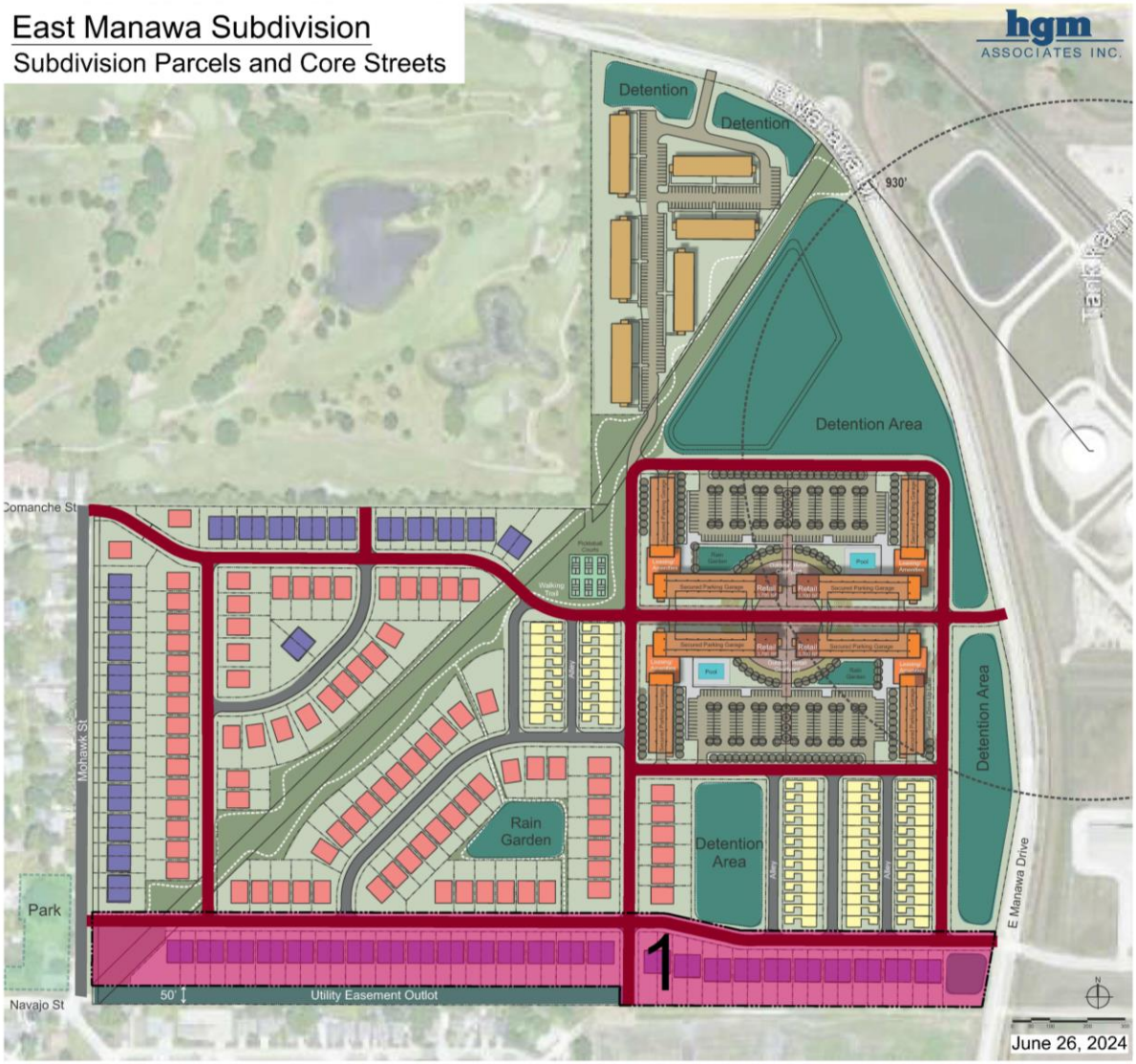
The subrecipient must retain **all documentation** of this project for three years after the entire 2019 CDBG-DR grant between IEDA and HUD is closed. IEDA grant closeout with HUD is anticipated in 2026. Subrecipients should expect to retain all documentation **through at least 2029**. IEDA will notify all subrecipients when documentation retention is no longer required. Subrecipients may also contact IEDA's Federal Programs and/or Disaster Recovery divisions to inquire about document retention times for 2019 CDBG-DR.

