

ORDINANCE NO. 14,384

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 5450 NE 23rd Avenue (Easton Blvd) from the "A-1" Agricultural District it will automatically receive upon annexation into the City of Des Moines, to a Limited "PUD" Planned Unit Development District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 5450 NE 23rd Avenue (Easton Blvd), more fully described as follows:

Lot 7, JOSIAH F. OGLEVIE ESTATE, an Official Plat, except Parcel "A" as shown by the Plat of Survey filed October 29, 1999, in the office of the Polk County Recorder and recorded in Book 8356, at Page 999, all in Polk County, Iowa.

from the "A-1" Agricultural District it will automatically receive upon annexation into the City of Des Moines, to a Limited "PUD" Planned Unit Development District classification.

Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- A. The APUD@ Development Plan for any redevelopment of the Property shall be subject to review and approval by the City Plan and Zoning Commission in accordance with the procedures and standards established for the review of a decision of the Planning Director denying the APUD@ Preliminary Plan.
- B. The following additional requirements may be applied by City as a condition of obtaining preliminary plat approval for any development of the Property:
 - 1. City may require a tree survey of all trees over 6" in diameter measured one foot above the ground.
 - 2. City may require that the owner submit a Tree Preservation Plan for protection of the trees over 6" in diameter where feasible, and for planting tree(s) in mitigation of the removal of any such tree that cannot feasible be retained.
- C. No trees over 6 inches in diameter measured one foot above the ground shall be removed from the Property prior to approval of the Tree Preservation Plan without the prior written approval of the Community Development Director.
- D. We acknowledge that the rezoning of the Property and any associated amendment to the comprehensive land use plan do not constitute approval of any construction, and that all necessary permits must be obtained before any construction is commenced upon the Property, and that an Certificate of Occupancy must be obtained before any structure is occupied or re-occupied after a change of use.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, and proof of publication of this ordinance to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

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T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 04-2320), passed by the City Council of said City at a meeting held October 25, 2004 signed by the Mayor on October 25, 2004 and published as provided by law in the Business Record on November 8, 2004 Authorized by Publication Order No. 4392.

Diane Rauh, City Clerk