Contingency Plan for Unsold Units

The contingency plan for unsold units will be covered in the Combined Policies and Procedures Guide.

Attachment C

East Manawa Subdivision Master Plan



Attachment D

R- 3 Low Density Multi-Family Residential District and Planned Residential Overlay Zoning Code

Chapter 15.10 - R-3/LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT

15.10.010 Statement Of Intent

15.10.020 Principal Uses

15.10.030 Conditional Uses

15.10.040 Accessory Uses

15.10.050 Site Development Regulations

15.10.060 Additional Regulations

15.10.070 Signs

15.10.010 Statement Of Intent

The R-3 district is intended and designed for lower density multifamily residential areas of the city. This district permits a variety of housing types and is intended for established and developing areas of the city.

(Ord. 5307 § 1 (part), 1996)

15.10.020 Principal Uses

The following principal uses shall be permitted in an R-3 district:

A. Boarding, lodging, rooming house, or bed and breakfast;

B. Community recreation services;

C. Congregate housing, life care facility or nursing home;

D. Dwelling, multifamily;

E. Dwelling, single-family attached;

F. Dwelling, single-family detached;

G. Dwelling, townhouse;

H. Dwelling, two-family;

I. Family home;

J. Group care home;

K. Local utility services;

L. Park and recreation services;

M. Private parking lot;

N. Public parking lot;

O. Public safety services;

P. Religious assembly;

Q. School.

(Ord. 5917 § 1, 2007)

15.10.030 Conditional Uses

The following conditional uses shall be permitted in an R-3 district, when authorized in accordance with the requirements set forth in CBMC 15.27:

A. Cemetery;

B. Colleges and universities;

C. Commercial recreation (indoor and outdoor);

D. Business, professional office when the floor area for such use shall not exceed two thousand (2,000) square feet;

E. Cultural service;

F. Day care service;

G. Government maintenance facility;

H. Juvenile detention facility.

(Ord. 5917 § 2, 2007)

15.10.040 Accessory Uses

The following accessory uses shall be permitted in an R-3 district:

A. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

(Ord. 5307 § 1 (part), 1996)

15.10.050 Site Development Regulations

Minimum Lot Size

Use	Lot Area
Single-family detached	5,000 square feet
Single-family attached and two-family dwellings	5,000 square feet except when a single-family attached or two-family dwelling is divided by a lot line coinciding with the common wall separating the two units, the minimum lot area shall be 2,500 square feet
Townhouse dwelling	7,500 square feet except when a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units, the minimum lot area shall be 2,500 square feet
Multifamily dwelling	
(3 to 4 units)	7,500 square feet
(5 or more units)	9,000 square feet plus an increase of 2,000 square feet per each additional unit

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard	20 feet	Greater of 20 feet or existing front setback line of principal structure
Street side yard	15 feet	15 feet
Interior side yard	5 feet with one foot indentation for every story above the first floor	3 feet
Rear yard	20 feet	3 feet
Maximum height	60 feet	18 feet
Lot coverage; all structures:	45% maximum	

(Ord. 5307 § 1 (part), 1996)

15.10.060 Additional Regulations

A. Lot Clustering. Minimum Lot Size requirements for single-family and townhouse dwellings may be reduced by a maximum of forty (40) percent for lots located in a cluster subdivision as permitted by CBMC 14.10 and are subject to the following additional requirements:

1. The unit must be located in an approved cluster subdivision;
2. A dwelling unit with a zero side yard on one side shall be either attached on both sides or have a side yard of ten (10) feet from the opposite side lot line;
3. A dwelling unit With a zero side yard shall have no openings on that side abutting the lot line;
4. A dwelling unit which does not have a zero side yard shall have a minimum side yard of five feet;
5. A dwelling unit shall have a minimum front yard setback of ten (10) feet provided that there are two off-street parking spaces located on the same lot;
6. A dwelling unit shall have a minimum rear yard setback of ten (10) feet; and
7. Lot size requirements may be reduced, provided that an equal amount of land area is provided in adjacent common area or open space, exclusive of public and private roadways.

B. Reserved.

(Ord. 5307 § 1 (part), 1996)

15.10.070 Signs

Signage in this district shall comply with CBMC 15.33,

"Signs." (Ord. 5307 § 1 (part), 1996)

Chapter 15.28 - P-R/PLANNED RESIDENTIAL OVERLAY

15.28.010 Statement Of Intent

15.28.020 Applicability

15.28.030 Permited Land Uses And Site Development Regulations

15.28.040 Additional Regulations

15.28.050 Establishment Of A Planned Residential Overlay

15.28.060 Development Plan Review Procedure

15.28.070 Development Plan Completion

15.28.080 Termination Of The Planned Residential Overlay

15.28.010 Statement Of Intent

The Planned Residential Overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications

of requirements of the underlying zone would not be inconsistent with the comprehensive plan or harmful to the surrounding neighborhoods. The PR Overlay is intended to:

A. Provide for innovative and imaginative development through flexibility in subdivision and site layout, placement of buildings, a variety of housing types, efficient diversification of land uses, alternative modes of transportation, pedestrian and vehicular interconnections, use of open space, conservation of natural habitats and wildlife, and related architectural design, off-street parking and signage considerations;

B. Increase and diversify the city's housing stock;

C. Encourage the preservation and use of existing landscape features;

D. Promote efficient land use and infrastructure with smaller networks of utilities and streets;

E. Promote an attractive and safe living environment which is compatible with surrounding residential developments;

F. Provide an alternative method for redeveloping older residential areas and to encourage infill development.

(Ord. 5309 § 1 (part), 1996)

HISTORY
Amended by Ord. 6483 on 2/28/2022

15.28.020 Applicability

1. PR Overlay may be applied to all residential zoning districts, except the R-1M/Single-Family Manufactured Housing District, and the A-P/Administrative-Professional District.

2. PR-1 Overlay (General Master Planned Development). The PR-1 Overlay is intended for general master planned development. The minimum tract of land considered for a PR-1 Overlay shall be one and a half (1 ½) acres.

3. PR-2 Overlay (Site-Specific Infill Development). The PR-2 Overlay is intended for site-specific infill development. A PR-2 Overlay may be applied to any property, or 2 combination of contiguous properties owned by the same person or entity, that contain a maximum of one and one-half (1 ½) acres of total land area; however, at least one of the following shall be included within the development:

1. A minimum of two (2) residential structures.
2. A minimum of one (1) residential structure that contains a minimum of two (2) dwelling units.
3. A minimum of one (1) mixed commercial-residential structure.

4. All PR Overlays existing prior to the effective date of this ordinance shall continue to be governed by all applicable conditions of the adopted development plan on the subject property.

(Ord. 5309 § 1 (part), 1996)

HISTORY
Amended by Ord. 6483 on 2/28/2022 Amended by Ord. 6605 on 5/6/2024

15.28.030 Permitted Land Uses And Site Development Regulations

A. All site development regulations and land uses established as part of an adopted development plan shall supersede those of the underlying zoning district.

B. Land uses. Residential uses as identified in this Section shall comprise the majority of the land area and building square footage for any development. All uses identified in this Section as 'Commercial' or 'Other' shall be clearly subordinate to the overall residential development. The following land uses shall be allowed in a PR Overlay:

1. Residential.

    a. Dwelling, single-family attached;

    b. Dwelling, single-family detached;

    c. Dwelling, multifamily;

    d. Dwelling, townhome;

    e. Dwelling, two-family;

    f. Congregate housing, life care facility, or nursing home;

    g. Family home;

    h. Group care home.

2. Commercial.

    a. Automobile service establishment (limited to the following):

        (1) Car wash;

        (2) Convenience grocery store with retail gasoline sales;

        (3) Electric vehicle charging station;

    b. Boarding, lodging rooming house, or bed and breakfast;

    c. Business, professional office;

    d. Business service establishment;

    e. Club or lodge;

f. Commercial recreation (indoor and outdoor);

g. Commercial storage (only allowed in the PR-1 Overlay, as further limited by Section 15.28.040);

h. Consumer service establishment;

i. Day care services (as further limited by CBMC 15.28.040);

j. Financial service;

k. Hotel/motel;

l. Mixed commercial/residential structure;

m. Newspaper printing;

n. Pawn shop;

o. Restaurants (drive-in/fast food, limited and general);

p. Retail shopping establishment;

q. Storage yard (only allowed in the PR-1 Overlay, as further limited by CBMC 15.28.040);

r. Tattoo parlor;

s. Tavern (as limited by Section 15.28.040).

3. Other.

a. College or universities;

b. Community recreation services;

c. Cultural service;

d. Funeral service;

e. General government use;

f. Governmental maintenance facility;

g. Hospital;

h. Local utility services;

i. Park and recreation services;

j. Private parking lot;

k. Public parking lot;

l. Public safety services;

m. Religious assembly;

n. School;

o. Small alcohol production facility (as limited by Section 15.28.040);

p. Veterinary service.

C. Site development regulations. Site development standards shall be established as part of an adopted development plan and shall include, but not be limited to, the following: minimum lot size, setbacks and building placement, height, lot coverage, signage, off-street parking, block design, architecture, landscaping, streetscapes, pedestrian facilities, screening, utilities, outdoor lighting, fencing and site amenities.

(Ord. 5743 § 1, 2002)

HISTORY
Repealed & Replaced by Ord. 6483 on 2/28/2022

15.28.040 Additional Regulations

A. Storage Uses. Storage uses shall only be allowed in a PR-1 Overlay, and shall be limited to a combined maximum of five percent of the land area designated as commercial within the development. The following storage use regulations shall apply to all storage uses:

1. Commercial storage facilities and storage yards shall be owned and operated by a homeowner's association or management group for the overall development.

2. Storage yards shall be limited to the exterior storage of operable vehicles, including trucks, recreational vehicles, as defined in CBMC 15.03.585, and vessels, as defined in CMBC 15.03.586, and trailers on designated parking spaces. Exterior storage of junk, wrecked, or inoperable vehicles, equipment, and other materials shall not be allowed.

3. Outdoor storage areas shall be completely screened from view at or beyond the property line and shall be designed as a part of the overall development.

B. No tavern or small alcohol production facility shall be located within two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.

C. In-home day care services shall be subject to approval of a conditional use permit as set forth in CMBC 15.02.090.

(Ord. 5309 § 1 (part), 1996)

HISTORY
Repealed & Replaced by Ord. 6483 on 2/28/2022

15.28.050 Establishment Of A Planned Residential Overlay

A. Procedure. All requests to establish a planned residential overlay shall be considered by the City Planning Commission and the City Council in the same manner as a rezoning request, as set forth in CMBC 15.02.070

(Ord. 5309 § 1 (part), 1996)

HISTORY
Repealed & Replaced by Ord. 6483 on 2/28/2022

15.28.060 Development Plan Review Procedure

A. Application. A development plan shall be submitted to the community development department, along with a filing fee as specified by this title. Upon application submittal, the development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the community development department:

1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame and phasing;
2. The development name and legal description of the boundary;
3. A north arrow, scale, bar scale and date;
4. The names and addresses of the owner, and the architect or engineer preparing the plan;
5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;
6. All established floodway or floodway fringe encroachment limits;
7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;
8. Location and size of any sites to be considered for dedication to public use;
9. Layout, numbers and dimensions of proposed lots;
10. The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
11. The location and width of other public ways, railroad rights-of-way, utility and all other easements, existing or proposed within the development and within two hundred (200) feet;
12. Existing and proposed contour intervals of not more than five feet;
13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, landscaping, screening and fencing;

15. Design, location and size of signage to be installed as part of the proposed development;

16. A photometric plan which shows proposed light pole height, materials and height, light fixture type and design, and other outdoor lighting considerations;

17. Location and area proposed as open space;

18. The number of dwelling units proposed for the development and the general arrangement of buildings; and

19. Architectural drawings, renderings, or other visual documents which illustrate the proposed building design(s).

B. Review by Community Development Department. The community development director shall determine the adequacy and completeness of the development plan application. The community development director may require additional information prior to scheduling review by the city planning commission. The application shall be accompanied by one (1) electronic copy and one (1) paper copy (minimum size: 11 in. x 17 in.) of the preliminary development plan for the entire development.

C. Review by the City Planning Commission. The city planning commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements as set forth, the commission in recommending approval of the proposed development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, and required screening and landscaping where necessary to reduce noise and glare, and designation and responsibility for maintenance of the property.

D. Review by City Council. After review of the development plan by the city planning commission, it shall be forwarded to the city council, with its written recommendations, whether for approval or denial, whereupon the city council may take action on the plan. Approval of the development plan shall be by city council resolution.

E. Building Permit Review. The community development director shall review all grading, building, and public works construction permits for compliance with the approved development plan. No grading, building, or public works construction permit shall be issued if determined by the community development director to be inconsistent with the approved development plan. However, the community development director shall have the authority to approve minor changes to the development plan. If the community development director determines that major changes are requested, review and approval by the city planning commission and city council shall be required.

F. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion

of the Community Development Director.

(Ord. 5309 § 1 (part), 1996)

HISTORY
Amended by Ord. 6483 on 2/28/2022 Amended by Ord. 6531 on 12/19/2022

15.28.070 Development Plan Completion

If the improvements identified in the development plan have not been completed within three years from the date of the city council approval, the development plan shall be void unless an extension of time has been granted prior to the expiration date. The city planning commission may grant a two year extension. In reviewing a request for extension of time, the commission shall consider whether the development plan is in compliance with applicable ordinances, standards for public improvements and the comprehensive plan of the city.

(Ord. 5309 § 1 (part), 1996)

HISTORY
Amended by Ord. 6483 on 2/28/2022

15.28.080 Termination Of The Planned Residential Overlay

If no substantial development has taken place in a PR overlay for three years following approval of the development plan, the city planning commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

(Ord. 5309 § 1 (part), 1996)

HISTORY
Amended by Ord. 6483 on 2/28/2022

Attachment E

Required Contract Language

All project contracts shall contain at a minimum the following provisions, as appropriate.

ALL CONTRACTS

1. Access and Maintenance of Records

The contractor must maintain all required records for five years after final payments are made and all other pending matters are closed.

At any time during normal business hours and as frequently as is deemed necessary, the contractor shall make available to the Iowa Economic Development Authority, the State Auditor, the General Accounting Office, and the Department of Housing and Urban Development, for their examination, all of its records pertaining to all matters covered by this contract and permit these agencies to audit, examine, make excerpts or transcripts from such records, contract, invoices, payrolls, personnel records, conditions of employment, and all other matters covered by this contract.

2. Civil Rights

The Contractor must comply with the following laws and regulations:

- Title VI of the Civil Rights Act of 1964 (P.L. 88-352).
  States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin.

- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended.

- Iowa Civil Rights Act of 1965.
  This Act mirrors the Federal Civil Rights Act.

- Section 109 of Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309).
  Provides that no person shall be excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, national origin, sex, age, or handicap under any program or activity funded in part or in whole under Title I of the Act.

- The Age Discrimination Act of 1975, as amended (42 U.S.C. 1601 et seq.)
  Provides that no person on the basis of age, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- Section 504 of the Rehabilitation Act of 1973, as amended (P.L. 93-112, 29 U.S.C. 794). *Provides that no otherwise qualified individual shall solely by reason of his/her handicap be excluded from participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance.*

- Americans with Disabilities Act (P.L. 101-336, 42 U.S.C. 12101-12213)
  Provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.
- Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). *Provides*

to the greatest extent feasible, that training and employment opportunities be made available to lower-income residents of project areas and that contracts be awarded to small businesses located within the project area or owned in substantial part by project area residents.

- Federal Executive Order 11246, as amended by Executive Order 11375.
  Provides that no one be discriminated in employment.

- Federal Executive Order 11063, as amended by Executive Order 12259.

3. Termination Clause

All contracts utilizing CDBG funds must contain a termination clause that specifies the following:

- Under what conditions the clause may be imposed.
- The form the termination notice must take (e.g., certified letter).
- The time frame required between the notice of termination and its effective date.
- The method used to compute the final payment(s) to the contractor.

4. Certification regarding government-wide restriction on lobbying.

All contracts utilizing CDBG funds must contain the following certification concerning restriction of lobbying:

"The Recipient certifies, to the best of his or her knowledge and belief, that:

i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee, or an employee of a Member of congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Federal Lobbying" in accordance with its instruction.

iii. The Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure."

5. Lead-Safe Housing Regulations (As applicable)

24 CFR Part 35 et. al.

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Properties and Housing Receiving Federal Assistance, Final Rule

6. Standards and Policies Relating to Energy Efficiency Pub.

L. 94-163, 89 Stat. 871

Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

7. Notice of Awarding Agency Requirements and Regulations Pertaining to Reporting

The Contractor must provide information as necessary and as requested by the Iowa Economic Development Authority for the purpose of fulfilling all reporting requirements related to the CDBG program.

ALL CONTRACTS IN EXCESS OF $10,000

In addition to the preceding provisions, all contracts in excess of $10,000 must include the following language, pursuant to Federal Executive Orders 11246 and 11375:

"During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of the Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's non-compliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so

that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

ALL CONTRACTS IN EXCESS OF $100,000

In addition to the preceding provisions, contracts in excess of $100,000 shall require compliance with the following laws and regulations:

Section 306 of the Clean Air Acts (42 U.S.C. 1857(h)).
Section 508 of the Clean Water Act (33 U.S.C. 1368).
Executive Order 11738.

EPA Regulations - 40 CFR, Part 15.

Clean Air and Water Acts - required clauses:

This clause is required in all third party contracts involving projects subject to the Clean Air Act (42 U.S.C. 1857 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations of the Environmental Protection Agency with respect to 40 CFR Part 15, as amended. It should also be mentioned in the bid document.

During the performance of this contract, the CONTRACTOR agrees as follows:

(1) The CONTRACTOR will certify that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the Excluded Party Listing System pursuant to 40 CFR 32.

(2) The CONTRACTOR agrees to comply with all the requirements of Section 114 of the Clean Air Act, as amended, (42 U.S.C. 1857c-8) and Section 308 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.

(3) The CONTRACTOR agrees that as a condition for the award of the contract, prompt notice will be given of any notification received from the Director, Office of Federal Activities, Environmental Protection Agency, indicating that a facility utilized or to be utilized for the contract is under consideration to be listed on the Excluded Party Listing System.

(4) The CONTRACTOR agrees that it will include or cause to be included the criteria and requirements in Paragraph (1) through (4) of this section in every nonexempt subcontract and require every subcontractor to take such action as the Government may direct as a means of enforcing such provisions.

ALL CONSTRUCTION CONTRACTS IN EXCESS OF $2,000

In addition to the preceding provisions, all construction contracts in excess of $2,000 must include the Federal Labor Standards Provisions (verbatim) found in Appendix 2 under Required Contract Provisions. (Housing rehabilitation contracts of less than 8 units are excluded from this requirement.)

HOUSING AND URBAN DEVELOPMENT ACT OF 1968 SAMPLE SECTION 3 CLAUSE

A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701 u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Section 3, and all applicable rules and orders of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability that would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding if any, a notice advising said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this Section 3 clause in every subcontract; for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the Subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Section 3. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Section 3 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Section 3, and all applicable rules and orders of the Department issued there under prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through Federal assistance is provided, and to such sanctions as are specified by 24 CFR Section 135.135.